

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

In the Matter of the Accusation Against:

**NEXTGEN PHARMACY, INC. DBA INFINITY PHARMACY, SHAPOOR
RAHIMI, CEO, 100% SHAREHOLDER, PRESIDENT, SECRETARY,
TREASURER, CFO, AND DIRECTOR
Pharmacy Permit No. PHY 57173,**

and

**SHAPOOR RAHIMI
Pharmacist License No. RPH 70570**

Respondents.

Agency Case No. 7630

OAH NO. 2024050616

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 March 5, 2025.

It is so ORDERED on February 3, 2025.

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 written in a cursive style with a large initial "S".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 STEPHEN D. SVETICH
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **NEXTGEN PHARMACY, INC. DBA**
14 **INFINITY PHARMACY, SHAPOOR**
15 **RAHIMI, CEO, 100% SHAREHOLDER,**
16 **PRESIDENT, SECRETARY,**
17 **TREASURER, CFO, AND DIRECTOR**
18 **10738 Jefferson Blvd., Ste. E, Bldg 3**
19 **Culver City, CA 90230**

20 **Permit No. PHY 57173,**

21 **and**

22 **SHAPOOR RAHIMI**
23 **3533 Woodcliff Rd**
24 **Sherman Oaks, CA 91403**

25 **Pharmacist License No. RPH 70570**

26 Respondents.

Case No. 7630

OAH No. 2024050616

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT
SHAPOOR RAHIMI ONLY

[Bus. & Prof. Code § 495]

27 In the interest of a prompt and speedy settlement of this matter, consistent with the public
28 interest and the responsibility of the Board of Pharmacy (“Board”) of the Department of
Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
Disciplinary Order, which will be submitted to the Board for approval and adoption as the final
disposition of the Accusation solely with respect to Respondent Shapoor Rahimi (“Respondent

1 Rahimi”) in his individual capacity. It does not apply to Respondent Nextgen Pharmacy, Inc.,
2 doing business as Infinity Pharmacy, Shapoor Rahimi, CEO, 100% Shareholder, President,
3 Secretary, Treasurer, CFO, and Director (“Respondent Infinity Pharmacy”).

4 **PARTIES**

5 1. Anne Sodergren (“Complainant”) is the Executive Officer of the Board of Pharmacy
6 (“Board”). She brought this action solely in her official capacity and is represented in this matter
7 by Rob Bonta, Attorney General of the State of California, by Stephen D. Svetich, Deputy
8 Attorney General.

9 2. Respondent Rahimi is represented in this proceeding by attorney Armond Marcarian,
10 whose address is: Marcarian Law Firm, 21650 Oxnard Street, Suite 1980, Woodland Hills, CA
11 91367.

12 **JURISDICTION**

13 3. On or about April 1, 2014, the Board of Pharmacy issued Pharmacist License Number
14 RPH 70570 to Respondent Rahimi. The Pharmacist License was in full force and effect at all
15 times relevant to the charges brought herein and will expire on May 31, 2025, unless renewed. At
16 all times relevant to the allegations and charges herein, Respondent Rahimi was the owner and
17 pharmacist-in-charge of Respondent Infinity Pharmacy.

18 4. Accusation No. 7630 was filed before the Board, Department of Consumer Affairs
19 and is currently pending against Respondent Rahimi. The Accusation and all other statutorily
20 required documents were properly served on Respondent Rahimi on February 8, 2024.
21 Respondent Rahimi timely filed his Notice of Defense contesting the Accusation. A copy of
22 Accusation No. 7630 is attached as **Exhibit A** and incorporated herein by reference.

23 **ADVISEMENT AND WAIVERS**

24 5. Respondent Rahimi has carefully read, fully discussed with counsel, and understands
25 the charges and allegations in Accusation No. 7630. Respondent Rahimi has also carefully read,
26 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
27 Disciplinary Order for Public Repeval.
28

1 or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the
2 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and
3 Disciplinary Order for Public Repeval shall be of no force or effect, except for this paragraph, it
4 shall be inadmissible in any legal action between the parties, and the Board shall not be
5 disqualified from further action by having considered this matter.

6 13. The parties understand and agree that Portable Document Format (“PDF”) and
7 facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Repeval,
8 including PDF and facsimile signatures thereto, shall have the same force and effect as the
9 originals.

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

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Pharmacist License No. RPH 70570 issued to Respondent
22 Shapoor Rahimi shall be publicly reprovved by the Board of Pharmacy under Business and
23 Professions Code section 495 in resolution of Accusation No. 7630, attached as Exhibit A, as to
24 Respondent Rahimi only.

25 **Cost Recovery.** Respondent Rahimi shall pay \$12,500.00 to the Board for its costs
26 associated with the investigation and enforcement of this matter pursuant to Business and
27 Professions Code Section 125.3. Respondent Rahimi understands that he and Respondent Infinity
28 Pharmacy are jointly and severally liable for payment of these costs. Respondent Rahimi shall be

1 permitted to pay these costs in a payment plan approved by the Board. If Respondent Rahimi
2 fails to pay the Board costs as ordered, Respondent Rahimi shall not be allowed to renew his
3 Pharmacist License until he pays costs in full. In addition, the Board may enforce this order for
4 payment of its costs in any appropriate court, in addition to any other rights the Board may have.

