

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

In the Matter of the Accusation Against:

**LONGS DRUG STORES CALIFORNIA, LLC, dba
CVS/PHARMACY #3058,
Pharmacy Permit No. PHY 49554,**

and

**MARIO RAOUF ISKANDER,
Pharmacist License No. RPH 84643,**

and

**MAYAR SADEGHI,
Pharmacist License No. RPH 85076,**

Respondents.

Agency Case No. 7548

OAH No. 2023110073

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 August 7, 2024.

It is so ORDERED on July 8, 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 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **LONGS DRUG STORES CALIFORNIA,**
15 **LLC, DBA CVS/PHARMACY #3058**
16 **26180 Iris Ave.**
Moreno Valley, CA 92555

17 **Pharmacy Permit No. PHY 49554,**

18 **MARIO RAOUF ISKANDER**
19 **8181 Artesia Blvd.**
Buena Park, CA 90621

20 **Pharmacist License No. RPH 84643**

21 **and**

22 **MAYAR SADEGHI**
23 **25102 Camino Del Mar #I**
24 **Laguna Niguel, CA 92677**

25 **Pharmacist License No. RPH 85076**

26 Respondents.
27
28

Case No. 7548

OAH No. 2023110073

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENTS LONGS DRUG STORES
CALIFORNIA, LLC, DBA
CVS/PHARMACY #3058 AND MARIO
RAOUF ISKANDER ONLY**

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
5 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Nicole R. Trama, Deputy Attorney
7 General.

8 2. Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 and Mario Raouf
9 Iskander (collectively Respondents) are represented in this proceeding by attorney Jeff J.
10 Astarabadi, Esq., whose address is: 660 Newport Center Drive, Suite 900, Newport Beach, CA
11 92660.

12 3. On or about November 10, 2008, the Board issued Pharmacy Permit No. PHY 49554
13 to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 (Respondent CVS). The
14 Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First
15 Amended Accusation No. 7548, and will expire on November 1, 2024, unless renewed.

16 4. On or about August 2, 2021, the Board of Pharmacy issued Pharmacist License
17 Number RPH 84643 to Mario Raouf Iskander (Respondent Iskander). The Pharmacist License
18 was in full force and effect at all times relevant to the charges brought herein and will expire on
19 January 31, 2025, unless renewed.

20 **JURISDICTION**

21 5. First Amended Accusation No. 7548 was filed before the Board, and is currently
22 pending against Respondents. The Accusation and all other statutorily required documents were
23 properly served on Respondents on September 15, 2023. Respondents timely filed their Notice of
24 Defense contesting the Accusation. On January 31, 2024, First Amended Accusation No. 7548
25 was filed before the Board.

26 6. A copy of First Amended Accusation No. 7548 is attached as Exhibit A and
27 incorporated herein by reference.
28

1 **ADVISEMENT AND WAIVERS**

2 7. Respondents have carefully read, fully discussed with counsel, and understand the
3 charges and allegations in First Amended Accusation No. 7548. Respondents have also carefully
4 read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and
5 Disciplinary Order.

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

13 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
14 every right set forth above.

15 **CULPABILITY**

16 10. Respondents understand that the charges and allegations in First Amended
17 Accusation No. 7548, if proven at a hearing, constitute cause for imposing discipline upon its
18 Pharmacy License and Pharmacist License.

19 11. For the purpose of resolving the First Amended Accusation without the expense and
20 uncertainty of further proceedings, Respondents agrees that, at a hearing, Complainant could
21 establish a factual basis for the charges in the First Amended Accusation and that those charges
22 constitute cause for discipline. Respondents hereby give up the right to contest that cause for
23 discipline exists based on those charges.

24 12. Respondents agree that the Pharmacy Permit and Pharmacist License are subject to
25 discipline and they agree to be bound by the Disciplinary Order below.

26 **CONTINGENCY**

27 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
28 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may

1 communicate directly with the Board regarding this stipulation and settlement, without notice to
2 or participation by Respondents or their counsel. By signing the stipulation, Respondents
3 understand and agree that they may not withdraw their agreement or seek to rescind the
4 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
5 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
6 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
7 the parties, and the Board shall not be disqualified from further action by having considered this
8 matter.

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

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

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

21 **DISCIPLINARY ORDER**

22 **IT IS HEREBY ORDERED** that Pharmacist License Number RPH 84643 issued to Mario
23 Raouf Iskander (Respondent Iskander) shall be publicly reprovved by the Board of Pharmacy
24 under Business and Professions Code section 495 in resolution of First Amended Accusation No.
25 7548, attached as Exhibit A.

26 **Ethics Course**

27 Within sixty (60) calendar days of the effective date of this decision, Respondent Iskander
28 shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or

1 its designee that complies with Title 16 California Code of Regulations section 1773.5.

2 Respondent Iskander shall provide proof of enrollment upon request. Respondent Iskander is
3 required to complete the 6-month and 12- month ethics follow up courses in order to be
4 compliance with this condition. Within five (5) days of completion, Respondent Iskander shall
5 submit a copy of the certificate of completion to the Board or its designee.

6 **No Ownership or Management of Licensed Premises**

7 For a period of three (3) years from the effective date of this Decision, Respondent Iskander
8 shall not acquire any ownership, legal or beneficial interest in, nor serve as a manager,
9 administrator, member, officer, director, associate, partner of any business, firm, partnership, or
10 corporation currently or hereinafter licensed by the Board except as approved by the Board or its
11 designee. Respondent Iskander shall sell or transfer any legal or beneficial interest in any entity
12 licensed by the Board within ninety (90) days following the effective date of this Decision and
13 shall immediately thereafter provide written proof thereof to the Board.

