

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Accusation Against:**

**DTLA RX PHARMACY APC DBA SOUTH PARK PHARMACY,  
Pharmacy Permit No. PHY 57652,**

**and**

**RAHUL KUMAR  
Pharmacist License No. RPH 65041**

**Respondents.**

**Agency Case No. 7541**

**OAH No. 2024010055**

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on July 18, 2024.

It is so ORDERED on June 18, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 STEPHANIE J. LEE  
Deputy Attorney General  
4 State Bar No. 279733  
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*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **DTLA RX PHARMACY APC DBA**  
14 **SOUTH PARK PHARMACY**  
1120 S. Grand Ave, Ste. 103  
Los Angeles, CA 90015

15 **Permit No. PHY 57652,**

16 **and**

17 **RAHUL KUMAR**  
18 155 S De Lacey Ave, Ste 1000  
Pasadena, CA 91105

19 **Pharmacist License No. RPH 65041**

20 Respondents.  
21

Case No. 7541

OAH No. 2024010055

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

As to Respondent DTLA RX Pharmacy APC  
dba South Park Pharmacy only

22 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
23 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
24 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
25 be submitted to the Board for approval and adoption as the final disposition of the Accusation  
26 solely with respect to DTLA RX Pharmacy APC dba South Park Pharmacy only.

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28 ///

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
3 (Board). She brought this action solely in her official capacity and is represented in this matter by  
4 Rob Bonta, Attorney General of the State of California, by Stephanie J. Lee, Deputy Attorney  
5 General.

6 2. Respondent DTLA Rx Pharmacy APC dba South Park Pharmacy (Respondent) is  
7 represented in this proceeding by attorney Armond Marcarian, whose address is: 21650 Oxnard  
8 Street, Suite 1980, Woodland Hills, CA 91367.

9 3. On or about April 14, 2020, the Board issued Pharmacy Permit No. PHY 57652 to  
10 DTLA Rx Pharmacy APC dba South Park Pharmacy (Respondent). Since April 14, 2020, Rahul  
11 Kumar has been and currently is the pharmacist-in-charge, chief executive officer, president,  
12 secretary, treasurer/financial officer, and director of Respondent South Park. The Pharmacy  
13 Permit was in full force and effect at all times relevant to the charges brought in Accusation No.  
14 7541, and will expire on April 1, 2025, unless renewed.

15 **JURISDICTION**

16 4. Accusation No. 7541 was filed before the Board, and is currently pending against  
17 Respondent. The Accusation and all other statutorily required documents were properly served  
18 on Respondent on September 28, 2023. Respondent timely filed its Notice of Defense contesting  
19 the Accusation.

20 5. A copy of Accusation No. 7541 is attached as Exhibit A and incorporated herein by  
21 reference.

22 **ADVISEMENT AND WAIVERS**

23 6. Respondent has carefully read, fully discussed with counsel, and understands the  
24 charges and allegations in Accusation No. 7541. Respondent has also carefully read, fully  
25 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
26 Order.

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7. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 7541, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest those charges.

11. Respondent agrees that its Pharmacy Permit is subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

13. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

15. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 57652 issued to Respondent DTLA Rx Pharmacy APC dba South Park Pharmacy is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions:

### 1. Definition: Respondent

For the purposes of these terms and conditions, “Respondent” shall refer to DTLA Rx Pharmacy APC dba South Park Pharmacy. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance required to be made by Respondent to or before the Board or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

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1           **2.     Obey All Laws**

2           Respondent shall obey all state and federal laws and regulations.

3           Respondent shall report any of the following occurrences to the Board, in writing, within  
4 seventy-two (72) hours of such occurrence:

- 5           • an arrest or issuance of a criminal complaint for violation of any provision of the  
6           Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
7           substances laws;
- 8           • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal  
9           proceeding to any criminal complaint, information or indictment;
- 10          • a conviction of any crime; or
- 11          • discipline, citation, or other administrative action filed by any state or federal agency  
12          which involves Respondent's pharmacy permit or which is related to the practice of  
13          pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging  
14          for any dangerous drug, and/or dangerous device or controlled substance.

