

**10A**

# Nevada State Board of Pharmacy – Renewal Application - PHARMACIST

431 W Plumb Lane • Reno, NV 89509 • bop.nv.gov

For the period of November 1, 2015 to October 31, 2017

**Fee has been paid**

**LICENSE: 18726**

**Moshe Lalehzari**

**1606 S Shenandoah St**

**Los Angeles, CA 90035**

*new address*

*5. Bedford st #5*

*Los Angeles, CA 90035*

Please make any changes to name or address next to the old information

## RENEW BY MAIL

1. Complete **ALL** sections on this form
2. Sign and date this form
3. Send **MO** with this form (do **NOT** staple)
4. Mail **original** form/payment to address above
5. **NO COPIES**
6. **NO SIGNATURE STAMPS ACCEPTED**

**Section 1:** Since your last renewal or recent licensure have you: (Please fill in completely) Yes No

**Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or**

**Physical condition that would impair your ability to perform the essential functions of your license?.....** ☐ ☒

1. Been charged, arrested or convicted of a felony or misdemeanor in any state?..... ☐ ☒

2. Been the subject of a board citation or an administrative action whether completed or pending in any state?..... ☒ ☐

3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?..... ☒ ☐

If you marked **YES** to any of the numbered questions (1-3) above, include the following information & **letter of explanation**:

Board Administrative Action:	State	Date:	Case #:
<i>Probation</i>	<i>CA</i>	<i>10/24/2016</i>	<i>4907</i>
Criminal Action:	State	Date:	Case #:
	<i>/</i>	<i>/</i>	
			County
			Court

**Section 2:** Are you the subject of a court order for the support of a child?..... Yes No

☐ ☒

If you marked **YES** to the question above, are you in compliance with the court order?..... ☐ ☒

**Fee has been paid**

## Section 4: NON-DISCIPLINARY STATE-MANDATED QUESTIONS

1. Though it is **NOT** required to have, SB21 requires the Board to ask if you have a Nevada State Business license and if you do, please provide the #: \_\_\_\_\_ Leave blank if non-applicable

2. Have you ever served in the military, either active, reserve or retired? Yes ☐ No ☒ Branch: \_\_\_\_\_

Military Occupation/Specialty: \_\_\_\_\_ Dates of Service: \_\_\_\_\_

**Section 5:** It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct. I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.

Original Signature: \_\_\_\_\_ Date: *10/20/2017*



printed 12/19/17

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

In the Matter of the Accusation Against:

**COMPLETE INFUSION CARE; ALI  
POURMOLA**  
8588 Venice Blvd.  
Los Angeles, CA 90034  
Pharmacy Permit No. PHY 46839  
Sterile Compounding License No. LSC  
99250,

**ALI POURMOLA**  
P.O. Box 49251  
Los Angeles, CA 90049  
Pharmacist License No. RPH 48035,

and

**MOSHE LALEHZARI**  
1605 S. Shenandoah Street  
Los Angeles, CA 90035  
Pharmacist License No. RPH 59011

Respondent.

Case No. 4907

OAH No. 2015020271

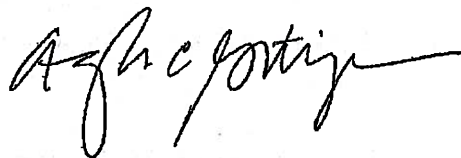
**DECISION AND ORDER**

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 October 24, 2016.

It is so ORDERED on September 23, 2016.

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



By

Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-3465  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4907

11 **COMPLETE INFUSION CARE; ALI**  
12 **POURMOLA**  
8588 Venice Blvd.  
13 Los Angeles, CA 90034  
Pharmacy Permit No. PHY 46839  
14 Sterile Compounding License No. LCS  
99250,

OAH No. 2015020271

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO MOSHE  
LALEHZARI**

15 **ALI POURMOLA**  
16 P.O. Box 49251  
Los Angeles, CA 90049  
17 Pharmacist License No. RPH 48035,

18 and

19 **MOSHE LALEHZARI**  
1606 S. Shenandoah Street  
20 Los Angeles, CA 90035  
Pharmacist License No. RPH 59011

21 Respondent.  
22

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

25 **PARTIES**

26 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
27 She brought this action solely in her official capacity and is represented in this matter by Kamala  
28

1 D. Harris, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney  
2 General.

3 2. Respondent Moshe Lalehzari ("Respondent") is represented in this proceeding by  
4 attorney Tony Park, whose address is: Tony J. Park, Pharm.D., J.D., Law Office of Tony J. Park,  
5 Inc., 2855 Michelle Drive, Suite 180, Irvine, CA 92606-1027.