14 **Full Compliance.** As a resolution of the charges in First Amended Accusation No. 7548,
15 this stipulated settlement is contingent upon Respondent Iskander's full compliance with all
16 conditions of this Order. If Respondent Iskander fails to satisfy any of these conditions, such
17 failure to comply constitutes cause for discipline, including outright revocation, of Respondent
18 Iskander's Pharmacist License Number RPH 84643.

19 **IT IS HEREBY ORDERED** that Pharmacy Permit No. PHY 49554 issued to Longs Drug
20 Stores California, LLC, dba CVS/Pharmacy #3058 (Respondent CVS) is revoked. However, the
21 revocation is stayed and Respondent is placed on probation for three (3) years on the following
22 terms and conditions:

23 **1. Definition: Respondent**

24 For the purposes of these terms and conditions, "Respondent" shall refer to Longs Drug
25 Stores California, LLC, dba CVS/Pharmacy #3058. All terms and conditions stated herein shall
26 bind and be applicable to the licensed premises and to all owners, managers, officers,
27 administrators, members, directors, trustees, associates, or partners thereof. For purposes of
28 compliance with any term or condition, any report, submission, filing, payment, or appearance

1 required to be made by Respondent to or before the Board or its designee shall be made by an
2 owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

3 **2. Obey All Laws**

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

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

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

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

18 **3. Report to the Board**

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

1 **4. Interview with the Board**

2 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
3 with the Board or its designee, at such intervals and locations as are determined by the Board or
4 its designee. Failure to appear for any scheduled interview without prior notification to Board
5 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
6 during the period of probation, shall be considered a violation of probation.

7 **5. Cooperate with Board Staff**

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

14 **6. Reimbursement of Board Costs**

15 As a condition precedent to successful completion of probation, Respondent shall pay to the
16 Board its costs of investigation and prosecution in the amount of \$15,000.00. Respondent shall
17 make said payments as follows: within ninety (90) days of the effective date of this Decision and
18 Order. There shall be no deviation from this schedule absent prior written approval by the Board
19 or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation
20 of probation.

21 Respondent shall be permitted to pay these costs in a payment plan approved by the Board
22 or its designee, so long as full payment is completed no later than one (1) year prior to the end
23 date of probation.

24 **7. Probation Monitoring Costs**

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

1 **8. Status of License**

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

4 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
5 during the period of probation, including any extensions thereof or otherwise, upon renewal or
6 reapplication Respondent's license shall be subject to all terms and conditions of this probation
7 not previously satisfied.

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

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

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

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

19 Upon acceptance of the surrender, Respondent shall relinquish the premises wall and
20 renewal license to the Board within ten (10) days of notification by the Board that the surrender is
21 accepted. Respondent shall further submit a completed Discontinuance of Business form
22 according to Board guidelines and shall notify the Board of the records inventory transfer within
23 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and
24 disposition of dangerous drugs and/or devices to premises licensed and approved by the Board.

25 Respondent shall also, by the effective date of this decision, arrange for the continuation of
26 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
27 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
28 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary

1 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to
2 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the
3 Board. For the purposes of this provision, "ongoing patients" means those patients for whom the
4 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
5 pharmacy has filled a prescription within the preceding sixty (60) days.

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

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

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

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

20 **11. Notice to Employees**

21 Respondent shall, upon or before the effective date of this decision, ensure that all
22 employees involved in permit operations are made aware of all the terms and conditions of
23 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
24 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
25 remain posted throughout the probation period. Respondent shall ensure that any employees hired
26 or used after the effective date of this decision are made aware of the terms and conditions of
27 probation by posting a notice, circulating a notice, or both. Additionally, Respondent shall submit
28 written notification to the Board, within fifteen (15) days of the effective date of this decision,

1 that this term has been satisfied. Failure to timely provide such notification to employees, or to
2 timely submit such notification to the Board shall be considered a violation of probation.

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

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

7 Respondent shall provide, within thirty (30) days after the effective date of this decision,
8 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
9 or more of the interest in respondent or respondent's stock, and all of its officers involved in
10 pharmacy permit operations, stating under penalty of perjury that said individuals have read and
11 are familiar with state and federal laws and regulations governing the practice of pharmacy. The
12 failure to timely provide said statements under penalty of perjury shall be considered a violation
13 of probation. The Board will also accept compliance with this condition by showing meeting
14 minutes or documents, or dissemination and acknowledgement to officers showing understanding
15 of state and federal laws and regulations governing the practice of pharmacy and having an
16 officer on record sign under penalty of perjury that all officers involved in pharmacy permit
17 operations are present.

18 **13. Premises Open for Business**

19 Respondent shall remain open and engaged in its ordinary business as a pharmacy in
20 California for a minimum of one hundred (100) hours per calendar month. Any month during
21 which this minimum is not met shall toll the period of probation, i.e., the period of probation shall
22 be extended by one month for each month during with this minimum is not met. During any such
23 period of tolling of probation, Respondent must nonetheless comply with all terms and conditions
24 of probation, unless Respondent is informed otherwise in writing by the Board or its designee. If
25 Respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of one
26 hundred (100) hours in any calendar month, for any reason (including vacation), Respondent shall
27 notify the Board in writing within ten (10) days of the conclusion of that calendar month. This
28 notification shall include at minimum all of the following: the date(s) and hours Respondent was

1 open; the reason(s) for the interruption or why business was not conducted; and the anticipated
2 date(s) on which Respondent will resume business as required. Respondent shall further notify
3 the Board in writing with ten (10) days following the next calendar month during which
4 Respondent is open and engaged in its ordinary business as a pharmacy in California for a
5 minimum of one hundred (100) hours. Any failure to timely provide such notification(s) shall be
6 considered a violation of probation.