5 **No New Ownership or Management of Licensed Premises for Five Years.** Respondent
6 Rahimi shall not acquire any new ownership, legal or beneficial interest nor serve as a manager,
7 administrator, member, officer, director, trustee, associate, or partner of any additional business,
8 firm, partnership, or corporation licensed by the Board for five years after the effective date of
9 this decision. If Respondent Rahimi currently owns or has any legal or beneficial interest in, or
10 serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any
11 business, firm, partnership, or corporation currently or hereinafter licensed by the Board,
12 Respondent Rahimi may continue to serve in such capacity or hold that interest, but only to the
13 extent of that position or interest as of the effective date of this decision. Violation of this
14 restriction shall be considered a violation of this Stipulated Settlement and Disciplinary Order for
15 Public Repeval.

16 **Ethics Course.** Within ninety (90) calendar days of the effective date of this decision,
17 Respondent Rahimi shall enroll in a course in ethics, at Respondent Rahimi's expense, approved
18 in advance by the Board or its designee that complies with Title 16 California Code of
19 Regulations section 1773.5. Respondent Rahimi shall provide proof of enrollment, and, within
20 five (5) days of completion, Respondent Rahimi shall submit a copies of the certificates of
21 completion to the Board or its designee. Respondent Rahimi is required to complete the 6-month
22 and 12- month follow up courses for compliance with this condition. Failure to timely enroll in
23 an approved ethics course within ninety (90) days of the effective date of this decision, or to
24 successfully complete the course within two (2) years of the effective date of this decision, shall
25 be considered a violation of this Decision and Order and subject to further action by the Board.
26 Respondent Rahimi's Pharmacist License shall not be renewed until Respondent Rahimi has
27 satisfied this term.
28

1 **Prescription Drug Abuse and Prescription Training.** Within one year of the effective
2 date of this decision, Respondent Rahimi shall enroll in the Board’s one-day, six (6) hour,
3 continuing education course, “*Inspection Expectations, Diversion Trends, Loss Prevention, Legal*
4 *Updates and CURES.*” Respondent Rahimi shall provide proof of enrollment within five (5) days
5 of enrollment. Within five (5) days of completion, Respondent shall submit a copy of the
6 certificate of completion to the Board. Failure to enroll in the continuing education course within
7 the one year of the effective date of this decision shall be considered a violation of this Decision
8 and Order. Respondent’s Pharmacist License shall not be renewed until Respondent has satisfied
9 this term.

10 **Full Compliance.** As a resolution of the charges in Accusation No. 7630 as to Respondent
11 Rahimi, this stipulated settlement is contingent upon Respondent Rahimi’s full compliance with
12 all conditions of this Order. If Respondent Rahimi fails to satisfy any of these conditions, such
13 failure to comply constitutes cause for discipline, including outright revocation, of Respondent
14 Rahimi’s Pharmacist License No. RPH 70570.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval as to Respondent Shapoor Rahimi Only and have fully discussed it with my attorney, Armond Marcarian. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
SHAPOOR RAHIMI
Respondent

I have read and fully discussed with Respondent Shapoor Rahimi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval as to Respondent Shapoor Rahimi Only. I approve its form and content.

DATED: _____
ARMOND MARCARIAN
MARCARIAN LAW FIRM
Attorney for Respondent

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval as to Respondent Shapoor Rahimi Only and have fully discussed it with my attorney, Armond Marcarian. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12, 6, 24 
SHAPOOR RAHIMI
Respondent

I have read and fully discussed with Respondent Shapoor Rahimi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval as to Respondent Shapoor Rahimi Only. I approve its form and content.

DATED: December 6, 24 
ARMOND MARCARIAN
MARCARIAN LAW FIRM
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval as to Respondent Shapoor Rahimi Only, is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General

STEPHEN D. SVETICH
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval as to Respondent Shapoor Rahimi Only, is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: December 10, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
NANCY A. KAISER
Supervising Deputy Attorney General



STEPHEN D. SVETICH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7630

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 STEPHEN D. SVETICH
Deputy Attorney General
4 State Bar No. 272370
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5 Los Angeles, CA 90013
Telephone: (213) 269-6734
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E-mail: Stephen.Svetich@doj.ca.gov
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18 **10738 Jefferson Blvd., Ste. E, Bldg 3**
19 **Culver City, CA 90230**

ACCUSATION

20 **Permit No. PHY 57173,**

21 **and**

22 **SHAPOOR RAHIMI**
23 **3533 Woodcliff Rd**
24 **Sherman Oaks, CA 91403**

25 **Pharmacist License No. RPH 70570**

26 Respondents.

27 **PARTIES**

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

1 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
2 jurisdiction to commence or proceed with any investigation of, or action or disciplinary
3 proceeding against, the licensee or to render a decision suspending or revoking the license.