6 JURISDICTION

7 3. Accusation No. 4907 was filed before the Board of Pharmacy (Board), Department of  
8 Consumer Affairs, and is currently pending against Respondent. The original Accusation and all  
9 other statutorily required documents were properly served on Respondent on September 5, 2014.  
10 Respondent timely filed his Notice of Defense contesting the Accusation. The Accusation was  
11 subsequently amended and the operative Accusation in the matter is the Third Amended  
12 Accusation, which was served on October 26, 2015.

13 4. A copy of the Third Amended Accusation No. 4907 is attached as exhibit A and  
14 incorporated herein by reference.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, fully discussed with counsel, and understands the  
17 charges and allegations in the Third Amended Accusation No. 4907. Respondent has also  
18 carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
19 Settlement and Disciplinary Order.

20 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
21 hearing on the charges and allegations in the Third Amended Accusation; the right to be  
22 represented by counsel at his own expense; the right to confront and cross-examine the witnesses  
23 against him; the right to present evidence and to testify on his own behalf; the right to the  
24 issuance of subpoenas to compel the attendance of witnesses and the production of documents;  
25 the right to reconsideration and court review of an adverse decision; and all other rights accorded  
26 by the California Administrative Procedure Act and other applicable laws.

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

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 4907, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist  
4 License No. 59011.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Third Amended Accusation, and that Respondent hereby gives up his  
8 right to contest those charges.

9 10. Respondent agrees that his Pharmacist License is subject to discipline and he agrees  
10 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 CONTINGENCY

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

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

24 13. 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 14. 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 59011 issued to Respondent  
8 Moshe Lalehzari is revoked. However, the revocation is stayed and Respondent is placed on  
9 probation for four (4) years on the following terms and conditions.

10 1. **Obey All Laws**

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

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

14 X an arrest or issuance of a criminal complaint for violation of any provision of the  
15 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
16 substances laws

17 X a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
18 criminal complaint, information or indictment

19 X a conviction of any crime

20 X discipline, citation, or other administrative action filed by any state or federal agency  
21 which involves respondent's pharmacist license or which is related to the practice of  
22 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
23 for any drug, device or controlled substance.

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

25 2. **Report to the Board**

26 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
27 designee. The report shall be made either in person or in writing, as directed. Among other  
28 requirements, respondent shall state in each report under penalty of perjury whether there has

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

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

13 Respondent shall cooperate with the board's inspection program and with the board's  
14 monitoring and investigation of respondent's compliance with the terms and conditions of his  
15 probation. Failure to cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

17 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
18 pharmacist as directed by the board or its designee.

19 **6. Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective  
21 employers of the decision in case number 4907 and the terms, conditions and restrictions imposed  
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
24 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
25 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
26 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
27 individual(s) has/have read the decision in case number 4907, and terms and conditions imposed  
28



1 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
2 submit timely acknowledgment(s) to the board.

3 If respondent works for or is employed by or through a pharmacy employment service,  
4 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
5 licensed by the board of the terms and conditions of the decision in case number 4907 in advance  
6 of the respondent commencing work at each licensed entity. A record of this notification must be  
7 provided to the board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
9 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
10 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
11 report to the board in writing acknowledging that he has read the decision in case number 4907  
12 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
13 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

14 Failure to timely notify present or prospective employer(s) or to cause that/those  
15 employer(s) to submit timely acknowledgments to the board shall be considered a violation of  
16 probation.

17 "Employment" within the meaning of this provision shall include any full-time,  
18 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
19 position for which a pharmacist license is a requirement or criterion for employment,  
20 whether the respondent is an employee, independent contractor or volunteer.

21 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
22 **Designated Representative-in-Charge, or Serving as a Consultant**

23 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
24 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board  
25 nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
26 unauthorized supervision responsibilities shall be considered a violation of probation.

1           **8. Reimbursement of Board Costs**

2           As a condition precedent to successful completion of probation, respondent shall pay to the  
3 board its costs of investigation and prosecution in the amount of \$1000.00.