7 **14. Posted Notice of Probation**

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

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

16 **15. Violation of Probation**

17 If a Respondent has not complied with any term or condition of probation, the Board shall
18 have continuing jurisdiction over Respondent, and probation shall be automatically extended,
19 until all terms and conditions have been satisfied or the Board has taken other action as deemed
20 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
21 to impose the penalty that was stayed.

22 If Respondent violates probation in any respect, the Board, after giving Respondent notice
23 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
24 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
25 probation, the Board shall have continuing jurisdiction and the period of probation shall be
26 automatically extended until the petition to revoke probation or accusation is heard and decided.

27 **16. Completion of Probation**

28 Upon written notice by the Board or its designee indicating successful completion of

1 probation, Respondent's license will be fully restored.

2 **17. Administrative Fine**

3 Within ninety (90) days of the effective date of this Decision and Order, Respondent shall
4 pay the Board an administrative fine in the amount of twenty thousand (\$20,000.00) dollars. The
5 failure to timely pay the administrative fine shall be considered a violation of probation.

6 **18. Statement from Corporate Officer**

7 Within ninety (90) days of the effective date of this Decision and Order, Respondent shall
8 provide, a statement from a corporate officer dated and signed under penalty of perjury stating
9 that they have adopted policies and procedures that apply to its pharmacies statewide, which
10 prohibit technicians/clerks from initiating vaccines and that pharmacy staff have been retrained in
11 these policies and procedures. The statement shall also confirm that pharmacy technicians/clerks
12 can only enter further information into the RxConnect system after reviewing the customer's
13 interest with a pharmacist and receiving direction from the pharmacist to enter the information
14 that generates an order. The failure to timely provide said statement under penalty of perjury
15 shall be considered a violation of probation.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
18 discussed it with my attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will
19 have on Pharmacy Permit No. PHY 49554. I enter into this Stipulated Settlement and
20 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
21 Decision and Order of the Board of Pharmacy.

22
23 DATED: _____

24 Authorized Agent on Behalf of LONGS DRUG
25 STORES CALIFORNIA, LLC, DBA
26 CVS/PHARMACY #3058
27 Respondent
28

1 probatio , Respo de tis lice se will be fully restored.

2 17. **Administrative Fine**

3 Withi ni ety (90) days of the effective date of this decisio n d Order, Respo de t shall
4 pay the Board a m dmi istrative fi e i the amou nof tve ty thousa d (\$20,000.00) dollars. The
5 failure to timely pay the admi istrative fi e shall be co sidered a violatio mf probatio .

6 18. **Statement from Corporate Officer n**

7 Withi ni ety (90) days of the effective date of this decisio n d Order, Respo de t shall
8 provide, a stateme n from a corporate officer dated a d sig ed u der pe alty of perjury stati g
9 that they have adopted policies a d procedures that apply to its pharmacies statewide, which
10 prohibit tech icia s/clerks from i itiati g vacci es a d that pharmacy staff have bee n retrai ed i
11 these policies a d procedures. The stateme t shall also co firm that pharmacy tech icia s/clerks
12 ca n ly e ter further i formatio ni to the RxCo nect system after reviewi g the customer's
13 i terest with a pharmacist a d receivi g directio n from the pharmacist to e ter the i formatio
14 that ge erates a n order. The failure to timely provide said stateme n u der pe alty of perjury
15 shall be co sidered a violatio mf probatio .

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settleme n a d niscipli ary Order a d have fully
18 discussed it with my attor ey, Jeff J. starabadi. I u dersta d the stipulatio n d the effect it will
19 have o r Pharmacy Permit No. PHY 49554. I e ter i to this Stipulated Settleme t a d
20 iscipli ary Order volu tarily, k owi gly, a d i tellige tly, a d agree to be bou d by the
21 ecisio n d Order of the Board of Pharmacy.

22 May 31, 2024 n
23 T :



24 authorized nge to rBehalf of LONGS nRUG
25 STOR nS C nLIFORNI , LLC, nB n
26 CVS/PH nR n CY #3058
27 Respondent
28

1 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
2 discussed it with my attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will
3 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
4 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
5 Board of Pharmacy.

6 DATED: _____ MARIO RAOUF ISKANDER
7 Respondent

8 I have read and fully discussed with Respondents Longs Drug Stores California, LLC, dba
9 CVS/Pharmacy #3058 and Mario Raouf Iskander the terms and conditions and other matters
10 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and
11 content.

12 DATED: _____ JEFF J. ASTARABADI
13 Attorney for Respondents

14 **ENDORSEMENT**

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

17 DATED: _____ Respectfully submitted,
18
19 ROB BONTA
20 Attorney General of California
21 GREGORY J. SALUTE
22 Supervising Deputy Attorney General

23 NICOLE R. TRAMA
24 Deputy Attorney General
25 Attorneys for Complainant

26
27 SD2023801475
28

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my Pharmacist License. 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: 05/29/2024



ISKANDER

I have read and fully discussed with CVS/Pharmacy #3058 and Mario Raouf Iskander the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 05/31/2023



JEFF J. ASTARABADI
Attorney for Respondents

ENDORSEMENT

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

DATED: 6/3/2024

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

Nicole R. Trama

NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

SD2023801475

Exhibit A

First Amended Accusation No. 7548

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2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
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Attorneys for Complainant

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MARIO RAOUF ISKANDER, PIC

FIRST AMENDED ACCUSATION

17 **Pharmacy Permit No. PHY 49554,**

18 **and**

19 **MARIO RAOUF ISKANDER**
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25 **Pharmacist License No. RPH 85076**

26 Respondents.

1 **PARTIES**

2 1. Anne Sodergren (Complainant) brings this First Amended Accusation solely in her
3 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
4 Affairs.