4 9. Section 4302 of the Code states, “The board may deny, suspend, or revoke any
5 license where conditions exist in relation to any person holding 10 percent or more of the
6 ownership interest or where conditions exist in relation to any officer, director, or other person
7 with management or control of the license that would constitute grounds for disciplinary action
8 against a licensee.”

9 10. Section 4307 of the Code states:

10 (a) Any person who has been denied a license or whose license has been revoked or
11 is under suspension, or who has failed to renew his or her license while it was under
12 suspension, or who has been a manager, administrator, owner, member, officer, director,
13 associate, partner, or any other person with management or control of any partnership,
14 corporation, trust, firm, or association whose application for a license has been denied or
15 revoked, is under suspension or has been placed on probation, and while acting as the
16 manager, administrator, owner, member, officer, director, associate, partner, or any other
17 person with management or control had knowledge of or knowingly participated in any
18 conduct for which the license was denied, revoked, suspended, or placed on probation, shall
19 be prohibited from serving as a manager, administrator, owner, member, officer, director,
20 associate, partner, or in any other position with management or control of a licensee as
21 follows:

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

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

23 (b) “Manager, administrator, owner, member, officer, director, associate, partner, or
24 any other person with management or control of a license” as used in this section and
25 Section 4308 , may refer to a pharmacist or to any other person who serves in such capacity
26 in or for a licensee.

27 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
28 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
Code. However, no order may be issued in that case except as to a person who is named in
the caption, as to whom the pleading alleges the applicability of this section, and where the
person has been given notice of the proceeding as required by Chapter 5 (commencing with
Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed

1 as provided by this subdivision shall be in addition to the board's authority to proceed under
2 Section 4339 or any other provision of law.

3 **STATUTORY PROVISIONS**

4 11. Section 4022 of the Code states, in pertinent part:

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

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

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

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

15 12. Section 4113 of the Code states, in pertinent part:

16

17 (c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance
18 with all state and federal laws and regulations pertaining to the practice of
19 pharmacy...

20 13. Section 4156 of the Code states, "A pharmacy corporation shall not do, or fail to do,
21 any act where doing or failing to do the act would constitute unprofessional conduct under any
22 statute or regulation. In the conduct of its practice, a pharmacy corporation shall observe and be
23 bound by the laws and regulations that apply to a person licensed under this chapter."

24 14. Section 4301 of the Code states, in pertinent part:

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

28

(d) The clearly excessive furnishing of controlled substances in violation of
subdivision (a) of Section 11153 of the Health and Safety Code.

. . . .

(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.

. . . .

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

6

7 15. Section 4306.5 of the Code states:

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

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

14 (b) Acts or omissions that involve, in whole or in part, the failure to exercise
15 or implement his or her best professional judgment or corresponding responsibility
16 with regard to the dispensing or furnishing of controlled substances, dangerous drugs,
17 or dangerous devices, or with regard to the provision of services.

18 (c) Acts or omissions that involve, in whole or in part, the failure to consult
19 appropriate patient, prescription, and other records pertaining to the performance of
20 any pharmacy function.

21 (d) Acts or omissions that involve, in whole or in part, the failure to fully
22 maintain and retain appropriate patient-specific information pertaining to the
23 performance of any pharmacy function.

24 **HEALTH AND SAFETY CODE STATUTES**

25 16. Section 11153 of the Healthy and Safety Code provides in part:

26 (a) A prescription for a controlled substance shall only be issued for a
27 legitimate medical purpose by an individual practitioner acting in the usual course
28 of his or her professional practice. The responsibility for the proper prescribing and
dispensing of controlled substances is upon the prescribing practitioner, but a
corresponding responsibility rests with the pharmacist who fills the prescription.
Except as authorized by this division, the following are not legal prescriptions: (1)
an order purporting to be a prescription which is issued not in the usual course of
professional treatment or in legitimate and authorized research; or (2) an order for
an addict or habitual user of controlled substances, which is issued not in the course
of professional treatment or as part of an authorized narcotic treatment program, for
the purpose of providing the user with controlled substances, sufficient to keep him
or her comfortable by maintaining customary use....

29 **STATE REGULATORY PROVISION**

30 17. California Code of Regulations, title 16, section 1761, states:

31 (a) No pharmacist shall compound or dispense any prescription which
32 contains any significant error, omission, irregularity, uncertainty, ambiguity or
33 alteration. Upon receipt of any such prescription, the pharmacist shall contact the
34 prescriber to obtain the information needed to validate the prescription.

1 (b) Even after conferring with the prescriber, a pharmacist shall not
2 compound or dispense a controlled substance prescription where the pharmacist
3 knows or has objective reason to know that said prescription was not issued for a
4 legitimate medical purpose.

5 **FEDERAL REGULATORY AUTHORITY**

6 18. Code of Federal Regulations, title 21, section 1306.04, states:

7 (a) A prescription for a controlled substance to be effective must be issued
8 for a legitimate medical purpose by an individual practitioner acting in the usual
9 course of his professional practice. The responsibility for the proper prescribing and
10 dispensing of controlled substances is upon the prescribing practitioner, but a
11 corresponding responsibility rests with the pharmacist who fills the prescription. An
12 order purporting to be a prescription issued not in the usual course of professional
13 treatment or in legitimate and authorized research is not a prescription within the
14 meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person
15 knowingly filling such a purported prescription, as well as the person issuing it,
16 shall be subject to the penalties provided for violations of the provisions of law
17 relating to controlled substances.