4           Failure to pay costs by the deadline as directed shall be considered a violation of probation.

5           The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
6 reimburse the board its costs of investigation and prosecution.

7           **9. Probation Monitoring Costs**

8           Respondent shall pay any costs associated with probation monitoring as determined by the  
9 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
10 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
11 be considered a violation of probation.

12           **10. Status of License**

13           Respondent shall, at all times while on probation, maintain an active, current license with  
14 the board, including any period during which suspension or probation is tolled. Failure to  
15 maintain an active, current license shall be considered a violation of probation.

16           If respondent's license expires or is cancelled by operation of law or otherwise at any time  
17 during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
18 renewal or reapplication respondent's license shall be subject to all terms and conditions of this  
19 probation not previously satisfied.

20           **11. License Surrender While on Probation/Suspension**

21           Following the effective date of this decision, should respondent cease practice due to  
22 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
23 respondent may tender his license to the board for surrender. The board or its designee shall have  
24 the discretion whether to grant the request for surrender or take any other action it deems  
25 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent  
26 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
27 record of discipline and shall become a part of the respondent's license history with the board.  
28

1       Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to  
2 the board within ten (10) days of notification by the board that the surrender is accepted.  
3 Respondent may not reapply for any license from the board for three (3) years from the effective  
4 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
5 of the date the application for that license is submitted to the board, including any outstanding  
6 costs.

7       **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
8 **Employment**

9       Respondent shall notify the board in writing within ten (10) days of any change of  
10 employment. Said notification shall include the reasons for leaving, the address of the new  
11 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
12 shall further notify the board in writing within ten (10) days of a change in name, residence  
13 address, mailing address, or phone number.

14       Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
15 phone number(s) shall be considered a violation of probation.

16       **13. Tolling of Probation**

17       Except during periods of suspension, respondent shall, at all times while on probation, be  
18 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any  
19 month during which this minimum is not met shall toll the period of probation, i.e., the period of  
20 probation shall be extended by one month for each month during which this minimum is not met.  
21 During any such period of tolling of probation, respondent must nonetheless comply with all  
22 terms and conditions of probation.

23       Should respondent, regardless of residency, for any reason (including vacation) cease  
24 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,  
25 respondent must notify the board in writing within ten (10) days of the cessation of practice, and  
26 must further notify the board in writing within ten (10) days of the resumption of practice. Any  
27 failure to provide such notification(s) shall be considered a violation of probation.  
28

1 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months.

4 "Cessation of practice" means any calendar month during which respondent is  
5 not practicing as a pharmacist for at least 40 hours, as defined by Business and  
6 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
7 month during which respondent is practicing as a pharmacist for at least 40 hours as a  
8 pharmacist as defined by Business and Professions Code section 4000 et seq.

9 **14. Violation of Probation**

10 If a respondent has not complied with any term or condition of probation, the board shall  
11 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
12 all terms and conditions have been satisfied or the board has taken other action as deemed  
13 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
14 to impose the penalty that was stayed.

15 If respondent violates probation in any respect, the board, after giving respondent notice  
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
17 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
18 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
19 a petition to revoke probation or an accusation is filed against respondent during probation, the  
20 board shall have continuing jurisdiction and the period of probation shall be automatically  
21 extended until the petition to revoke probation or accusation is heard and decided, and the charges  
22 and allegations in the Accusation shall be deemed true and correct.

23 **15. Completion of Probation**

24 Upon written notice by the board or its designee indicating successful completion of  
25 probation, respondent's license will be fully restored.

26 **16. Remedial Education**

27 Within one year sixty (60) days of the effective date of this decision, respondent shall  
28 submit to the board or its designee, for prior approval, an appropriate program of remedial

1 education related to compounding. The program of remedial education shall consist of at least  
2 ten (10) hours, which shall be completed within twelve months at respondent's own expense. All  
3 remedial education shall be in addition to, and shall not be credited toward, continuing education  
4 (CE) courses used for license renewal purposes.

5 Failure to timely submit or complete the approved remedial education shall be considered a  
6 violation of probation. The period of probation will be automatically extended until such  
7 remedial education is successfully completed and written proof, in a form acceptable to the board,  
8 is provided to the board or its designee.

9 Following the completion of each course, the board or its designee may require the  
10 respondent, at his own expense, to take an approved examination to test the respondent's  
11 knowledge of the course. If the respondent does not achieve a passing score on the examination,  
12 this failure shall be considered a violation of probation. Any such examination failure shall  
13 require respondent to take another course approved by the board in the same subject area.

