

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

In the Matter of the Accusation Against:

SOHEIL ATTAR,

Pharmacist License No. RPH 70850,

and

**SHERMAN CARE ENTERPRISE, INC. DBA MESA CARE PHARMACY,
BABAK KOHANTEB, SOHEIL ATTAR,**

Pharmacy Permit No. PHY 57998,

Respondents.

Agency Case No. 7682

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 September 17, 2025.

It is so ORDERED on August 18, 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" and "O".

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

12 In the Matter of the Accusation Against:

Case No. 7682

13 **SOHEIL ATTAR**
14 **5450 Nestle Ave**
15 **Tarzana, CA 91356**

16 **Pharmacist License No. RPH 70850,**

17 **and**

18 **SHERMAN CARE ENTERPRISE, INC.**
19 **DBA MESA CARE PHARMACY, BABAK**
20 **KOHANTEB, SOHEIL ATTAR**
21 **7218 Van Nuys Blvd, Ste. B**
22 **Van Nuys, CA 91405**

23 **Pharmacy Permit No. PHY 57998**

24 Respondents.

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER ONLY AS TO
RESPONDENT SOHEIL ATTAR**

25 In the interest of a prompt and speedy settlement of this matter, consistent with the public
26 interest and the responsibility of the Board of Pharmacy (“Board”) of the Department of
27 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
28 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 Soheil Attar in his individual
capacity as a licensed pharmacist. It does not apply to Respondent Sherman Care Enterprise, Inc.,
doing business as Mesa Care Pharmacy, Babak Kohanteb, Chief Executive Officer, 51%

1 Shareholder, President, Treasurer/Chief Financial Officer, and Director since December 7, 2020,
2 Soheil Attar, Secretary, 49% Shareholder, and Director since April 11, 2018 (“Respondent Mesa
3 Care 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 Attar is represented in this proceeding by attorney Rob Cucher, whose
10 address is: 9454 Wilshire Boulevard, Suite 600, Beverly Hills, CA 90212-2980.

11 3. On or about August 6, 2014, the Board of Pharmacy issued Pharmacist License
12 Number RPH 70850 to Respondent Attar. The Pharmacist License was in full force and effect at
13 all times relevant to the charges brought herein and will expire on September 30, 2025, unless
14 renewed.

15 **JURISDICTION**

16 4. Accusation No. 7682 was filed before the Board, Department of Consumer Affairs
17 and is currently pending against Respondent Attar. The Accusation and all other statutorily
18 required documents were properly served on Respondent Attar on February 22, 2024.
19 Respondent Attar timely filed his Notice of Defense contesting the Accusation. A copy of
20 Accusation No. 7682 is attached as **Exhibit A** and incorporated herein by reference.

21 **ADVISEMENT AND WAIVERS**

22 5. Respondent Attar has carefully read, fully discussed with counsel, and understands
23 the charges and allegations in Accusation No. 7682. Respondent Attar has also carefully read,
24 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
25 Disciplinary Order.

26 6. Respondent Attar is fully aware of his legal rights in this matter, including the right to
27 a hearing on the charges and allegations in the Accusation; the right to confront and cross-
28 examine the witnesses against him; the right to present evidence and to testify on his own behalf;

1 the right to the issuance of subpoenas to compel the attendance of witnesses and the production of
2 documents; the right to reconsideration and court review of an adverse decision; and all other
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

4 7. Respondent Attar voluntarily, knowingly, and intelligently waives and gives up each
5 and every right set forth above.

6 **CULPABILITY**

7 8. Respondent Attar admits the truth of each and every charge and allegation in
8 Accusation No. 7682. Respondent Attar agrees that his Pharmacist License is subject to
9 discipline and he agrees to be bound by the Disciplinary Order below.

10 **CONTINGENCY**

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

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

24 11. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH 70850 issued to Respondent
8 Soheil Attar is revoked. However, the revocation is stayed and Respondent Attar is placed on
9 probation for one (1) year on the following terms and conditions:

10 **STANDARD CONDITIONS OF PROBATIONS**

11 **1. Obey All Laws**

12 Respondent Attar shall obey all state and federal laws and regulations.

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

- 15 • an arrest or issuance of a criminal complaint, information, or indictment for
16 violation of any state and federal laws
- 17 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
18 criminal proceeding to any criminal complaint, information or indictment
- 19 • a conviction of any crime
- 20 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another

21 administrative action filed by any state or federal agency.

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

23 **2. Report to the Board**

24 Respondent Attar shall report to the Board quarterly, on a schedule as directed by the
25 Board. The report shall be made either in person or in writing, as directed. Among other
26 requirements, Respondent Attar shall state in each report under penalty of perjury whether there
27 has been compliance with all the terms and conditions of probation.

28

1 Failure to submit timely reports in a form as directed shall be considered a violation of
2 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
3 total period of probation. Moreover, if the final probation report is not made as directed,
4 probation shall be automatically extended until such time as the final report is made and accepted
5 by the Board.