18

19 **COST RECOVERY**

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

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DEFINITIONS

20. The following dangerous drugs and controlled substances are relevant to the charges alleged herein:

TABLE NUMBER 1 Drug and Controlled Substance Definitions				
BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&P CODE § 4022?	CONTROLLED SUBSTANCE PER HEALTH AND SAFETY CODE	INDICATIONS FOR USE
Roxicodone	Oxycodone	Yes	Yes - Schedule II per Health and Safety Code § 11055, subd. (b)(l)(M)	Pain
Norco	Hydrocodone/ Acetaminophen	Yes	Yes- Schedule II per Health and Safety Code § 11055, subd. (b)(1)(I)(ii); Schedule II per CFR, Title 21, § 1308.12(b)(1)(vi)	Pain
Soma	Carisoprodol	Yes	Yes - Schedule IV per CFR, Title 21, § 1308.14(c)(7)	Muscle Relaxant
Adderall	Dextroamphetamine/Amp hetamine Salts	Yes	Yes- Schedule II per Health and Safety Code § 11055, subd. (d)(1)	Attention-Deficit/ Hyperactive Disorder

FACTUAL ALLEGATIONS

Background Information on Opioids and Corresponding Responsibility

21. Opioids are drugs most often utilized to treat pain. Prescribers commonly aim to treat patients with the lowest effective dose of medications to minimize the risk of side effects and toxicity from the medications. It is standard practice to initiate therapy on a low dose of any medication and increase the dose if necessary. This is especially important when opioid medications are involved.

22. Tolerance and dependence on opioids will develop with continuous use, requiring increasing doses and leading to withdrawal syndrome upon abrupt discontinuation. Because of opioids' reputation for addiction and fatal overdose, they are highly controlled substances. The

1 terms “opioid tolerant”² and “opioid naïve”³ are clinically accepted and widely used. Opioid
2 tolerance renders patients less susceptible to the effects of opioids, including both pain relief and
3 adverse effects. If a patient is opioid naïve, treatment should be initiated slowly with dose
4 escalation and their response more closely monitored. The opioid naïve patient is at greater risk
5 for complications, especially sedation and respiratory depression.

6 23. The Controlled Substance Utilization Review and Evaluation System (“CURES”)
7 requires mandatory daily pharmacy reporting of dispensed Schedule II-V controlled substance
8 medications. The data is collected statewide. The Prescription Drug Monitoring Program
9 (“PDMP”) is a component of CURES accessible to pharmacists and prescribers. All practitioners
10 licensed to prescribe or dispense scheduled medications were required by law to sign up for
11 PDMP by July 1, 2016. The data in the PDMP is used by prescribers and pharmacists to aid in
12 determining whether patients are utilizing their controlled substances safely and appropriately,
13 ensuring they are not obtaining medical care from multiple prescribers, frequenting multiple
14 pharmacies, obtaining early refills of controlled substances, travelling far distances to prescribers
15 or pharmacies, consistently paying cash for their controlled substance prescriptions, or attempting
16 to fill high dose opioids or benzodiazepines when they are naïve to either medication.

17 24. If a physician writes a controlled substance prescription that is not for a legitimate
18 medical purpose, the pharmacist shares a corresponding responsibility or liability with that
19 physician if he or she fills that prescription while knowing or having objective reason to know
20 that the prescription was not issued for a legitimate medical purpose. The Board posted an
21 informational bulletin titled, “Corresponding Responsibility, It’s the Law” on its website. The
22 bulletin outlines several “red flags” that should alert a pharmacy and pharmacist to a potential
23 problem with prescriptions:

24 _____
25 ² A patient is opioid tolerant if the patient takes, for one week or longer, at least: 60 mg
26 oral morphine per day; 30 mg oral oxycodone per day; 8 mg oral hydromorphone per day; 60 mg
27 oral hydrocodone per day; 25 mcg per hour of transdermal fentanyl; or an equianalgesic dose of
28 any other opioid. An “equianalgesic dose” is the dose of two opioids required to produce the

³ A patient is considered opioid naïve if the patient does not meet the definition opioid
tolerant because the patient has not taken opioid doses identified in footnote 2, above, for at least
one week.

- i. Irregularities on the face of the prescription;
- ii. Nervous patient demeanor; age or presentation of a patient (e.g., a youthful patient seeking chronic pain medications);
- iii. Multiple patients at the same address;
- iv. Cash payments;
- v. Requests for early refills of prescriptions; prescriptions written for an unusually large quantity of drugs;
- vi. Prescriptions written for potentially duplicative drug therapy;
- vii. The same combinations of drugs prescribed for multiple patients;
- viii. Initial prescriptions written for strong opiates;
- ix. Long distances traveled from the patient's home to the prescriber's office or to the pharmacy;
- x. Irregularities in the prescriber's qualifications in relation to the medication(s) prescribed;
- xi. Prescriptions that are written outside of the prescriber's medical specialty;
- xii. Prescriptions for medications with no logical connection to diagnosis or treatment;
- xiii. Patients coming to the pharmacy in groups, especially if their home addresses are outside the pharmacy's local trade area, each with the same prescriptions issued by the same prescriber;
- xiv. The same diagnosis codes for many patients; and
- xv. Excessively celebratory patient demeanor.