14 ACCEPTANCE

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
16 discussed it with my attorney, Tony Park. I understand the stipulation and the effect it will have  
17 on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order  
18 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
19 Board of Pharmacy.

20  
21 DATED: 8/5/16


  
22 MOSHE LALEHZARI  
23 Respondent

24 ///

25 ///

26 I have read and fully discussed with Respondent Moshe Lalehzari the terms and conditions  
27 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
28 its form and content.

1  
2 DATED: 08/07/2016

  
Tony Park  
Attorney for Respondent

3  
4  
5 ENDORSEMENT

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

8 Dated:

Respectfully submitted,

9 KAMALA D. HARRIS  
Attorney General of California  
10 MARC D. GREENBAUM  
Supervising Deputy Attorney General

11  
12  
13 LESLIE A. WALDEN  
Deputy Attorney General  
14 *Attorneys for Complainant*

15  
16 LA2013510143  
17 61822185.doc

**Exhibit A**

**Accusation No. 4907**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LESLIE A. WALDEN  
Deputy Attorney General  
4 State Bar No. 196882  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-3465  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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12 **COMPLETE INFUSION CARE;**  
13 **Pharmacy Permit No. PHY 46839,**  
14 **Sterile Compounding License No. LSC**  
**99250**

**THIRD AMENDED ACCUSATION**

15 **ALI POURMOLA**  
16 **Pharmacist License No. RPH 48035**

17 **MOSHE LALEHZARI ;**  
18 **Pharmacist License No. RPH 59011**

19 **8588 Venice Blvd.**  
**Los Angeles, CA 90034**  
20

21 Respondent.  
22

23 Complainant alleges:  
24

**PARTIES**

25 1. Virginia Herold (Complainant) brings this Third Amended Accusation solely in her  
26 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
27 Affairs.  
28





1       "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The  
2 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
3 guilty of unprofessional conduct and who has met all other requirements for licensure. The board  
4 may issue the license subject to any terms or conditions not contrary to public policy, including,  
5 but not limited to, the following:

6       "(1) Medical or psychiatric evaluation.

7       "(2) Continuing medical or psychiatric treatment.

8       "(3) Restriction of type or circumstances of practice.

9       "(4) Continuing participation in a board-approved rehabilitation program.

10       "(5) Abstention from the use of alcohol or drugs.

11       "(6) Random fluid testing for alcohol or drugs.

12       "(7) Compliance with laws and regulations governing the practice of pharmacy.

13       "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
14 certificate of licensure for any violation of the terms and conditions of probation. Upon  
15 satisfactory completion of probation, the board shall convert the probationary certificate to a  
16 regular certificate, free of conditions.

17       "(e) The proceedings under this article shall be conducted in accordance with Chapter 5  
18 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board  
19 shall have all the powers granted therein. The action shall be final, except that the propriety of  
20 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
21 Civil Procedure."

22       8.     Section 4301 of the Code states:

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

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

1       "(g) Knowingly making or signing any certificate or other document that falsely represents  
2 the existence or nonexistence of a state of facts.

3       ...

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

8       "(p) Actions or conduct that would have warranted denial of a license.

9       9.       Section 4300.1 of the Code states:

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

15       10.       Section 4076 of the Code states:

16       "(a) A pharmacist shall not dispense any prescription except in a container that meets the  
17 requirements of state and federal law and is correctly labeled with all of the following:

18       "..."

19       (9) The expiration date of the effectiveness of the drug dispensed.

20       "...."

21       11.       Section 4342 of the Code states:

22       "(a) The board may institute any action or actions as may be provided by law and that, in its  
23 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not  
24 conform to the standard and tests as to quality and strength, provided in the latest edition of the  
25 United States Pharmacopoeia or the National Formulary, or that violate any provision of the  
26 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division  
27 104 of the Health and Safety Code)."

1       “(b) Any knowing or willful violation of any regulation adopted pursuant to Section 4006  
2 shall be subject to punishment in the same manner as is provided in Sections 4336 and 4321.”

3       12. Section 4169 of the Code states:

4       “(a) A person or entity may not do any of the following:

5       “...”

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

9       “...”