6 **3. Interview with the Board**

7 Upon receipt of reasonable prior notice, Respondent Attar shall participate as directed for
8 interviews with the Board, at such intervals and locations as are determined by the Board. Failure
9 to appear for any scheduled interview without prior notification to Board staff, or failure to
10 appear for two (2) or more scheduled interviews with the Board during the period of probation,
11 shall be considered a violation of probation.

12 **4. Cooperate with Board Staff**

13 Respondent Attar shall timely cooperate with the Board's inspection program and with the
14 Board's monitoring and investigation of Respondent Attar's compliance with the terms and
15 conditions of their probation, including but not limited to: timely responses to requests for
16 information by Board staff; timely compliance with directives from Board staff regarding
17 requirements of any term or condition of probation; and timely completion of documentation
18 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a
19 violation of probation.

20 **5. Continuing Education**

21 Respondent Attar shall provide evidence of efforts to maintain skill and knowledge as a
22 pharmacist as directed by the Board and in compliance with Title 16 California Code of
23 Regulations section 1732.3.

24 **6. Reporting of Employment and Notice to Employers**

25 During the period of probation, Respondent Attar shall notify all present and prospective
26 employers of the decision in case number 7682 and the terms, conditions and restrictions imposed
27 on Respondent Attar by the decision, as follows:
28

1 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
2 undertaking any new employment, Respondent Attar shall report to the Board in writing the
3 name, physical address, and mailing address of each of their employer(s), and the name(s),
4 telephone number(s), and email address(es) of all of their direct supervisor(s), as well as any
5 pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other
6 compliance supervisor(s) and the work schedule, if known. Respondent Attar shall also include
7 the reason(s) for leaving the prior employment and the last day worked. Respondent Attar shall
8 sign and return to the Board a written consent authorizing the Board to communicate with all of
9 Respondent Attar's employer(s) and supervisor(s), and authorizing those employer(s) or
10 supervisor(s) to communicate with the Board, concerning Respondent Attar's work status,
11 performance, and monitoring. Failure to comply with the requirements or deadlines of this
12 condition shall be considered a violation of probation.

13 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
14 Respondent Attar undertaking any new employment, Respondent Attar shall cause (a) their direct
15 supervisor, (b) their pharmacist-in-charge, designated representative-in-charge, responsible
16 manager, or other compliance supervisor, and (c) the owner or owner representative of their
17 employer, to report to the Board in writing acknowledging that the listed individual(s) has/have
18 read the decision in case number 7682, and the terms and conditions imposed thereby. If one
19 person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so
20 state. It shall be the Respondent Attar's responsibility to ensure that these acknowledgment(s) are
21 timely submitted to the Board. In the event of a change in the person(s) serving the role(s)
22 described in (a), (b), or (c) during the term of probation, Respondent Attar shall cause the
23 person(s) taking over the role(s) to report to the Board in writing within fifteen (15) days of the
24 change acknowledging that they have read the decision in case number 7682, and the terms and
25 conditions imposed thereby.

26 If Respondent Attar works for or is employed by or through an employment service,
27 Respondent Attar must notify the person(s) described in (a), (b), and (c) above at every entity
28 licensed by the Board of the decision in case number 7682, and the terms and conditions imposed

1 thereby in advance of Respondent Attar commencing work at such licensed entity. A record of
2 this notification must be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of Respondent Attar undertaking any new employment by or through an employment
5 service, Respondent Attar shall cause the person(s) described in (a), (b), and (c) above at the
6 employment service to report to the Board in writing acknowledging that they have read the
7 decision in case number 7682, and the terms and conditions imposed thereby. It shall be
8 Respondent Attar's responsibility to ensure that these acknowledgment(s) are timely submitted to
9 the Board.

10 Failure to timely notify present or prospective employer(s) or failure to cause the identified
11 person(s) with that/those employer(s) to submit timely written acknowledgments to the Board
12 shall be considered a violation of probation.

13 "Employment" within the meaning of this provision includes any full-time, part-time,
14 temporary, relief, or employment/management service position as a(n) Pharmacist License, or any
15 position for which a Pharmacist License is a requirement or criterion for employment, whether
16 the Respondent Attar is an employee, independent contractor or volunteer.

17 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

18 Respondent Attar shall further notify the Board as directed within ten (10) days of any
19 change in name, residence address, mailing address, e-mail address or phone number.

20 Failure to timely notify the Board of any change in employer, name, address, or phone
21 number, within 10 days of the change, shall be considered a violation of probation.