25. Pharmacists serve an important role in preventing drug diversion and limiting illegitimate use of drugs. Recognition of red flags, which have been significantly publicized as detailed above, is vital to a pharmacist's ability to evaluate the legitimacy of prescriptions. When a pharmacist receives a prescription, the presence of one or more red flags could represent a level of irregularity which would warrant contacting the prescriber to gain appropriate information to determine the medical legitimacy of the prescription.

1 **Investigation of Respondents**

2 26. A Board investigator reviewed Respondent Infinity’s CURES information for
3 April 26, 2019, to April 26, 2022, and identified controlled substance prescriptions which
4 seemed to have possible irregularities. Initially, the investigator identified as possible red
5 flags the patients’ distance from the pharmacy, high initial doses of controlled substances,
6 and known prescribers of concern. She then requested and received records and electronic
7 dispensing information from Respondents.

8 27. The Board investigator reviewed Respondent Infinity’s electronic dispensing
9 records for June 27, 2019, to June 27, 2022, to establish an overview of the dispensing
10 patterns. 83.56% (47,654 of 57,454) of the prescriptions dispensed by Respondent Infinity
11 were paid for with cash. However, a higher percentage, 91.76% (4,032 of 4,394), of
12 controlled substance prescriptions dispensed by Respondent Infinity were paid for with cash.
13 More specifically, 91.31% (1,692 of 1,853) of Schedule II and 95.08% (2,047 of 2,153) of
14 schedule IV controlled substance prescriptions dispensed by Respondent Infinity were paid
15 for with cash.

16 **Prescriptions Issued by Prescribers of Concern**

17 28. The Board investigator reviewed Respondent Infinity’s CURES information for
18 April 26, 2019 to April 26, 2022; CURES Patient Activity Reports; hard copies of
19 prescriptions received from Respondent Infinity; and Respondent Infinity’s electronic
20 dispensing record for June 27, 2019, to June 27, 2022. The Board’s investigator identified
21 the following issues relating to the following prescribers of concern:

- 22 i. **Prescriber J. E., PA.** This prescriber wrote prescriptions for approximately 47
23 patients who filled prescriptions at Respondent Infinity. Approximately one-
24 third of the 358 prescriptions issued by this prescriber were for controlled
25 substances. This prescriber prescribed at least one controlled substance to each
26 of the 47 patients who filled prescriptions at Respondent Infinity. The
27 controlled substances prescribed by J. E. (Dextraoamphetamine-amphetamine,
28 Hydrocodone, Oxycodone, Carisoprodol, and Promethazine with Codeine

1 Syrup) were well known to have high abuse potential, and J. E. only prescribed
2 them for the highest dosage strength available. All of the controlled substance
3 prescriptions issued by this prescriber and filled at Respondent Infinity (with the
4 exception of one prescription for Promethazine with Codeine Syrup) were paid
5 for with cash without insurance assistance. J. E. surrendered her license to the
6 Physician Assistant Board on August 23, 2022.

7 ii. **Prescriber J. D., M.D.** This prescriber wrote prescriptions for approximately
8 35 patients who filled prescriptions at Respondent Infinity. More than one-third
9 of the 442 prescriptions issued by this prescriber were for controlled substances.
10 This prescriber prescribed opioids to each of the 35 patients who filled
11 prescriptions at Respondent Infinity. The three opioids J. D. prescribed that
12 were dispensed by Respondent Infinity (Hydrocodone, Oxycodone,
13 Carisoprodol) were known to have high abuse potential, and J. D. only
14 prescribed them for the highest dosage strength available. All of the controlled
15 substance prescriptions were paid for with cash without insurance assistance.
16 The Medical Board of California filed an accusation against J. D. on June 14,
17 2022, and an amended accusation on May 23, 2023.

18 iii. **Prescriber B. B., M.D.** This prescriber wrote prescriptions for one patient who
19 filled prescriptions at Respondent Infinity. The patient filled 16 prescriptions
20 issued by B. B. at Respondent Infinity, five of which were for Oxycodone 30
21 mg (the highest dosage strength). B. B.'s practice is approximately 18.5 miles
22 from Respondent Infinity's pharmacy. While the patient used insurance for four
23 of the 16 prescriptions, he paid with cash without the assistance of insurance for
24 all five Oxycodone 30 mg prescriptions, even though they were filled the same
25 day as other prescriptions for which he used insurance. The Medical Board of
26 California issued a Public Letter of Reprimand to B. B. on August 4, 2021.