5 2. On or about November 10, 2008, the Board of Pharmacy issued Pharmacy Permit
6 Number PHY 49554 to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058
7 (Respondent Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to
8 the charges brought herein and will expire on November 1, 2024, unless renewed.

9 3. On or about August 2, 2021, the Board of Pharmacy issued Pharmacist License
10 Number RPH 84643 to Mario Raouf Iskander (Respondent Iskander). The Pharmacist License
11 was in full force and effect at all times relevant to the charges brought herein and will expire on
12 January 31, 2025, unless renewed.

13 4. On or about September 3, 2021, The Board of Pharmacy issued Pharmacist License
14 Number RPH 85076 to Mayar Sadeghi (Respondent Sadeghi). The Pharmacist License was in
15 full force and effect at all times relevant to the charges brought herein and will expire on February
16 28, 2025, unless renewed.

17 **JURISDICTION**

18 5. This First Amended Accusation is brought before the Board of Pharmacy (Board),
19 under the authority of the following laws. All section references are to the Business and
20 Professions Code (Code) unless otherwise indicated.

21 6. Section 4011 of the Code provides that the Board shall administer and enforce both
22 the Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances
23 Act (Health & Safety Code, § 11000 *et seq.*).

24 7. Code section 4300, subdivision (a) provides that every license issued by the Board
25 may be suspended or revoked.

26 8. Code section 4300.1 states:

27 The expiration, cancellation, forfeiture, or suspension of a board-issued license
28 by operation of law or by order or decision of the board or a court of law, the
placement of a license on a retired status, or the voluntary surrender of a license by a

licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

9. Code 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.

10. Code section 4052.8 states:

(a) In addition to the authority provided in paragraph (11) of subdivision (a) of Section 4052, a pharmacist may independently initiate and administer any vaccine that has been approved or authorized by the federal Food and Drug Administration and received a federal Advisory Committee on Immunization Practices individual vaccine recommendation published by the federal Centers for Disease Control and Prevention (CDC) for persons three years of age and older.

(b) In order to initiate and administer an immunization described in subdivision (a), a pharmacist shall do all of the following:

(1) Complete an immunization training program endorsed by the CDC or the Accreditation Council for Pharmacy Education that, at a minimum, includes hands-on injection technique, clinical evaluation of indications and contraindications of vaccines, and the recognition and treatment of emergency reactions to vaccines, and shall maintain that training.

(2) Be certified in basic life support.

(3) Comply with all state and federal recordkeeping and reporting requirements, including providing documentation to the patient's primary care provider and entering information in the appropriate immunization registry designated by the immunization branch of the State Department of Public Health.

(c) A pharmacist administering immunizations pursuant to this section, or paragraph (11) of subdivision (a) of Section 4052, may also initiate and administer epinephrine or diphenhydramine by injection for the treatment of a severe allergic reaction.

11. Code section 4060 states:

A person shall not possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the possession of any controlled substance by a manufacturer, wholesaler, third-party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock in containers correctly labeled with the name and address of the supplier or producer.

....

12. Code section 4113, subdivision (c) states:

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.

13. Code section 4115 states:

(a) A pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist. The pharmacist shall be responsible for the duties performed under his or her supervision by a technician.

...

(c) This section does not authorize a pharmacy technician to perform any act requiring the exercise of professional judgment by a pharmacist.

....

14. Code section 4301 states in pertinent part:

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

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

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

3 ...

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

9 15. Code section 4306.5, subdivision (a) states:

10 Unprofessional conduct for a pharmacist may include any of the following:

11 (a) Acts or omissions that involve, in whole or in part, the inappropriate
12 exercise of his or her education, training, or experience as a pharmacist, whether or
13 not the act or omission arises in the course of the practice of pharmacy or the
14 ownership, management, administration, or operation of a pharmacy or other entity
15 licensed by the board.

16 16. Code section 4307, subdivision (a) states:

17 Any person who has been denied a license or whose license has been
18 revoked or is under suspension, or who has failed to renew his or her license while it
19 was under suspension, or who has been a manager, administrator, owner, member,
20 officer, director, associate, partner, or any other person with management or control
21 of any partnership, corporation, trust, firm, or association whose application for a
22 license has been denied or revoked, is under suspension or has been placed on
23 probation, and while acting as the manager, administrator, owner, member, officer,
24 director, associate, partner, or any other person with management or control had
25 knowledge of or knowingly participated in any conduct for which the license was
26 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
27 as a manager, administrator, owner, member, officer, director, associate, partner, or in
28 any other position with management or control 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.

17. Health and Safety Code section 11165, subdivision (d) states:

(d) For each prescription for a Schedule II, Schedule III, Schedule IV, or
Schedule V controlled substance, as defined in the controlled substances schedules in
federal law and regulations, specifically Sections 1308.12, 1308.13, 1308.14, and
1308.15, respectively, of Title 21 of the Code of Federal Regulations, the dispensing
pharmacy, clinic, or other dispenser shall report the following information to the
department or contracted prescription data processing vendor as soon as reasonably
possible, but not more than one working day after the date a controlled substance is
released to the patient or patient's representative, in a format specified by the
department:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of a prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) The International Statistical Classification of Diseases (ICD) Code contained in the most current ICD revision, or any revision deemed sufficient by the State Board of Pharmacy, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Prescribing date of the prescription.

(10) Date of dispensing of the prescription.

(11) The serial number for the corresponding prescription form, if applicable.

18. Health and Safety Code section 11170 provides that no person shall prescribe, administer or furnish a controlled substance to themselves.