15          Failure to timely report any such occurrence shall be considered a violation of probation.

16           **3.     Report to the Board**

17          Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
18          designee. The report shall be made either in person or in writing, as directed. Among other  
19          requirements, Respondent shall state in each report under penalty of perjury whether there has  
20          been compliance with all the terms and conditions of probation. Failure to submit timely reports  
21          in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
22          in submission of reports as directed may be added to the total period of probation. Moreover, if  
23          the final probation report is not made as directed, probation shall be automatically extended until  
24          such time as the final report is made and accepted by the Board.

25           **4.     Interview with the Board**

26          Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
27          with the Board or its designee, at such intervals and locations as are determined by the Board or  
28          its designee. Failure to appear for any scheduled interview without prior notification to Board

1 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
2 during the period of probation, shall be considered a violation of probation.

3 **5. Cooperate with Board Staff**

4 Respondent shall timely cooperate with the Board's inspection program and with the  
5 Board's monitoring and investigation of Respondent's compliance with the terms and conditions  
6 of the probation, including but not limited to: timely responses to requests for information by  
7 Board staff; timely compliance with directives from Board staff regarding requirements of any  
8 term or condition of probation; and timely completion of documentation pertaining to a term or  
9 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

10 **6. Reimbursement of Board Costs**

11 As a condition precedent to successful completion of probation, Respondent shall pay to the  
12 Board its costs of investigation and prosecution in the amount of \$6,000.00. Respondent and  
13 Rahul Kumar shall be jointly and severally liable for payment of these costs. Respondent shall be  
14 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as  
15 full payment is completed no later than one (1) year prior to the end date of probation.

16 There shall be no deviation from this schedule absent prior written approval by the Board or  
17 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
18 probation.

19 **7. Probation Monitoring Costs**

20 Respondent shall pay any costs associated with probation monitoring as determined by the  
21 Board each and every year of probation. Such costs shall be payable to the Board on a schedule as  
22 directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
23 be considered a violation of probation.

24 **8. Status of License**

25 Respondent shall, at all times while on probation, maintain a current pharmacy permit with  
26 the Board. Failure to maintain current licensure shall be considered a violation of probation.

27 If Respondent's license expires or is cancelled by operation of law or otherwise at any time  
28 during the period of probation, including any extensions thereof or otherwise, upon renewal or



1 reapplication Respondent's license shall be subject to all terms and conditions of this probation  
2 not previously satisfied.

3 **9. License Surrender While on Probation/Suspension**

4 Following the effective date of this decision, should Respondent wish to discontinue  
5 business, Respondent may tender the premises license to the Board for surrender. The Board or its  
6 designee shall have the discretion whether to grant the request for surrender or take any other  
7 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
8 license, Respondent will no longer be subject to the terms and conditions of probation.

9 Respondent may not apply for any new license from the Board for three (3) years from the  
10 effective date of the surrender. Respondent shall meet all requirements applicable to the license  
11 sought as of the date the application for that license is submitted to the Board.

12 Respondent further stipulates that it shall reimburse the Board for its costs of investigation  
13 and prosecution prior to the acceptance of the surrender.

14 **10. Sale or Discontinuance of Business**

15 During the period of probation, should Respondent sell, trade or transfer all or part of the  
16 ownership of the licensed entity, discontinue doing business under the license issued to  
17 Respondent, or should practice at that location be assumed by another full or partial owner,  
18 person, firm, business, or entity, under the same or a different premises license number, the Board  
19 or its designee shall have the sole discretion to determine whether to exercise continuing  
20 jurisdiction over the licensed location, under the current or new premises license number, and/or  
21 carry the remaining period of probation forward to be applicable to the current or new premises  
22 license number of the new owner.

23 **11. Notice to Employees**

24 Respondent shall, upon or before the effective date of this decision, ensure that all  
25 employees involved in permit operations are made aware of all the terms and conditions of  
26 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
27 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
28 remain posted throughout the probation period. Respondent shall ensure that any employees hired

1 or used after the effective date of this decision are made aware of the terms and conditions of  
2 probation by posting a notice, circulating a notice, or both. Additionally, Respondent shall submit  
3 written notification to the Board, within fifteen (15) days of the effective date of this decision,  
4 that this term has been satisfied. Failure to timely provide such notification to employees, or to  
5 timely submit such notification to the Board shall be considered a violation of probation.