22 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

23 During the period of probation, Respondent Attar shall not supervise any intern pharmacist
24 or serve as a consultant to any entity licensed by the Board. Respondent Attar may be a
25 pharmacist-in-charge, designated representative-in-charge, responsible manager, designated
26 individual (as defined in USP, including an individual responsible and accountable for the
27 performance and operations of the facility and personnel, in the preparation of compounded
28 products), or other compliance supervisor of any single entity licensed by the Board, but only if

1 Respondent Attar or that entity retains, at their own expense, an independent consultant who shall
2 be responsible for reviewing the operations of the entity on a quarterly basis for compliance by
3 Respondent Attar and the entity with state and federal laws and regulations governing the practice
4 of the entity, and compliance by Respondent Attar with the obligations of their supervisory
5 position. The consultant shall have education, training, and professional experience to be able to
6 provide guidance to Respondent Attar related to the causes for discipline in Case No. 7682.
7 Respondent Attar may serve in such a position at only one entity licensed by the Board, only
8 upon approval by the Board. Any such approval shall be site specific. The consultant shall be a
9 pharmacist licensed by and not on probation with the Board or other professional as appropriate
10 and not on probation with the Board, who has been approved by the Board to serve in this
11 position. Respondent Attar shall submit the name of the proposed consultant to the Board for
12 approval within thirty (30) days of the effective date of the decision or prior to assumption of
13 duties allowed in this term. Assumption of any unauthorized supervision responsibilities shall be
14 considered a violation of probation. In addition, failure to timely seek approval for, timely retain,
15 or ensure timely reporting by the consultant shall be considered a violation of probation.

16 **9. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, Respondent Attar shall pay
18 to the Board its costs of investigation and prosecution in the amount of \$15,070.75. Respondent
19 Attar understands that he and Respondent Mesa Care Pharmacy are jointly and severally liable for
20 payment of these costs. If Respondent Attar fails to pay the Board costs as ordered, Respondent
21 Attar shall not be allowed to renew his Pharmacist License until he pays costs in full.

22 Respondent Attar shall be permitted to pay these costs in a payment plan approved by the
23 Board, so long as full payment is completed no later than one (1) year prior to the end date of
24 probation. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
25 probation.

26 **10. Probation Monitoring Costs**

27 Respondent Attar shall pay any costs associated with probation monitoring as determined
28 by the Board each and every year of probation. Such costs shall be payable to the Board on a

1 schedule as directed by the Board. Failure to pay such costs by the deadline(s) as directed shall
2 be considered a violation of probation.

3 **11. Status of License**

4 Respondent Attar shall, at all times while on probation, maintain an active, current
5 Pharmacist License with the Board, including any period during which suspension or probation is
6 tolled. Failure to maintain an active, current Pharmacist License shall be considered a violation
7 of probation.

8 If Respondent Attar's Pharmacist License expires or is cancelled by operation of law or
9 otherwise at any time during the period of probation, including any extensions thereof due to
10 tolling or otherwise, upon renewal or reapplication Respondent Attar's license shall be subject to
11 all terms and conditions of this probation not previously satisfied.

12 **12. License Surrender While on Probation**

13 Following the effective date of this decision, should Respondent Attar cease practice due to
14 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
15 Respondent Attar may relinquish their license, including any indicia of licensure issued by the
16 Board, along with a request to surrender the license. The Board shall have the discretion whether
17 to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal
18 acceptance of the surrender of the license, Respondent Attar will no longer be subject to the terms
19 and conditions of probation. This surrender constitutes a record of discipline and shall become a
20 part of the Respondent Attar's license history with the Board.

21 Upon acceptance of the surrender, Respondent Attar shall relinquish their pocket and/or
22 wall license, including any indicia of licensure not previously provided to the Board within ten
23 (10) days of notification by the Board that the surrender is accepted if not already provided.
24 Respondent Attar may not reapply for any license from the Board for three (3) years from the
25 effective date of the surrender. Respondent Attar shall meet all requirements applicable to the
26 license sought as of the date the application for that license is submitted to the Board, including
27 any outstanding costs.

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1 **13. Practice Requirement – Extension of Probation**

2 Except during periods of suspension, Respondent Attar shall, at all times while on
3 probation, be employed as a pharmacist in California for a minimum of 80 hours per calendar
4 month. Any month during which this minimum is not met shall extend the period of probation by
5 one month. During any such period of insufficient employment, Respondent Attar must
6 nonetheless comply with all terms and conditions of probation, unless Respondent Attar receives
7 a waiver in writing from the Board.

8 If Respondent Attar does not practice as a pharmacist in California for the minimum
9 number of hours in any calendar month, for any reason (including vacation), Respondent Attar
10 shall notify the Board in writing within ten (10) days of the conclusion of that calendar month.
11 This notification shall include at least: the date(s), location(s), and hours of last practice; the
12 reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which
13 Respondent Attar will resume practice at the required level. Respondent Attar shall further notify
14 the Board in writing within ten (10) days following the next calendar month during which
15 Respondent Attar practices as a pharmacist in California for the minimum of hours. Any failure
16 to timely provide such notification(s) shall be considered a violation of probation.

17 It is a violation of probation for Respondent Attar’s probation to be extended pursuant to
18 the provisions of this condition for a total period, counting consecutive and non-consecutive
19 months, exceeding thirty-six (36) months. The Board may post a notice of the extended probation
20 period on its website.