REGULATORY PROVISIONS

19. California Code of Regulations, title 16, section 1707.2 states:

(a) A pharmacist shall provide oral consultation to his or her patient or the patient's agent in all settings:

(1) upon request;

(2) whenever the pharmacist deems it warranted in the exercise of his or her professional judgment;

(3) whenever the prescription drug has not previously been dispensed to a patient; or

(4) whenever a prescription drug not previously dispensed to a patient in the same dosage form, strength or with the same written directions, is dispensed by the pharmacy.

....

20. California Code of Regulations, title 16, section 1716 states in pertinent part:

Pharmacists shall not deviate from the requirements of a prescription except upon the prior consent of the prescriber or to select the drug product in accordance with Section 4073 of the Business and Professions Code.

...

21. California Code of Regulations, title 16, section 1776.1 states:

(a) Pharmacies may provide take-back services to the public. Retail pharmacies and hospital/clinics with onsite pharmacies may maintain collection receptacles in their facilities. Pharmacies may offer drug take-back services as specified in section 1776.4 in skilled nursing facilities licensed under Health and Safety Code section 1250(c).

(b) There are multiple federal, state and local requirements governing the collection and destruction of dangerous drugs. Pharmacies are expected to know and adhere to these requirements when operating a prescription drug take-back program.

(c) For purposes of this article, prescription drugs means dangerous drugs as defined by Business and Professions Code section 4022, which includes controlled substances. Controlled substances may be commingled in collection receptacles or mail back envelopes or packages with other dangerous drugs.

(d) Once drugs are deposited into a collection receptacle or mail back envelopes or packages by a consumer, they are not to be removed, counted, sorted or otherwise individually handled.

(e) The collection receptacle shall contain signage that includes:

(1) The name and phone number of the responsible pharmacy;

(2) Medical sharps and needles (e.g., insulin syringes) shall not be deposited;
and

(3) Consumers may deposit prescription drugs including Schedule II-V controlled substances.

(f) Prescription drugs that are eligible for collection as part of drug take-back services maintained by pharmacies are only those prescription drugs that have been dispensed by any pharmacy or practitioner to a consumer. Dangerous drugs that have not been dispensed to consumers for use (such as outdated drug stock in a pharmacy, drug samples provided to a medical practitioner or medical waste) may not be collected as part of a pharmacy's drug take-back service.

(g) As part of its drug take-back services, a pharmacy shall not:

(1) Review, accept, count, sort, or otherwise individually handle any prescription drugs from consumers.

1 (2) Accept or possess prescription drugs from skilled nursing facilities,
residential care homes, health care practitioners or any other entity.

2 (3) Dispose of quarantined, recalled or outdated prescription drugs from
3 pharmacy stock.

4 (h) A pharmacy must be registered with the federal DEA as a collector for
purposes of maintaining a prescription drug take-back collection receptacle. Such
5 pharmacies cannot employ anyone convicted of a felony related to controlled
substances, or anyone who has had a DEA permit denied, surrendered or revoked.

6 (i) Any pharmacy that maintains a drug take-back collection receptacle as
7 authorized in this article shall notify the board in writing within 30 days of
establishing the collection program. Additionally:

8 (1) Any pharmacy that ceases to maintain a drug take-back collection receptacle
shall notify the board in writing within 30 days.

9 (2) Any pharmacy maintaining a collection receptacle shall disclose to the
10 board that it provides such services annually at the time of renewal of the pharmacy
license, and shall identify all locations where its collection receptacles are located.

11 (3) Any tampering with a collection receptacle or theft of deposited drugs shall
12 be reported to the board in writing within 14 days.

13 (4) Any tampering, damage or theft of a removed liner shall be reported to the
14 board in writing within 14 days.

15 (j) If the pharmacy ceases to maintain a registered collection receptacle, the
pharmacy must notify the DEA within 30 days.

16 (k) A pharmacy shall not provide take-back services to consumers if, in the
17 professional judgment of the pharmacist-in-charge, the pharmacy cannot comply with
the provisions of this article or the DEA rules.

18 (l) A pharmacy shall not provide take-back services to consumers if the
19 pharmacy or the pharmacist-in-charge is on probation with the board, and, if the
pharmacy had previously provided take-back services, the pharmacist-in-charge shall
20 notify the board and the DEA as required in subsections (i) and (j), above.

21 22. California Code of Regulations, title 16, section 1776.3 states:

22 (a) A pharmacy may maintain a collection receptacle for the public to deposit
their unwanted prescription drugs for destruction. The pharmacy is responsible for the
23 management and maintenance of the receptacle. The receptacle shall be substantially
constructed, with a permanent outer container and a removable inner liner. The
24 collection receptacle shall be locked at all times to prevent access to the inner liner.

25 ...

26 (e) A pharmacy shall direct consumers to directly deposit drugs into the
collection receptacle. A pharmacy shall not accept, count, sort or otherwise handle
27 prescription drugs from consumers.

28 ...

(g) The liner shall be removable as specified in this section. The receptacle shall allow the public to deposit prescription drugs into the receptacle for containment into the inner liner, without permitting access to or removal of prescription drugs already deposited into the collection receptacle and liner. Once a prescription drug or any other item is placed in the collection receptacle, the prescription drug or item cannot be removed, counted, sorted or otherwise individually handled.

...

COST RECOVERY

23. Section 125.3 of the Code provides, 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.

DRUGS

24. Alprazolam, the generic for Xanax, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

Board's First Investigation

25. Respondent Iskander was the Pharmacist-in-Charge at Respondent Pharmacy, a retail community chain pharmacy located in Moreno Valley, California.