6 "Employees" as used in this provision includes all full-time, part-time, volunteer,  
7 temporary and relief employees and independent contractors employed or hired at any time  
8 during probation.

9 **12. Owners and Officers: Knowledge of the Law**

10 Respondent shall provide, within thirty (30) days after the effective date of this decision,  
11 signed and dated statements from its owners, including any owner or holder of ten percent (10%)  
12 or more of the interest in Respondent or Respondent's stock, and all of its officer, stating under  
13 penalty of perjury that said individuals have read and are familiar with state and federal laws and  
14 regulations governing the practice of pharmacy. The failure to timely provide said statements  
15 under penalty of perjury shall be considered a violation of probation.

16 **13. Premises Open for Business**

17 Respondent shall remain open and engaged in its ordinary business as a pharmacy in  
18 California for a minimum of 120 hours per calendar month. Any month during which this  
19 minimum is not met shall toll the period of probation, i.e., the period of probation shall be  
20 extended by one month for each month during with this minimum is not met. During any such  
21 period of tolling of probation, Respondent must nonetheless comply with all terms and conditions  
22 of probation, unless Respondent is informed otherwise in writing by the Board or its designee. If  
23 Respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 120  
24 hours in any calendar month, for any reason (including vacation), Respondent shall notify the  
25 Board in writing within ten (10) days of the conclusion of that calendar month. This notification  
26 shall include at minimum all of the following: the date(s) and hours Respondent was open; the  
27 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on  
28 which Respondent will resume business as required. Respondent shall further notify the Board in

1 writing with ten (10) days following the next calendar month during which Respondent is open  
2 and engaged in its ordinary business as a pharmacy in California for a minimum of 120 hours.  
3 Any failure to timely provide such notification(s) shall be considered a violation of probation.

4 **14. Posted Notice of Probation**

5 Respondent shall prominently post a probation notice provided by the Board or its designee  
6 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from  
7 the Board or its designee. Failure to timely post such notice, or to maintain the posting during the  
8 entire period of probation, shall be considered a violation of probation.

9 Respondent shall not, directly or indirectly, engage in any conduct or make any statement  
10 which is intended to mislead or is likely to have the effect of misleading any patient, customer,  
11 member of the public, or other person(s) as to the nature of and reason for the probation of the  
12 licensed entity.

13 **15. Violation of Probation**

14 If Respondent has not complied with any term or condition of probation, the Board shall  
15 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent  
16 that probation shall automatically be extended, until all terms and conditions have been satisfied  
17 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
18 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
19 Board or its designee may post a notice of the extended probation period on its website.

20 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
21 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
22 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
23 probation, or the preparation of an accusation or petition to revoke probation is requested from  
24 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
25 probation shall be automatically extended until the petition to revoke probation or accusation is  
26 heard and decided, and the charges and allegations in Accusation No. 7541 shall be deemed true  
27 and correct.

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1           **16. Completion of Probation**

2           Upon written notice by the Board or its designee indicating successful completion of  
3 probation, Respondent's license will be fully restored.

4           **17. No Additional Ownership or Management of Licensed Premises**

5           Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor  
6 serve as a manager, administrator, member, officer, director, associate, partner or any business,  
7 firm , partnership, or corporation currently or hereinafter licensed by the Board except as  
8 approved by the Board or its designee. Violations of this restriction shall be considered a  
9 violation of probation.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Armond Marcarian. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

\_\_\_\_\_  
RAHUL KUMAR, CEO  
DTLA RX PHARMACY APC DBA SOUTH PARK  
PHARMACY  
*Respondent*

I have read and fully discussed with Respondent DTLA Rx Pharmacy APC dba South Park Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_

\_\_\_\_\_  
ARMOND MARCARIAN  
*Attorney for Respondent*

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Armond Marcarian. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 04/30/2024

*Rahul Kumar*

RAHUL KUMAR, CEO  
DTLA RX PHARMACY APC DBA SOUTH PARK  
PHARMACY  
*Respondent*

I have read and fully discussed with Respondent DTLA Rx Pharmacy APC dba South Park Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I agree