27 iv. **Prescriber A. F.** This prescriber wrote two prescriptions for one patient who
28 filled prescriptions at Respondent Infinity. One of the prescriptions was for

Oxycodone 30 mg, the highest dosage strength. The prescriptions were paid for with cash without insurance assistance. The Medical Board of California revoked A. F.'s medical license on May 6, 2022.

Irregular Prescriptions of Concern

29. Based upon her review of Respondent Infinity's CURES information for April 26, 2019 to April 26, 2022; CURES Patient Activity Reports; hard copies of prescriptions received from Respondent Infinity; and Respondent Infinity's electronic dispensing record for June 27, 2019 to June 27, 2022, the Board's investigator identified the following 25 patients and prescriptions of concern:

TABLE NUMBER 2 Irregular Prescriptions of Concern							
No.	RX #	Patient	Drug	Quantity	Filled Date	Prescriber	Payment Type
1	200140	D. A.	Oxocodone HCL 30 MG Tab.	90	12/31/2019	J. E.	Cash
2	200142	S. K. B.	Oxocodone HCL 30 MG Tab.	90	12/31/2019	J. E.	Cash
3	200139	S. B.	Oxocodone HCL 30 MG Tab.	90	12/30/2019	J. E.	Cash
4	200150	T. B.	Oxocodone HCL 30 MG Tab.	90	1/6/2020	J. E.	Cash
5	200152	F. M. B.	Oxocodone HCL 30 MG Tab.	90	1/6/2020	J. E.	Cash
6	200061	D. C.	Oxocodone HCL 30 MG Tab.	90	11/16/2019	J. D.	Cash
7	200138	S. C.	Oxocodone HCL 30 MG Tab.	90	12/30/2019	J. E.	Cash
8	200038	B. G.	Oxocodone HCL 30 MG Tab.	90	10/7/2019	J. D.	Cash
9	200164	J. R. G.	Oxocodone HCL 30 MG Tab.	90	1/9/2020	J. E.	Cash
10	200476	R. G.	Oxocodone	90	5/20/2020	J. E.	Cash

			HCL 30 MG Tab.				
11	200162	J. Y. H.	Oxocodone HCL 30 MG Tab.	90	1/9/2020	J. E.	Cash
12	200141	T. A. J.	Oxocodone HCL 30 MG Tab.	90	12/31/2019	J. E.	Cash
13	200246	H. A. L.	Oxocodone HCL 30 MG Tab.	90	2/14/2020	J. E.	Cash
14	200029	D. M.	Oxocodone HCL 30 MG Tab.	90	9/5/2019	A. F.	Cash
15	200108	J. E. M.	Amphetamine Salt Combo 30 MG Tab.	30	12/17/2019	J. E.	Cash
16	200817	C. A. O	Oxocodone HCL 30 MG Tab.	90	10/1/2020	J. D.	Cash
17	200110	E. T. P.	Oxocodone HCL 30 MG Tab.	90	12/17/2019	J. E.	Cash
18	200196	L. P.	Oxocodone HCL 30 MG Tab.	115	1/23/2020	B. B.	Cash
19	200231	D. J. R.	Oxocodone HCL 30 MG Tab.	90	2/10/2020	J. E.	Cash
20	200274	C. D. S.	Oxocodone HCL 30 MG Tab.	90	2/21/2020	J. D.	Cash
21	200279	S. S.	Oxocodone HCL 30 MG Tab.	90	2/24/2020	J. E.	Cash
22	200118	M. R. S.	Oxocodone HCL 30 MG Tab.	90	12/19/2019	J. E.	Cash
23	200037	C. T.	Oxocodone HCL 30 MG Tab.	90	10/2/2019	J. D.	Cash
24	200161	E. D. T.	Oxocodone HCL 30 MG Tab.	90	1/9/2020	J. E.	Cash
25	200151	T. D. W.	Oxocodone HCL 30 MG Tab.	90	1/6/2020	J. E.	Cash

30. The Board's investigator noted the following concerns after reviewing the CURES Patient Activity Report for each of the above-identified prescriptions:

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TABLE NUMBER 3
Specific Concerns with Irregular Prescriptions