26. During a Board inspection at Respondent Pharmacy, the Board inspector discovered that Respondents' immunization practices allowed pharmacy technicians and clerks to independently initiate vaccinations on patients. The circumstances are as follows: Respondent Pharmacy offered various vaccinations on site, including COVID-19, influenza, shingles, pneumonia, Tdap, hepatitis A, and hepatitis B. Vaccine requests are initiated by the pharmacy, or requested by the customer, or upon prescription by a prescriber. Respondent Pharmacy had prompts on the pharmacy registers and software directed at offering vaccines. There was signage displayed at each cash register indicating, "Remember to ask: Would you like a flu shot today?" and "Remember to ask: Are you up to date on your flu and COVID-19 vaccinations?" Pharmacy technicians were trained to ask about the flu vaccine and if there was an "immunization gap" prompt shown at the register, the pharmacy technician or clerk would ask the patient about the

1 opportunity to receive a vaccine. An “immunization gap” is displayed when the pharmacy
2 software detects that a patient was eligible for a certain vaccine based on the patient’s vaccine
3 history, age, and the medications that they took.¹ There was no way to bypass the “immunization
4 gap” prompts and the technician/clerk was required to ask about the vaccine in order to proceed
5 with the transaction. An example of an “immunization gap” prompt is: “The Pharmacist
6 recommends these vaccines to help keep you healthy. We can administer these for you today.”
7 Respondent Pharmacy’s technicians/clerks would offer the vaccines when the prompts appeared.
8 If the patient refused, then they would need to select the reason for the refusal. If the patient
9 agreed to the vaccine, then the technician/clerk would instruct the patient to walk to the drop-off
10 window in order to process the vaccine. The technician/clerk at Respondent Pharmacy did not
11 review the vaccine opportunity with a pharmacist prior to entering it into the system for
12 processing. Pharmacy technicians are able to type the vaccine into the computer prior to the
13 pharmacist reviewing it. After the vaccine is typed, the pharmacist then verifies the vaccine and
14 will review the patient’s vaccine history as collected by CVS Pharmacy.²

15 27. Respondents’ immunization practices were also in violation of CVS Policy and
16 Procedure. With regard to immunization gaps, the policy indicated: “In California, only a
17 Pharmacist may initiate an immunization prescription. While Pharmacy Interns/Pharmacy
18 Technicians may inform a customer of an immunization gap when prompted during the
19 workflow, if the customer expresses interest in immunization, **the Pharmacy Intern/Pharmacy**
20 **Technician must review the opportunity with the Pharmacist and may only enter the**
21 **opportunity into RxConnect at the direction of the Pharmacist.**” (Emphasis Added.)

23 ¹ In one case, the software detected an “immunization gap” for the flu vaccine because the
24 patient “meets minimum age” and had not history of the flu vaccine in the pharmacy’s software.
25 In another case, the software detected an “immunization gap” for the pneumonia vaccine (Prevnar
26 20) because the patient used “diabetes meds.” In another case, the software detected an
“immunization gap” for pneumonia, Tdap, and Shingles vaccines because the patient “meets
minimum age” for all vaccines. In another case, the “immunization gap” recommended Tdap and
HPV vaccines because the patient “meets minimum age.”

27 ² Respondent Iskander believed that CVS Pharmacy obtained the vaccine history from the
28 California Immunization Registry (CAIR); however, he did not have access to the CAIR website
and he relied on the CVS Pharmacy software system in order to review the patient’s vaccine
history.

28. During the Board inspection, the Board inspector also observed pharmacy technicians dispensing new prescriptions to patients without a pharmacist consultation as follows: On December 1, 2022, Patient DR received Neo-Poly-Dex eye drops (RX#1302895) and Erythromycin 0.5% eye ointment (RX#1302163) and Patient TN received Amoxicillin-Clav 875-125 mg (RX#1302758) without an oral consultation by the pharmacist.

Board's Second Investigation

29. On or about June 7, 2023, the Board received a letter and DEA Form-106 from CVS Health, the parent company of Respondent Pharmacy. CVS Health notified the Board that Respondent Pharmacy reported a loss of 120 tablets of alprazolam 1 mg. The notification also provided that the employee responsible for the drug diversion was terminated from employment. It further stated that the employee, Respondent Sadeghi, admitted to taking alprazolam and medications from the drug disposal kiosk, including Lorazepam, Tylenol with Codeine, and Tramadol. Following receipt of this notification, the Board initiated an investigation.

30. Respondent Iskander, as PIC of Respondent Pharmacy, informed the Board inspector that Respondent Sadeghi was lacking in his performance, showing up to work "half asleep, shaking, anxious," and had incorrectly typed, filled and picked up a prescription for alprazolam for Respondent Sadeghi's dog.³ The prescription was written for "one tablet orally every 6 hours as needed for anxiety" but Respondent Sadeghi typed it for "one tablet orally every 4-6 hours as needed." On or about May 4, 2023, Respondent Iskander spoke to the veterinarian's office for Respondent Sadeghi's dog and was informed that "the owner of the dog [Respondent Sadeghi] exhibited drug substance abuse." The veterinarian therefore cancelled all remaining refills on the prescription and Respondent Iskander inactivated the prescription in Respondent Pharmacy's computer on May 4, 2023. However, the next day on May 5, 2023, Respondent Iskander received a call from a pharmacy technician at Respondent Pharmacy informing him that the Respondent Sadeghi was trying to fill the inactivated prescription and that he rewrote it without calling the

³ It is against CVS policies and procedures for a pharmacist at CVS to perform data entry, produce or verify controlled substance prescriptions for themselves or a family member living within the same household.

1 doctor to get authorization. On May 8, 2023, Respondent Iskander confirmed with the
2 veterinarian that the prescription was still cancelled per their last conversation.