DATED: April 30, 2024

*Armond Marcarian*

ARMOND MARCARIAN  
*Attorney for Respondent*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: \_\_\_\_\_

Respectfully submitted,  
ROB BONTA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

STEPHANIE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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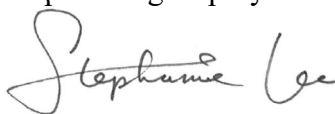
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 4/30/2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



STEPHANIE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

LA2023601729



**Exhibit A**

**Accusation No. 7541**

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 STEPHANIE J. LEE  
Deputy Attorney General  
4 State Bar No. 279733  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6185  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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13 **DTLA RX PHARMACY APC DBA**  
14 **SOUTH PARK PHARMACY,**  
15 **RAHUL KUMAR, CEO**  
1120 S. Grand Ave, Ste. 103  
Los Angeles, CA 90015

**ACCUSATION**

16 **Pharmacy Permit No. PHY 57652,**

17 **and**

18 **RAHUL KUMAR**  
155 S De Lacey Ave, Ste 1000  
Pasadena, CA 91105

20 **Pharmacist License No. RPH 65041**

21 Respondents.

22  
23 **PARTIES**

24 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

26 2. On or about April 14, 2020, the Board of Pharmacy issued Pharmacy Permit Number  
27 PHY 57652 to DTLA Rx Pharmacy APC dba South Park Pharmacy (Respondent South Park  
28 Pharmacy). Since April 14, 2020, Rahul Kumar has been and currently is the pharmacist-in-

1 charge, chief executive officer, president, secretary, treasurer/financial officer, and director of  
2 Respondent South Park. The Pharmacy Permit was in full force and effect at all times relevant to  
3 the charges brought herein and will expire on April 1, 2024, unless renewed.

4 3. On or about November 19, 2010, the Board of Pharmacy issued Pharmacist License  
5 Number RPH 65041 to Rahul Kumar (Respondent Kumar). The Pharmacist License was in full  
6 force and effect at all times relevant to the charges brought herein and will expire on August 31,  
7 2024, unless renewed.

### 8 **JURISDICTION**

9 4. This Accusation is brought before the Board, under the authority of the following  
10 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
11 indicated.

12 5. Section 4011 of the Code provides that the Board shall administer and enforce both  
13 the Pharmacy Law [Code sections 4000 *et seq.*] and the Uniform Controlled Substances Act  
14 [Health & Safety Code sections 11000 *et seq.*].

15 6. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be  
16 suspended or revoked.”

17 7. Section 4300.1 of the Code states:

18 The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
19 operation of law or by order or decision of the board or a court of law, the placement of a  
20 license on a retired status, or the voluntary surrender of a license by a licensee shall not  
21 deprive the board of jurisdiction to commence or proceed with any investigation of, or  
22 action or disciplinary proceeding against, the licensee or to render a decision suspending or  
23 revoking the license.

24 8. Section 4302 states:

25 The board may deny, suspend, or revoke any license of a corporation where  
26 conditions exist in relation to any person holding 10 percent or more of the corporate stock  
27 of the corporation, or where conditions exist in relation to any officer or director of the  
28 corporation that would constitute grounds for disciplinary action against a licensee.

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**STATUTORY PROVISIONS**

9. Section 4113 of the Code states, in pertinent part: “(c) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.”

10. Section 4116 of the Code states, in pertinent part:

(a) No person other than a pharmacist, an intern pharmacist, an authorized officer of the law, or a person authorized to prescribe shall be permitted in that area, place, or premises described in the license issued by the board wherein controlled substances or dangerous drugs or dangerous devices are stored, possessed, prepared, manufactured, derived, compounded, dispensed, or repackaged. However, a pharmacist shall be responsible for any individual who enters the pharmacy for the purposes of receiving consultation from the pharmacist or performing clerical, inventory control, housekeeping, delivery, maintenance, or similar functions relating to the pharmacy if the pharmacist remains present in the pharmacy during all times as the authorized individual is present.

11. Section 4169 of the Code states, in pertinent part:

(a) A person or entity shall not do any of the following:

...

(3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code.

12. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct includes, but is not limited to, any of the following:

...

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

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13. Section 4307 states, in pertinent part:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, or partner had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

14. Section 4342 states, in pertinent part:

(a) The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and Safety Code).

15. Health and Safety Code section 111330 states:

Any drug or device is misbranded if its labeling is false or misleading in any particular.

16. Health and Safety Code section 111335 states:

Any drug or device is misbranded if its labeling or packaging does not conform to the requirements of Chapter 4 (commencing with Section 110290).

17. Health and Safety Code section 111440 states:

It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded.

18. Health and Safety Code section 111445 states:

It is unlawful for any person to misbrand any drug or device.

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**REGULATORY PROVISIONS**

19. California Code of Regulations, title 16, section 1714 states, in pertinent part:

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

...

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

(e) The pharmacy owner, the building owner or manager, or a family member of a pharmacist owner (but not more than one of the aforementioned) may possess a key to the pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key to a pharmacist or 2) providing access in case of emergency. An emergency would include fire, flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that the pharmacist may readily determine whether the key has been removed from the container.

20. California Code of Regulations, title 16, section 1735.4 states, in pertinent part:

(a) Each compounded drug preparation shall be affixed with a container label prior to dispensing that contains at least:

(1) Name of the compounding pharmacy and dispensing pharmacy (if different);

(2) Name (brand or generic) and strength, volume, or weight of each active ingredient. For admixed IV solutions, the intravenous solution utilized shall be included;

(3) Instructions for storage, handling, and administration. For admixed IV solutions, the rate of infusion shall be included;

(4) The beyond use date for the drug preparation;

(5) The date compounded; and

(6) The lot number or pharmacy reference number.

(b) Any compounded drug preparation dispensed to a patient or readied for dispensing to a patient shall also include on the label the information required under Business and Professions Code section 4076 and California Code of Regulations, title 16, section 1707.5.

(c) Any compounded drug preparation dispensed to a patient or readied for dispensing to a patient shall also include, on the container label or on a receipt provided to the patient, a statement that the drug has been compounded by the pharmacy.

(d) Prior to dispensing drug preparations compounded into unit-dose containers that are too small or otherwise impractical for full compliance with subdivisions (a), (b), and (c) shall be labeled with at least the name of the compounding pharmacy and dispensing pharmacy, if different, the name(s) of the active ingredient(s), strength, volume or weight of the preparation, pharmacy reference or lot number, and beyond use date, and shall not be subject to minimum font size requirements. Once dispensed, outer packaging must comply with 1735.4(a) - (c).

### **DEFINITIONS**

21. Section 4022 states:

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: Caution: federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a \_\_\_\_\_,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

22. Section 4036.5 states:

“Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

### **COST RECOVERY**

23. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **FACTUAL ALLEGATIONS**

24. On or about March 29, 2022, a Board inspector conducted a routine inspection of Respondent South Park Pharmacy, located in Los Angeles, California. South Park Pharmacy is located within a large marketplace, which also houses a café. The pharmacy has a wall partition with two lockable doors (front pharmacy door and back pharmacy door) separating it from the rest of the marketplace. Entering through the front pharmacy door leads directly into the pharmacy area, which is comprised of the pharmacy’s drug stock, dispensing area, and compounding area. This pharmacy area also houses the marketplace stock, essentially

1 commingling pharmacy drugs near stock shelves of food, over-the-counter items, sundries,  
2 alcohol, gifts, and other non-pharmacy items. Entering through the back pharmacy door leads  
3 directly into the same pharmacy area as previously described when entering from the front  
4 pharmacy door, except entering from the opposite end of the pharmacy. Staff pharmacist Becky  
5 Lai (the pharmacist on duty), marketplace manager Christopher Carson, and café barista Ruth  
6 Ruiz were present for the inspection.

7 25. The Board inspector discovered that every morning, the marketplace manager Carson,  
8 who is not a pharmacist, unlocked the front pharmacy door and opened the pharmacy area  
9 without a pharmacist present, so that the marketplace staff could access marketplace supplies  
10 stored in the pharmacy area. Each day, Carson used an unsecured key maintained in an  
11 unsecured drawer at the marketplace register counter to open the front pharmacy door.