21 **14. Violation of Probation**

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

1 If Respondent Attar violates probation in any respect, the Board, after giving Respondent
2 Attar notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
3 order that was stayed. If a petition to revoke probation or an accusation is filed against
4 Respondent Attar during probation, or the preparation of an accusation or petition to revoke
5 probation is requested from the Office of the Attorney General, the Board shall have continuing
6 jurisdiction and the period of probation shall be automatically extended until the petition to
7 revoke probation or accusation is heard and decided.

8 **15. Completion of Probation**

9 Upon written notice by the Board indicating successful completion of probation,
10 Respondent Attar's license will be fully restored.

11 **16. Ethics Course**

12 Within sixty (60) calendar days of the effective date of this decision, Respondent Attar shall
13 enroll in a course in ethics, at Respondent Attar's expense, approved in advance by the Board or
14 its designee that complies with Title 16 California Code of Regulations section 1773.5.
15 Respondent Attar shall provide proof of enrollment upon request. Respondent Attar is required to
16 complete the 6-month and 12- month ethics follow up courses in order to be compliance with this
17 condition. Within five (5) days of completion, respondent shall submit a copy of the certificate of
18 completion to the Board or its designee.

19 **17. No New Ownership or Management of Licensed Premises**

20 Respondent Attar shall not acquire any new ownership, legal or beneficial interest nor serve
21 as a manager, administrator, member, officer, director, trustee, associate, or partner of any
22 additional business, firm, partnership, or corporation licensed by the Board. If Respondent Attar
23 currently owns or has any legal or beneficial interest in, or serves as a manager, administrator,
24 member, officer, director, trustee, associate, or partner of any business, firm, partnership, or
25 corporation currently or hereinafter licensed by the Board, Respondent Attar may continue to
26 serve in such capacity or hold that interest, but only to the extent of that position or interest as of
27 the effective date of this decision. Violation of this restriction shall be considered a violation of
28 probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Rob D. Cucher, Esq. 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: _____
SOHEIL ATTAR
Respondent

I have read and fully discussed with Respondent Soheil Attar the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
ROB D. CUCHER, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order Only as to Respondent Soheil Attar is hereby respectfully submitted for consideration by the Board of Pharmacy.

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

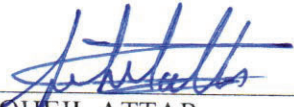
STEPHEN D. SVETICH
Deputy Attorney General
Attorneys for Complainant

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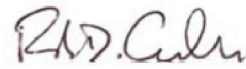
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DATED: 7/23/2025 
SOHEIL ATTAR
Respondent

I have read and fully discussed with Respondent Soheil Attar the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/24/2025 
ROB D. CUCHER, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order Only as to Respondent Soheil Attar is hereby respectfully submitted for consideration by the Board of Pharmacy.

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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DATED: _____
SOHEIL ATTAR
Respondent


I have read and fully discussed with Respondent Soheil Attar the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
ROB D. CUCHER, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order Only as to Respondent Soheil Attar is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: July 29, 2025

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. 7682

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
6 Facsimile: (916) 731-2126
E-mail: Stephen.Svetich@doj.ca.gov
7 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 7682

14 **SHERMAN CARE ENTERPRISE, INC.**
15 **DBA MESA CARE PHARMACY, BABAK**
16 **KOHANTEB, CEO, 51%**
17 **SHAREHOLDER, PRESIDENT,**
18 **TREASURER/CHIEF FINANCIAL**
19 **OFFICER, AND DIRECTOR, SOHEIL**
20 **ATTAR, SECRETARY, 49%**
21 **SHAREHOLDER, AND DIRECTOR**
22 **7218 Van Nuys Blvd, Ste. B**
23 **Van Nuys, CA 91405**

ACCUSATION

24 **Pharmacy Permit No. PHY 57998,**

25 **and**

26 **SOHEIL ATTAR**
27 **5450 Nestle Ave**
28 **Tarzana, CA 91356**

Pharmacist License No. RPH 70850

Respondents.

///

///

1 **PARTIES**

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

5 2. On or about December 7, 2020, the Board issued Pharmacy Permit Number PHY
6 57998 to Sherman Care Enterprise, Inc., doing business as Mesa Care Pharmacy, Babak
7 Kohanteb, Chief Executive Officer, 51% Shareholder, President, Treasurer/Chief Financial
8 Officer, and Director since December 7, 2020, Soheil Attar, Secretary, 49% Shareholder, and
9 Director since April 11, 2018 (“Respondent Mesa Care Pharmacy”). The Pharmacy Permit was
10 in full force and effect at all times relevant to the charges brought herein and will expire on
11 December 1, 2024, unless renewed.

12 3. On or about August 6, 2014, the Board of Pharmacy issued Pharmacist License
13 Number RPH 70850 to Soheil Attar (“Respondent Attar”). The Pharmacist License was in full
14 force and effect at all times relevant to the charges brought herein and will expire on September
15 30, 2025, unless renewed.¹ At all times relevant to the allegations and charges herein,
16 Respondent Attar was the Pharmacist-in-Charge (“PIC”) of Respondent Mesa Care Pharmacy.