No.	RX #	Patient	Specific Concerns
1	200140	D. A.	Patient last filled hydrocodone/APAP 10/325 mg prescription on 10/13/2019 for a five-day supply. Dose increased 4.5 times. CURES Patient Activity Report attached to prescription documents.
2	200142	S. K. B.	Patient last filled APAP/codeine 300/30mg prescription on 1/21/2019 for a five-day supply. This was more than an 11-month gap. Patient was opioid non-tolerant. CURES summary with negative results attached to prescription documents.
3	200139	S. B.	Patient last filled APAP/codeine 300/30 mg prescription on 12/10/2019 for a four-day supply. Dose increased approximately five times. CURES Patient Activity Report attached to prescription documents.
4	200150	T. B.	Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
5	200152	F. M. B.	Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
6	200061	D. C.	Patient was opioid naïve.
7	200138	S. C.	Patient last filled hydrocodone/APAP 5/325 prescription on 10/18/2019 for a 10-day supply. Dose increased approximately ten times. CURES Patient Activity Report attached to prescription documents.
8	200038	B. G.	Patient last filled hydrocodone/APAP 5/325 mg prescription on 12/21/2015 for a three-day supply. This was approximately a four-year gap. Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
9	200164	J. R. G.	Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
10	200476	R. G.	Patient last filled hydrocodone/APAP 5/325 mg prescription on 7/12/2019 for a 30-day supply. This was approximately a 10-month gap. Patient was opioid non-tolerant. CURES Patient Activity Report attached to prescription documents.
11	200162	J. Y. H.	Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
12	200141	T. A. J.	Patient was opioid naïve. Patient also received Promethazine/Codeine, RX # 400167 on the same day. CURES summary with negative results attached to prescription documents.
13	200246	H. A. L.	Patient last filled hydrocodone/APAP 5/325 mg prescription on 4/15/2016 for a five-day supply. This was approximately a four-year gap. Patient was opioid naïve.
14	200029	D. M.	Patient last filled hydrocodone/APAP 10/325 mg prescription on 5/22/2019 for a three-day supply. This was approximately a four-month gap and a three-times dosage increase. CURES Patient Activity Report attached to prescription documents.
15	200108	J. E. M.	Patient has no history of prior amphetamine prescriptions. The amphetamine salt was prescribed concurrently with oxycodone 30 mg on the same day.
16	200817	C. A. O	Patient last filled hydrocodone/APAP 5/500 mg prescription on

			9/3/2020 for a 45-day supply. The dose increased by approximately 14.5 times.
17	200110	E. T. P.	Patient last filled tramadol 50 mg prescription on 2/3/2016 for a 30-day supply. This was almost a four-year gap. Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
18	200196	L. P.	Patient last filled promethazine with codeine prescription on 1/20/2020 for a 15-day supply. The dose increased by approximately 18 times. CURES PAR attached to prescription documents showed a ten-month gap.
19	200231	D. J. R.	Patient last filled APAP/codeine 300/30 mg prescription on 12/27/2019 for a 20-day supply. This was approximately a 45-day gap with a dose increase of approximately six times. CURES Patient Activity Report attached to prescription documents.
20	200274	C. D. S.	Patient last filled hydrocodone/APAP 10/325 mg prescription on 1/13/2020 for a 30-day supply. This was a dose increase of approximately 3.5 times.
21	200279	S. S.	Patient last filled hydrocodone/APAP 10/325 mg prescription on 2/19/2020 for a 15-day supply. This was a dose increase of approximately 9 times.
22	200118	M. R. S.	Patient last filled hydrocodone/APAP 10/325 mg prescription on 9/18/2019 for a 45-day supply. This was approximately a three-month gap and a seven-times dosage increase. CURES Patient Activity Report attached to prescription documents.
23	200037	C. T.	Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
24	200161	E. D. T.	Patient was opioid naïve. CURES summary with negative results attached to prescription documents.
25	200151	T. D. W.	Patient last filled tramadol 50 mg prescription on 12/23/2015 for a 30-day supply. This was approximately a four-year gap. Patient was opioid naïve. CURES summary with negative results attached to prescription documents.

31. The Board’s investigator noted the following red flags that Respondents should have identified and cleared before dispensing the above-identified prescriptions:

- i. The prescriptions are for a high initial dose of oxycodone 30 mg to opioid naïve or opioid non-tolerant patients, or for significant dose increases for non-opioid tolerant patients.
- ii. For Prescription No. 200108, there was a high initial dose of amphetamine salt combo 30 mg to a patient with no prior history of any other ADHD medication, and in combination with a high dose opioid (oxycodone 30 mg). This is a highly dangerous and abused combination known as a pharmaceutical speedball. This also involved the highest immediate-release dosage form of oxycodone 30 mg and amphetamine salt combo 30 mg.

- 1 iii. Large/fixed quantities of 90 tablets for almost every patient receiving oxycodone
- 2 30 mg.
- 3 iv. New patients to the pharmacy.
- 4 v. Similar diagnoses codes on each prescription with various combinations of the
- 5 same medical conditions.
- 6 vi. Pharmacy shopping or prescriber shopping behavior evident in the CURES
- 7 Patient Activity Reports.
- 8 vii. Limited drug profiles for the patients presenting prescription numbers 200061,
- 9 200038, and 200037.
- 10 viii. Long distance traveled by patients. At least ten patients traveled 16 to 76 miles to
- 11 the pharmacy each way.
- 12 ix. All of these prescriptions involved all-cash payments.
- 13 x. Many of the patients signed an authorization for a person named M. Brown or
- 14 Mrs. Brown from a boarding shelter/group home called Creative Blessings,
- 15 located in Los Angeles, to pick up their medications from Respondent Infinity.

16 32. The Board’s investigator’s review of Respondents’ records did not include any notes
17 or documentation showing that Respondent Rahimi took sincere steps to validate the legitimacy
18 of the 25 prescriptions identified in Tables Numbers 2 and 3, above. There are no notes or
19 documentation showing that Respondent Rahimi reviewed or evaluated the Patient Activity
20 Reports he printed. Any pharmacist notes or prescriber notes were minimal and appeared generic
21 and similar across all patients.