12 26. Lai admitted that she did not possess a key to the pharmacy. Additionally, Lai  
13 admitted that the front pharmacy door was routinely left unlocked when she left the pharmacy for  
14 the day, so that the marketplace staff could still access marketplace supplies stored in the  
15 pharmacy even when the pharmacy was officially closed for business.

16 27. The Board inspector further discovered that the pharmacy compounded various  
17 preparations, but those compounds were not properly labeled with the compound lot or reference  
18 number, or beyond use date, as required by law. Without that information, the quality and  
19 strength of a compound cannot be verified with its corresponding compounding records.

## 20 **FIRST CAUSE FOR DISCIPLINE**

### 21 **(Failure to Maintain Operational Standards and Security)**

22 28. Respondent South Park Pharmacy and Respondent Kumar are subject to disciplinary  
23 action for unprofessional conduct under Code sections 4301, subdivisions (j) and (o), and 4113,  
24 subdivision (c); in conjunction with California Code of Regulations, title 16, section 1714,  
25 subdivisions (b), (d), and (e); in that Respondents failed to maintain its facilities, space, fixtures,  
26 and equipment so that drugs are safely and properly prepared, maintained, secured, and  
27 distributed. Respondents also failed to maintain security of the prescription department and of the  
28 key to the pharmacy where dangerous drugs and controlled substances are stored. Complainant



1 refers to, and by this reference incorporates, the allegations set forth in above paragraphs 24  
2 through 27, as though set forth in full herein.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Pharmacy Security)**

5 29. Respondent South Park Pharmacy and Respondent Kumar are subject to disciplinary  
6 action for unprofessional conduct under Code sections 4301, subdivisions (j) and (o), and 4113,  
7 subdivision (c); in conjunction with Code section 4116, subdivision (a), in that Respondents  
8 permitted individuals who are not pharmacists or not authorized by law to be in the pharmacy  
9 area, place, or premises wherein controlled substances or dangerous drugs are stored, possessed,  
10 prepared, manufactured, derived, compounded, dispensed, or repackaged, during times when a  
11 pharmacist or authorized individual was not present. Complainant refers to, and by this reference  
12 incorporates, the allegations set forth in above paragraphs 24 through 27, as though set forth in  
13 full herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Failure to Label Compounded Preparation)**

16 30. Respondent South Park Pharmacy and Respondent Kumar are subject to disciplinary  
17 action for unprofessional conduct under Code sections 4301, subdivisions (j) and (o), and 4113,  
18 subdivision (c); in conjunction with California Code of Regulations, title 16, section 1735.4,  
19 subdivision (d), in that Respondents failed, in their compounding of controlled substances or  
20 dangerous drugs, to properly label such compounded preparations with the compound lot or  
21 reference number, or beyond use date. Complainant refers to, and by this reference incorporates,  
22 the allegations set forth in above paragraphs 24 through 27, as though set forth in full herein.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Misbranded Compounds)**

25 31. Respondent South Park Pharmacy and Respondent Kumar are subject to disciplinary  
26 action for unprofessional conduct under Code sections 4301, subdivisions (j) and (o), and 4113,  
27 subdivision (c); in conjunction with Code sections 4169, subdivision (a)(3), and 4342; Health and  
28 Safety Code sections 111330, 111335, 111440, 111445; and California Code of Regulations, title

1 16, section 1735.4, subdivision (d), in that Respondents purchased, traded, sold, or transferred  
2 dangerous drugs that Respondents knew or reasonably should have known were misbranded,  
3 specifically compounds that were not labeled with the compound lot or reference number, or  
4 beyond use date. Complainant refers to, and by this reference incorporates, the allegations set  
5 forth in above paragraphs 24 through 27, as though set forth in full herein.

6 **DISCIPLINE CONSIDERATIONS**

7 32. To determine the degree of discipline, if any, to be imposed on Respondent South  
8 Park Pharmacy and Respondent Kumar, Complainant alleges the following:

9 a. On or about January 7, 2020, the Board issued Citation Number CI 2019 86591 to  
10 Respondent Kumar for violating Code section 4116(a) [unauthorized and unlicensed individuals  
11 permitted access to pharmacy without licensed pharmacist present]. A total \$2,000.00 fine and  
12 order of abatement were issued pursuant to the final citation. The basis for the citation was that  
13 Respondent South Park Pharmacy did not have pharmacy records and drugs secured after hours  
14 when the pharmacist was not present, and unlicensed staff had access to dangerous drugs when  
15 the pharmacy was closed.