17 **JURISDICTION**

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

21 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
22 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
23 disciplinary action during the period within which the license may be renewed, restored, reissued
24 or reinstated.

25 ///

26 ///

27 _____
28 ¹ Respondent Mesa Care Pharmacy and Respondent Attar are referred to collectively
herein as “Respondents.”

1 6. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 7. Section 4300, subdivision (a) of the Code provides that every license issued by the
5 Board may be suspended or revoked.

6 8. Section 4300.1 of the Code states:

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

12 9. Section 4302 of the Code states, “[t]he board may deny, suspend, or revoke any
13 license where conditions exist in relation to any person holding 10 percent or more of the
14 ownership interest or where conditions exist in relation to any officer, director, or other person
15 with management or control of the license that would constitute grounds for disciplinary action
16 against a licensee.”

17 10. Section 4307 of the Code states:

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

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

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

7 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
8 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
9 Code. However, no order may be issued in that case except as to a person who is named in
10 the caption, as to whom the pleading alleges the applicability of this section, and where the
11 person has been given notice of the proceeding as required by Chapter 5 (commencing with
12 Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed
13 as provided by this subdivision shall be in addition to the board's authority to proceed under
14 Section 4339 or any other provision of law.

11 STATUTORY PROVISIONS

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

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

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

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

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

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

24

25 (c) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance
26 with all state and federal laws and regulations pertaining to the practice of
27 pharmacy...

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

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

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

5

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

8

9 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
10 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

11

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

14

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

20

21 15. Section 4306.5 of the Code states:

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

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

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

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

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

1 **HEALTH AND SAFETY CODE STATUTES**

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

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

15 **STATE REGULATORY PROVISION**

16 17. California Code of Regulations, title 16, section 1735, states in pertinent part:

17 (a) "Compounding" means any of the following activities occurring in a
18 licensed pharmacy, by or under the supervision of a licensed pharmacist, pursuant to
19 a prescription:

20 (1) Altering the dosage form or delivery system of a drug

21 (2) Altering the strength of a drug

22 (3) Combining components or active ingredients

23 (4) Preparing a compounded drug preparation from chemicals or bulk drug
24 substances

25

26 (c) The parameters and requirements stated by Article 4.5 (Section 1735 et
27 seq.) apply to all compounding practices. Additional parameters and requirements
28 applicable solely to sterile compounding are stated by Article 7 (Section 1751 et
seq.).

18 18. California Code of Regulations, title 16, section 1735.2, states in pertinent part:

19

20 (e) A drug preparation shall not be compounded until the pharmacy has first
21 prepared a written master formula document that includes at least the following
22 elements:

23

24 (3) The maximum allowable beyond use date for the preparation, and
25 the rationale or reference source justifying its determination.

26

1 (6) Quality reviews required at each step in preparation of the drug.

2 (7) Post-compounding process or procedures required, if any.

3 (8) Instructions for storage and handling of the compounded drug
4 preparation.

5

6 (k) Prior to allowing any drug product preparation to be compounded in a
7 pharmacy, the pharmacist-in-charge shall complete a self-assessment for
8 compounding pharmacies developed by the board (Incorporated by reference is
9 "Community Pharmacy & Hospital Outpatient Pharmacy Compounding Self-
10 Assessment" Form 17M-39 Rev. 1/22) as required by Section 1715 of Title 16,
11 Division 17, of the California Code of Regulations. That form contains a first
12 section applicable to all compounding, and a second section applicable to sterile
13 injectable compounding. The first section must be completed by the pharmacist-in-
14 charge before any compounding is performed in the pharmacy. The second section
15 must be completed by the pharmacist-in-charge before any sterile compounding is
16 performed in the pharmacy. The applicable sections of the self-assessment shall
17 subsequently be completed before July 1 of each odd-numbered year, within 30
18 days of the start date of a new pharmacist-in-charge or change of location, and

19 the self-assessment is to promote compliance through self-examination and
20 education.

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

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

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

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

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

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

(5) The date compounded; and

(6) The lot number or pharmacy reference number.

29

30 (c) Any compounded drug preparation dispensed to a patient or readied for
31 dispensing to a patient shall also include, on the container label or on a receipt
32 pharmacy.

33

1 20. California Code of Regulations, title 16, section 1735.5, states in pertinent part:

2 (a) Any pharmacy engaged in compounding shall maintain written policies

3
4 written policies and procedures shall constitute a basis for disciplinary action.

5
6 21. California Code of Regulations, title 16, section 1761, states:

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

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

12 **FEDERAL REGULATORY AUTHORITY**

13 22. Code of Federal Regulations, title 21, section 1306.04, states:

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

20

21 **COST RECOVERY**

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

26 ///

27 ///

DEFINITIONS

24. The following 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
N/A	Fentanyl	Yes	Yes - Schedule II per Health and Safety Code § 11055, subd. (c)(8)	Severe Pain
Oxycontin	Oxycodone Extended Release	Yes	Yes - Schedule II per Health and Safety Code § 11055, subd. (b)(1)(M)	Severe Pain

FACTUAL ALLEGATIONS

Background Information on Opioids and Corresponding Responsibility

25. 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.