22 33. Dates and information on supporting documents did not correspond with the
23 prescriptions dispensed, as follows:

- 24 i. For Prescription No. 200152, the office visit note dated 12/7/2020 for dispensing
- 25 justification is dated 11 months after the date of the prescription (1/6/2020).
- 26 ii. For Prescription No. 200107, the office visit note dated 12/16/2020 for
- 27 dispensing justification is dated 12 months after the date of the prescription
- 28 (12/16/2019).

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct, Violating Regulation Applicable to Pharmacy – Respondent Rahimi)

3 36. Respondent Rahimi is subject to disciplinary action under Code sections 4301,
4 subdivision (o), in that they violated California Code of Regulations, title 16, section 1761,
5 subdivisions (a) and (b), in that Respondent Rahimi dispensed prescriptions which contained
6 significant errors, omissions, irregularities, uncertainties, ambiguities or alterations as fully
7 outlined above. Complainant refers to and by this reference incorporates the allegations set forth
8 above in paragraphs 20 through 34, inclusive, as though set forth fully herein.

9 **THIRD CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct, Misuse of Education – Respondent Rahimi)

11 37. Respondent Rahimi is subject to disciplinary action pursuant to section 4301 and
12 4306.5 in that Respondent Rahimi exhibited unprofessional conduct by inappropriately exercising
13 his education, training, or experience as a pharmacist and/or failing to exercise or implement his
14 best professional judgment or corresponding responsibility with regard to the dispensing or
15 furnishing of controlled substances, dangerous drugs. Complainant refers to and by this reference
16 incorporates the allegations set forth above in paragraphs 20 through 36, inclusive, as though set
17 forth fully herein.

18 **OTHER MATTERS**

19 38. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
20 PHY 57173, issued to Nextgen Pharmacy, Inc., doing business as Infinity Pharmacy, Nextgen
21 Pharmacy, Inc. shall be prohibited from serving as a manager, administrator, owner, member,
22 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
23 57173 is placed on probation or until Pharmacy Permit Number 57173 is reinstated if it is
24 revoked.

25 39. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
26 PHY 57173, issued to Nextgen Pharmacy, Inc., doing business as Infinity Pharmacy, while
27 Shapoor Rahimi was an owner or manager and had knowledge of or knowingly participated in
28 any conduct for which the licensee was disciplined, Shapoor Rahimi 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 Pharmacy Permit Number PHY 57173 is placed on probation or until
3 Pharmacy Permit Number PHY 57173 is reinstated if it is revoked.

4 40. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
5 Number RPH 70570, issued to Shapoor Rahimi, he shall be prohibited from serving as a manager,
6 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
7 Pharmacist License Number RPH 70570 is placed on probation or until Pharmacist License
8 Number RPH 70570 is reinstated if it is revoked.

9 **DISCIPLINE CONSIDERATIONS**

10 41. To determine the degree of discipline, if any, to be imposed on Respondent Shapoor
11 Rahimi, Complainant alleges that on or about August 8, 2022, in a prior action, the Board of
12 Pharmacy issued Citation Number CI 2021-96430 for violations of Business and Professions
13 Code section 4081, subdivision (a) [failure to maintain acquisition and disposition records of
14 dangerous drugs] and California Code of Regulations, title 16, section 1761(a) [filling erroneous
15 or uncertain prescriptions]. The Board ordered Respondent to pay a civil penalty of \$1000. That
16 Citation is now final.

17 **PRAYER**

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

20 1. Revoking or suspending Permit Number PHY 57173, issued to Nextgen Pharmacy,
21 Inc., doing business as Infinity Pharmacy;

22 2. Revoking or suspending Pharmacist License Number RPH 70570, issued to Shapoor
23 Rahimi;

24 3. Ordering Infinity Pharmacy and Shapoor Rahimi to pay the Board of Pharmacy the
25 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3; and,

27 4. Prohibiting Nextgen Pharmacy, Inc. from serving as a manager, administrator, owner,
28 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit

1 Number PHY 57173 is placed on probation or until Pharmacy Permit Number PHY 57173 is
2 reinstated if Pharmacy Permit Number 57173 issued to Nextgen Pharmacy, Inc., doing business
3 as Infinity Pharmacy, is revoked;

4 5. Prohibiting Shapoor Rahimi from serving as a manager, administrator, owner,
5 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
6 Number PHY 57173 is placed on probation or until Pharmacy Permit Number PHY 57173 is
7 reinstated if Pharmacy Permit Number 57173 issued to Nextgen Pharmacy, Inc., doing business
8 as Infinity Pharmacy, is revoked; and

9 6. Prohibiting Shapoor Rahimi from serving as a manager, administrator, owner,
10 member officer, director, associate, or partner of a licensee for five years if Pharmacist License
11 Number RPH 70570 is placed on probation or until Pharmacist License Number RPH 70570 is
12 reinstated if Pharmacist License Number RPH 70570 issued to Shapoor Rahimi is revoked; and

13 7. Taking such other and further action as deemed necessary and proper.

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16 DATED: 1/31/2024

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.01.31 19:10:34 -08'00'

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

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