16 b. On or about February 5, 2020, the Board issued Citation Number CI 2018 81772 to  
17 Respondent Kumar for violating Code section 4301(f) [unprofessional conduct – act(s) of moral  
18 turpitude, dishonesty, fraud, deceit, or corruption] and section 4301(l) [unprofessional conduct –  
19 substantially related conviction]. A total \$1,500.00 fine (or option of \$1,000.00 fine with a  
20 remedial ethics education course) and order of abatement were issued pursuant to the final  
21 citation. The basis for the citation was that on December 6, 2019, Respondent Kumar was  
22 convicted of Penal Code section 647(a) [lewd conduct in public], a misdemeanor, after  
23 committing an act of indecent exposure on September 17, 2018.

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1 **OTHER MATTERS**

2 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
3 PHY 57652 issued to Respondent South Park Pharmacy, Respondent South Park Pharmacy shall  
4 be prohibited from serving as a manager, administrator, owner, member, officer, director,  
5 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 57652 is placed  
6 on probation or until Pharmacy Permit Number PHY 57652 is reinstated if it is revoked.

7 34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
8 PHY 57652 issued to Respondent South Park Pharmacy while Respondent Kumar has been a  
9 manager, administrator, owner, member, officer, director, associate, partner, and had knowledge  
10 of or knowingly participated in any conduct for which the licensee was disciplined, Respondent  
11 Kumar shall be prohibited from serving as a manager, administrator, owner, member, officer,  
12 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 57652  
13 is placed on probation or until Pharmacy Permit Number PHY 57652 is reinstated if it is revoked.

14 35. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License  
15 Number RPH 65041 issued to Respondent Kumar, then Respondent Kumar shall be prohibited  
16 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
17 of a licensee for five years if Pharmacist License Number RPH 65041 is placed on probation or  
18 until Pharmacist License Number RPH 65041 is reinstated if it is revoked.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
21 and that following the hearing, the Board of Pharmacy issue a decision:

22 1. Revoking or suspending Pharmacy Permit Number PHY 57652, issued to DTLA Rx  
23 Pharmacy APC dba South Park Pharmacy;

24 2. Revoking or suspending Pharmacist License Number RPH 65041, issued to Rahul  
25 Kumar;

26 3. Prohibiting DTLA Rx Pharmacy APC dba South Park Pharmacy, under Code section  
27 4307, from serving as a manager, administrator, owner, member, officer, director, associate, or  
28 partner of a licensee for five years if Pharmacy Permit Number PHY 57652 is placed on

1 probation or until Pharmacy Permit Number PHY 57652 is reinstated if Pharmacy Permit Number  
2 PHY 57652 issued to DTLA Rx Pharmacy APC dba South Park Pharmacy is revoked;

3 4. Prohibiting Rahul Kumar, under Code section 4307, from serving as a manager,  
4 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
5 Pharmacy Permit Number PHY 57652 is placed on probation or until Pharmacy Permit Number  
6 PHY 57652 is reinstated if Pharmacy Permit Number PHY 57652 issued to DTLA Rx Pharmacy  
7 APC dba South Park Pharmacy is revoked;

8 4. Prohibiting Rahul Kumar, under Code section 4307, from serving as a manager,  
9 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
10 Pharmacist License Number RPH 65041 is placed on probation or until Pharmacist License  
11 Number RPH 65041 is reinstated if Pharmacist License Number RPH 65041 issued to Rahul  
12 Kumar is revoked;

13 5. Ordering DTLA Rx Pharmacy APC dba South Park Pharmacy and Rahul Kumar to  
14 pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
15 pursuant to Business and Professions Code section 125.3; and,

16 6. Taking such other and further action as deemed necessary and proper.  
17

18  
19 DATED: September 25, 2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.09.25 14:36:28 -07'00'

ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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