26. The Controlled Substance Utilization Review and Evaluation System (“CURES”) requires mandatory daily pharmacy reporting of dispensed schedule II-IV medications and controlled substances. The data is collected statewide. The Prescription Drug Monitoring Program (“PDMP”) is a component of CURES accessible to pharmacists and prescribers. All practitioners licensed to prescribe or dispense scheduled medications were required by law to sign up for PDMP by July 1, 2016. The data in the PDMP is used by prescribers and pharmacists to aid in determining whether patients are utilizing their controlled substances safely and appropriately, ensuring they are not obtaining medical care from multiple prescribers, frequenting

1 multiple pharmacies, obtaining early refills of controlled substances, travelling far distances to
2 prescribers or pharmacies, consistently paying cash for their controlled substance prescriptions, or
3 attempting to fill high dose opioids or benzodiazepines when they are naïve to either medication.

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

- 11 i. Irregularities on the face of the prescription;
- 12 ii. Nervous patient demeanor; age or presentation of a patient (e.g., a youthful patient
13 seeking chronic pain medications);
- 14 iii. Multiple patients at the same address;
- 15 iv. Cash payments;
- 16 v. Requests for early refills of prescriptions; prescriptions written for an unusually large
17 quantity of drugs;
- 18 vi. Prescriptions written for potentially duplicative drugs;
- 19 vii. The same combinations of drugs prescribed for multiple patients;
- 20 viii. Initial prescriptions written for strong opiates;
- 21 ix. Long distances traveled from the patient’s home to the prescriber’s office or to the
22 pharmacy;
- 23 x. Irregularities in the prescriber’s qualifications in relation to the medication(s)
24 prescribed;
- 25 xi. Prescriptions that are written outside of the prescriber’s medical specialty;
- 26 xii. Prescriptions for medications with no logical connection to diagnosis or treatment;

27 ///

28 ///

1 conducted an inspection at Respondent Mesa Care Pharmacy on September 7, 2022. During
2 the inspection, Respondent Attar told the Board investigator that he recently purchased the
3 pharmacy. After the Board's inspector observed compounding supplies in the pharmacy's
4 hallway shelves, Respondent Attar denied that Respondents did any compounding.
5 Respondent Attar told the Board's investigator that Respondents had compounding supplies
6 because he was preparing a compounding room for certifications so that Respondents could
7 compound in the future. The Board inspector observed several compounding products,
8 including flavors and fentanyl powder. Respondent Attar stated that he received those
9 products from another pharmacy owner who closed his pharmacy.

10 31. Respondents' compounding room was behind a closed door in the main
11 pharmacy. It had an outside vented hood, mill, two scales, mixer, and a sink. During the
12 inspection, the Board investigator asked Respondent Attar several times if he was doing non-
13 sterile compounding. Respondent Attar denied that he was doing non-sterile compounding
14 each time he was asked.

15 32. Later during the inspection, the Board investigator observed a three-ring binder
16 which had invoices from compounding suppliers. One of the invoices was for fentanyl for
17 Respondent Mesa Care. Once the Board's inspector found the invoice, Respondent admitted
18 that he did compounding for one patient, T. S. Respondent Attar told the Board investigator
19 that he first compounded fentanyl for T. S. in June 2022, and the prescription came from an
20 oncologist. Respondent Attar stated that T. S. had gastric cancer and skin cancer.

21 33. The Board inspector requested and received documents and records from
22 Respondents regarding the compounded fentanyl dispensed by Respondents. The Board
23 inspector received and reviewed Respondents' dispensing reports for fentanyl by the
24 National Drug Code ("NDC") number of the bottle. Upon reviewing these reports, the
25 Board's inspector identified two other patients, J. W. and K. G., who also received
26 compounded fentanyl prescriptions from Respondents. Respondent told the Board's
27 inspector that J. W. was a cancer patient receiving fentanyl from an oncologist.
28

34. Respondent Attar admitted to the Board’s investigator that Respondents did not have any documentation in reference to T. S., J. W., or K. G.’s medical diagnoses and that Respondents did not have any notes in the computer in reference to T. S., J. W., or K. G.’s prescriptions.

35. Notably, prescriber A. B., who issued the prescriptions at issue for T. S. and J. W., is not an oncologist. On the date of the inspection, A. B.’s website indicated that A. B. specialized in cosmetic surgery, anti-aging medicine, pain management, internal medicine, and addiction medicine.