3 31. Respondent Sadeghi was also caught going through the “blue bin”⁴ in April, was seen
4 going through a bag of medications left by a patient because the blue bin was full.

5 32. When questioned by a District Asset Protection Leader of CVS Health, Respondent
6 Sadeghi stated that the veterinarian prescribed for his dog a prescription for alprazolam on April
7 17, 2023, with three additional refills, which was filled and picked up on the same day.
8 Respondent Sadeghi further stated that he later noticed that the prescription was inactive and that
9 “someone from the vet’s office called him back and did not give him a reason as to why the
10 prescription as inactive.” Respondent Sadeghi stated that he was able to get authorization from
11 the veterinarian’s office for another prescription with 3 refills on May 5, 2023 over the phone.
12 Respondent admitted that he “made a mistake and did not realize it was every 6 hrs on the first
13 prescription and not every 4-6 hrs.” Respondent Sadeghi also admitted to going through the blue
14 bin where patients drop off expired or extra medication at least 4 times since January 2023. He
15 reported that once the blue bin was full, so he took some medication to another CVS pharmacy in
16 Irvine and left it in their blue bin. The medication included controlled substances (Tramadol,
17 Tylenol with Codeine, and Lorazepam) and non-controlled substances. One witness to the
18 interview noted that Respondent Sadeghi displayed signs and symptoms of benzodiazepine
19 intoxication, including deliberate delivery of words and falling asleep.

20 33. The veterinarian for Respondent Sadeghi’s dog stated that the dog originally
21 presented to the pet hospital on April 16, 2023, for evaluation for back pain, vocalization and
22 inability to move and was given a written prescription for continuation of alprazolam. On April
23 20, 2023, Respondent Sadeghi insisted on receiving a hydrocodone/ homatrophine Schedule II
24 prescription but was declined. On April 23, 2023, the dog returned to the pet hospital and the
25 veterinarian advised that the dog proceed with a MRI, and refer to Veterinary Neurology Center.
26 Respondent Sadeghi asked for a number of written prescriptions for controlled substances

27 _____
28 ⁴ The blue bin is the drug take-back receptacle as set forth in Article 9.1 of the California
Code of Regulations, title 16, sections 1776, et seq.

1 including methadone and multiple Fentanyl patches, which were declined. The veterinarian
2 denied that he or anyone at his office reauthorized the prescription for alprazolam after they
3 cancelled it, despite Respondent Sadeghi's claim that he obtained reauthorization.

4 34. After reviewing all the records, the Board inspector determined that the first
5 prescription (RX #1366313) which was written by the veterinarian (paper prescription) on April
6 16, 2023, was for 120 tablets of alprazolam 1 mg with 3 additional refills with directions of "give
7 1 tablet orally up to every 6 hours as needed for anxiety." However, Respondent Sadeghi entered
8 and verified the prescription with the following directions: "take 1 tablet orally every 4-6 hours as
9 needed for anxiety." After verifying the prescription, Respondent Sadeghi sold that prescription
10 to himself on April 17, 2023. On or around May 4, 2023, that prescription was cancelled by the
11 veterinarian. Respondent Iskander inactivated the prescription in the computer on or around May
12 4, 2023 and noted, "spoke to Joel and Scott said to cancel any remaining refills." On May 5,
13 2023, Respondent Sadeghi entered the following note in the computer under RX #1366313:
14 "Okay to fill." On May 5, 2023, Respondent Sadeghi wrote and entered a "phone-in"
15 prescription (RX #1375138) for 120 tablets of alprazolam 1 mg with 3 refills, documenting that it
16 was authorized by "Devin" at the veterinarian's office. Respondent Sadeghi picked up that
17 prescription the same day on May 5, 2023. Neither RX #1366313 nor 1375138 were reported to
18 CURES within one working day after the date the controlled substances were released.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct - Permitting a Pharmacy Technician to Initiate Vaccines)**

21 35. Respondent Pharmacy and Respondent Iskander are subject to disciplinary action
22 under Code section 4301, for unprofessional conduct and section 4301, subdivision (o) for
23 violation of the statutes regulating pharmacy, in that Respondents permitted pharmacy technicians
24 to act outside the scope of their permitted duties as set forth in Code section 4115, when they
25 allowed pharmacy technicians to independently initiate vaccinations for patients as set forth in
26 paragraphs 25 through 28, above.

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failing to Provide Oral Consultation to Patients)**

3 36. Respondent Pharmacy and Respondent Iskander are subject to disciplinary action
4 under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16,
5 section 1707.2, in that Respondents failed to provide oral consultation to patients where the
6 patients received prescriptions drugs that had not previously been dispensed, as set forth in
7 paragraphs 25 through 28, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Variation from Prescription)**

10 37. Respondent Sadeghi and Respondent Pharmacy are subject to disciplinary action
11 under Code section 4301, subdivision (o), for violation of California Code of California, title 16,
12 section 1716, in that Respondent Sadeghi dispensed a prescription with incorrect directions
13 thereby deviating from the requirements of the prescription, as set forth in paragraphs 29 through
14 34, incorporated herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Failing to Report Controlled Substance to the Department of Justice)**

17 38. Respondent Pharmacy and Respondent Iskander are subject to disciplinary action
18 under Code section 4301, subdivision (j) and/or (o), for violation of Health and Safety Code
19 section 11165, subdivision (d), in that Respondents dispensed controlled substance prescriptions
20 (RX 1366313 and 1375138) but failed to report those to CURES within one working day, as set
21 forth in paragraphs 29 through 34, incorporated herein.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Unauthorized Acceptance and Handling of Drugs - Prescription Drug Take-Back Services)**

24 39. Respondents are subject to disciplinary action under Code section 4301, subdivision
25 (j) and/or (o), for violation of California Code of Regulations, title 16, section 1776.1, subdivision
26 (g) for the unauthorized acceptance and handling of drugs from consumers that were intended to
27 be deposited into the prescription drug take-back receptacle, as set forth in paragraphs 29 through
28 34, incorporated herein.