36. Upon reviewing the prescriptions Respondents filled for T. S., J. W., or K. G., the Board investigator identified the following problematic prescriptions, all for Fentanyl 6400 mcg lozenges:

**TABLE NUMBER 2
Irregular Prescriptions of Concern**

Number	Patient	Rx #	Date Filled	Quantity of Fentanyl 6400 mcg Lozenges	Prescriber	Payment Type
1	T. S.	550124	5/31/2023	340	A. B.	\$10,859.71 by insurance
2	T. S.	550123	5/20/2023	340	A. B.	\$10,644.75 by insurance
3	T. S.	2000025	7/19/2022	340	A. B.	\$10,644.72 by insurance
4	T. S.	2000007	7/5/2022	340	A. B.	\$10,602.02 by insurance
5	T. S.	2000024	8/5/2022	340	A. B.	\$0
6	T. S.	550122	8/17/2022	340	A. B.	\$12,857.09 private payment
7	T. S.	2000060	9/1/2022	340	A. B.	\$0
8	J. W.	550130	5/31/2022	310	A. B.	\$9,668.75 by insurance
9	J. W.	550131	5/31/2022	310	A. B.	\$9,671.93 by insurance
10	J. W.	2000005	7/5/2022	310	A. B.	\$9,668.72 by insurance
11	J. W.	2000028	7/19/2022	310	A. B.	\$9,675.02 by insurance
12	J. W.	2000028	7/19/2022	310	A. B.	\$9,671.02 by insurance

13	J. W.	2000023	8/2/2022	310	A. B.	\$9,662.70 by insurance
14	J. W.	550128	8/17/2022	310	A. B.	\$9,662.70 by insurance
15	J. W.	2000061	9/1/2022	310	A. B.	\$0
16	K. G.	2000030	7/15/2022	360	A. K.	\$0
17	K. G.	2000047	8/12/2022	360	A. K.	\$13,602.80 private payment

37. Respondents' records revealed that T. S.' prescriptions outlined in Table 2, above, were picked up by a "friend," a "brother," or by T. S. The signatures used to pick up T. S.' prescriptions varied, and least two different people picked up T. S.' prescriptions. Prescription Numbers 2000005 and 2000028, issued to J. W., were to be delivered to "Thomas" or T. S. There were additional anomalies, such as T. S. and J. W. picking up their prescriptions at the same time, that should have alerted Respondents of irregularities in the prescriptions for fentanyl lozenges issued to T. S. and J. W.:

- i. On June 6, 2022, J. W. picked up Prescription No. 550131 at 10:09 a.m., and T. S. picked up Prescription No. 550124 at 10:10 a.m.
- ii. On August 4, 2022, both T. S. and J. W. (delivered to T. S.) picked up prescriptions for fentanyl lozenges at 12:11 p.m.
- iii. On July 21, 2022, T. S. picked up Prescription No. 2000025 at 12:25 p.m., and J. W. (via T. S.) picked up Prescription No. 2000028 at 12:27 p.m.
- iv. On July 7, 2022, T. S. picked up Prescription No. 2000007 at 10:43 a.m., and J. W. (via T. S.) picked up Prescription No. 2000005 at 10:44 a.m.
- v. T. S. received two prescriptions (2000024 and 2000060) on September 1, 2022 at 11:46 a.m. T. S. signed for one of them, and a friend signed for the other.

38. In addition to the anomalies regarding the prescription pickups for T. S. and J. W., the prescriptions outlined in Table 2, above, also presented the following additional red flags that Respondents should have cleared before dispensing the prescriptions:

- i. The prescriptions for T. S., J. W., and K. G. were for extremely high doses of Schedule 2 narcotics. The prescriptions for T. S. called for 2,176 mg of fentanyl per dispensing. The prescriptions for J. W. called for 1,984 mg of fentanyl per

1 dispensing. And the prescriptions for K. G. called for 2,304 mg of fentanyl per
2 dispensing. For comparison, there are two transmucosal fentanyl products on
3 the market, and the product offering a higher dosage maxes out as 48 mg of
4 fentanyl per dispensing.

5 ii. T. S. resided far away from both Dr. A. B.'s office and Respondent Mesa Care
6 Pharmacy. One address was 67 miles⁴ from Dr. A. B.'s office and 50 miles
7 away from Respondent Mesa Care Pharmacy. The other address was 50 miles
8 from Dr. A. B.'s office and 35 miles away from Respondent Mesa Care
9 Pharmacy.

10 iii. J. W. resided far away from both Dr. A. B.'s office and Respondent Mesa Care
11 Pharmacy. J. W.'s address was 68 miles from Dr. A. B.'s office and 52 miles
12 away from Respondent Mesa Care Pharmacy.

13 iv. Respondents received large private payments and high insurance reimbursements
14 from both T. S., J. W., and K. G.

15 v. The same prescriber, Dr. A. B., prescribed the same extremely high dosage of
16 fentanyl with identical directions for both T. S. and J. W.

17 vi. Dr. A. B. was not an oncologist.

18 vii. T. S. and J. W. picked up the prescription at approximately the same day and time
19 on several occasions.

20 viii. Fentanyl is an extremely addictive drug with a high probability of abuse and
21 illicit black market sales.