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Improper Management and Maintenance of Receptacle – Prescription Drug Take-Back**
3 **Services)**

4 40. Respondents are subject to disciplinary action under Code section 4301, subdivision
5 (j) and/or (o), for violation of California Code of Regulations, title 16, section 1776.3, as set forth
6 in paragraphs 29 through 34, incorporated herein, for the following:

7 a. The improper management and maintenance of the prescription drug take-back
8 receptacle in violation of California Code of Regulations, title 16, section 1776.3, subdivision (a).

9 b. Failing to direct consumers to directly deposit drugs into the prescription drug take-
10 back receptacle and instead accepting and/or handling the consumer's drugs, in violation of
11 California Code of Regulations, title 16, section 1776.3, subdivision (e).

12 c. Removal of prescription drugs and/or individual handling of drugs after being
13 deposited into the prescription drug take-back receptacle, in violation of California Code of
14 Regulations, title 16, section 1776.3, subdivision (g).

15 **SEVENTH CAUSE FOR DISCIPLINE**

16 **(Illegal Possession of a Controlled Substance)**

17 41. Respondent Sadeghi is subject to disciplinary action under Code section 4301,
18 subdivision (j), for violation of statutes regulating controlled substances, in that Respondent
19 Sadeghi possessed a controlled substance without a prescription in violation of Business and
20 Professions Code section 4060 and Health and Safety Code section 11170, as set forth in
21 paragraphs 29 through 34, incorporated herein.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Dishonesty or Moral Turpitude)**

24 42. Respondent Sadeghi is subject to disciplinary action under Code section 4301,
25 subdivision (f) for commission of acts involving moral turpitude or dishonesty, as set forth in
26 paragraphs 29 through 34, incorporated herein.

27 ///

28 ///

NINTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Inappropriate Exercise of Education, Training and Experience)

43. Respondent Sadeghi is subject to disciplinary action under Code section 4301 for unprofessional conduct as defined by Business and Professions Code section 4306.5 in that Respondent Sadeghi's acts involved, in whole or in part, the inappropriate exercise of his education, training or experience as a pharmacist as set forth in paragraphs 29 through 34, incorporated herein.

OTHER MATTERS

44. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 49554, issued to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058, Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 49554, issued to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 is placed on probation or until reinstated if it is revoked.

45. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 49554, issued to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058, while Respondent Iskander was the Pharmacist-in-Charge, then Respondent Iskander shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 49554, issued to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 is placed on probation or until reinstated if it is revoked.

46. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 84643, issued to Mario Raouf Iskander, Respondent Iskander shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 84643 is placed on probation or until Pharmacist License Number RPH 84643 is reinstated if it is revoked.

47. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 85076, issued to Mayar Sadeghi, Respondent Sadeghi shall be prohibited from

1 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
2 licensee for five years if Pharmacist License Number RPH 85076 is placed on probation or until
3 Pharmacist License Number RPH 85076 is reinstated if it is revoked.

4 **DISCIPLINARY CONSIDERATIONS**

5 48. To determine the degree of discipline, if any, Complainant alleges the following
6 disciplinary considerations:

7 a. On or about January 3, 2018, the Board issued Citation No. CI 2017 76944 to
8 Respondent Pharmacy and ordered payment of a fine in the amount of \$2,500 for deviating from
9 the requirements of a prescription in violation of California Code of Regulations, title 16, section
10 1716, and for the unauthorized disclosure of prescription and medical information in violation of
11 California Code of Regulations, title 16, section 1764 and Civil Code section 56.10, subdivision
12 (a). The citation was paid and is now final.

13 b. On or about November 28, 2018, the Board issued Citation No. CI 2017 77073 to
14 Respondent Pharmacy for deviating from the requirements of a prescription in violation of
15 California Code of Regulations, title 16, section 1716. The citation is now final.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Permit Number PHY 49554, issued to Longs Drug
20 Stores California, LLC, dba CVS/Pharmacy #3058;

21 2. Revoking or suspending Pharmacist License Number RPH 84643, issued to Mario
22 Raouf Iskander;

23 3. Revoking or suspending Pharmacist License Number RPH 85076, issued to Mayar
24 Sadeghi;

25 4. Prohibiting Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 for
26 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
27 licensee for five years if Pharmacy Permit Number PHY 49554 is placed on probation or until
28

Pharmacy Permit Number PHY 49554 is reinstated if Pharmacy Permit Number PHY 49554 issued to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 is revoked;

5. Prohibiting Mario Raouf Iskander from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 49554 is placed on probation or until Pharmacy Permit Number PHY 49554 is reinstated if Pharmacy Permit Number PHY 49554 issued to Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058 is revoked;

6. Prohibiting Mario Raouf Iskander from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 84643 is placed on probation or until Pharmacist License Number RPH 84643 is reinstated if Pharmacist License Number RPH 84643 issued to Mario Raouf Iskander is revoked;

7. Prohibiting Mayar Sadeghi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 85076 is placed on probation or until Pharmacist License Number RPH 85076 is reinstated if Pharmacist License Number RPH 85076 issued to Maya Sadeghi is revoked;

8. Ordering Longs Drug Stores California, LLC, dba CVS/Pharmacy #3058, Mario Raouf Iskander, and Mayar Sadeghi to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

9. Taking such other and further action as deemed necessary and proper.

DATED: 1/31/2024

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.01.31 15:58:31
-08'00'

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