22 ix. The prescriptions issued to T. S. and J. W. were for the same dosage and included
23 the same instructions.

24 x. The patients made large cash payments for these prescriptions.

25
26
27
28

⁴ The approximate distances noted herein are based on directions provided by Google
Maps.

1 operating procedures related to compounding prior to compounding fentanyl 6400
2 mcg lozenges.

3 iii. Section 1735.2(e): As of the inspection on September 7, 2022, Respondent Mesa
4 Care Pharmacy did not have a master formula for fentanyl 6400 mcg lozenges prior
5 to compounding fentanyl 6400 mcg lozenges.

6 iv. Section 1761, subdivisions (a) and (b): Respondent Attar dispensed prescriptions
7 which contained significant errors, omissions, irregularities, uncertainties,
8 ambiguities or alterations.

9 Complainant refers to and by this reference incorporates the allegations set forth above in
10 paragraphs 24 through 39, inclusive, as though set forth fully herein.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct, Misuse of Education – Respondent Attar)

13 43. Respondent Attar is subject to disciplinary action pursuant to section 4306.5 in that
14 Respondent Attar exhibited unprofessional conduct by inappropriately exercising his education,
15 training, or experience as a pharmacist and/or failing to exercise or implement his best
16 professional judgment or corresponding responsibility with regard to the dispensing or furnishing
17 of controlled substances, dangerous drugs. Complainant refers to and by this reference
18 incorporates the allegations set forth above in paragraphs 24 through 39, inclusive, as though set
19 forth fully herein.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 (Unprofessional Conduct, Dishonesty, Fraud, and Deceit – Respondent Attar)

22 44. Respondent Attar is subject to disciplinary action pursuant to section 4301,
23 subdivision (f), in that on September 7, 2022, Respondent Attar exhibited unprofessional conduct
24 by committing an act involving dishonesty, fraud, or deceit when he repeatedly denied that he or
25 Respondent Mesa Care Pharmacy conducted non-sterile compounding to the Board's inspector.
26 Complainant refers to and by this reference incorporates the allegations set forth above in
27 paragraphs 24 through 38, inclusive, as though set forth fully herein.

OTHER MATTERS

1
2 45. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
3 PHY 57998, issued to Sherman Care Enterprise, Inc., doing business as Mesa Care Pharmacy,
4 Sherman Care Enterprise, Inc. shall be prohibited from serving as a manger, administrator, owner,
5 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
6 Number 57998 is placed on probation or until Pharmacy Permit Number 57998 is reinstated if it
7 is revoked.

8 46. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
9 PHY 57998, issued to Sherman Care Enterprise, Inc., doing business as Mesa Care Pharmacy,
10 while Soheil Attar was an owner or manager and had knowledge of or knowingly participated in
11 any conduct for which the licensee was disciplined, Soheil Attar shall be prohibited from serving
12 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
13 for five years if Pharmacy Permit Number PHY 57998 is placed on probation or until Pharmacy
14 Permit Number PHY 57998 is reinstated if it is revoked

15 47. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
16 Number RPH 70850, issued to Soheil Attar, he shall be prohibited from serving as a manager,
17 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
18 Pharmacist License Number RPH 70850 is placed on probation or until Pharmacist License
19 Number RPH 70850 is reinstated if it is revoked.

PRAYER

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

- 23 1. Revoking or suspending Pharmacy Permit Number PHY 57998, issued to Sherman
24 Care Enterprise, Inc., doing business as Mesa Care Pharmacy;
- 25 2. Revoking or suspending Pharmacist License Number RPH 70850, issued to Soheil
26 Attar;

1 3. Ordering Mesa Care Pharmacy and Soheil Attar to pay the Board of Pharmacy the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 4. Prohibiting Sherman Care Enterprise, Inc. from serving as a manager, administrator,
5 owner, member officer, director, associate, or partner of a licensee for five years if Pharmacy
6 Permit Number PHY 57998 is placed on probation or until Pharmacy Permit Number PHY 57998
7 is reinstated if Pharmacy Permit Number 57998 issued to Sherman Care Enterprise, Inc., doing
8 business as Mesa Care Pharmacy, is revoked;

9 5. Prohibiting Soheil Attar from serving as a manager, administrator, owner, member
10 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
11 PHY 57998 is placed on probation or until Pharmacy Permit Number PHY 57998 is reinstated if
12 Pharmacy Permit Number 57998 issued to Sherman Care Enterprise, Inc., doing business as Mesa
13 Care Pharmacy, is revoked; and

14 6. Prohibiting Soheil Attar from serving as a manager, administrator, owner, member
15 officer, director, associate, or partner of a licensee for five years if Pharmacist License Number
16 RPH 70850 is placed on probation or until Pharmacist License Number RPH 70850 is reinstated
17 if Pharmacist License Number RPH 70850 issued to Soheil Attar is revoked; and

18 7. Taking such other and further action as deemed necessary and proper.
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21 DATED: 2/19/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.02.19 12:47:01
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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