10       13. Section 4307 of the Code states:

11       “Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy  
12 Ownership or Association with Board Licensed Entities”

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

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

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

26       “(b) “Manager, administrator, owner, member, officer, director, associate, or partner,” as  
27 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves  
28 in that capacity in or for a licensee.

“(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to 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 as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.”

## REGULATIONS

14. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

15. California Code of Regulations, title 16, section 1751.6, subdivisions (a) (b) and (c) states:

“(a) Consultation shall be available to the patient and/or primary caregiver concerning proper use of sterile injectable products and related supplies furnished by the pharmacy.”

“(b) The pharmacist-in-charge shall be responsible to ensure all pharmacy personnel engaging in compounding sterile injectable drug products shall have training and demonstrated competence in the safe handling and compounding of sterile injectable products, including cytotoxic agents if the pharmacy compounds products with cytotoxic agents.”

“(c) Records of training and demonstrated competence shall be available for each individual and shall be retained for three years beyond the period of employment.”

16. California Code of Regulations, title 16, section 1735.2 subdivision (d)(5), states:

“ ”

1           “(d) A drug product shall not be compounded until the pharmacy has first prepared a  
2 written master formula record that includes at least the following elements:”

3           “...”

4           “(5) Process and/or procedure used to prepare the drug.”

5           17. California Code of Regulations, title 16, section 1735.3 subdivision (a)(7), states:

6           “(a) For each compounded drug product, the pharmacy records shall include:

7           “...”

8           “(7) A pharmacy assigned reference or lot number for the compounded drug  
9 product.”

10          18. California Code of Regulations, title 16, section 1761 subdivision (a) states:

11          “(a) No pharmacist shall compound or dispense any prescription which contains any  
12 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
13 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
14 validate the prescription.”

15          19. California Code of Regulations, title 16, section 1751.2 subdivision (c) states:

16          “In addition to the labeling information required under Business and Professions Code  
17 section 4076 and section 1735.4, a pharmacy which compounds sterile injectable products shall  
18 include the following information on the labels for those products:

19          “...”

20          “(c) Instructions for storage and handling.”

21          “....”

22          20. California Code of Regulations, title 16, section 1735.4 states:

23          “(a) In addition to the labeling information required under Business and Professions Code  
24 section 4076, the label of a compounded drug product shall contain the generic name(s) of the  
25 principal active ingredient(s).”

26          “(b) A statement that the drug has been compounded by the pharmacy shall be included on  
27 the container or on the receipt provided to the patient.”

1 “(c) Drug products compounded into unit-dose containers that are too small or otherwise  
2 impractical for full compliance with subdivisions (a) and (b) shall be labeled with at least the  
3 name(s) of the active ingredient(s), concentration or strength, volume or weight, pharmacy  
4 reference or lot number, and expiration date.”

5 21. California Code of Regulations, title 16, section 1735.3 subdivision (a)(2) states:

6 “(a) For each compounded drug product, the pharmacy records shall include:

7 “...”

8 “(2) The date the drug product was compounded.”

9 “(3) The identity of the pharmacy personnel who compounded the drug product.”

10 “(4) The identity of the pharmacist reviewing the final drug product.”

11 “...”

12 “(6) The manufacturer, expiration date and lot number of each component. If the  
13 manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.  
14 Exempt from the requirements in this paragraph are sterile products compounded on a one-time  
15 basis for administration within seventy-two (72) hours and stored in accordance with standards  
16 for “Redispensed CUPS” found in Chapter 797 of the United States Pharmacopeia - National  
17 Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference,  
18 to an inpatient in a health care facility licensed under section 1250 of the Health and Safety  
19 Code.”

20 “....”

### 21 COSTS

22 22. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licensee 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 ///





1 **SECOND CAUSE FOR DISCIPLINE**

2 [Unprofessional Conduct (Compounding Limitations and Requirements) - Complete Infusion  
3 Care and Moshe Lalehzari]

4 30. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
5 action under Business and Professions Code section 4301, subdivision (o) in conjunction with  
6 California Code of Regulations, title 16, section 1735.2 subdivision (d)(5) where prior to  
7 compounding drug products, Respondents failed to prepare a written master formula record that  
8 included at least a process or procedure used to prepare the drug. The circumstances are as  
9 follows:

10 31. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy  
11 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX  
12 6850 and June 7, 2012 for RX 8437 for patient C.B. prepared by pharmacist-in-charge Moshe  
13 Lalehzari did not have the process or procedure used to prepare and compound the preservative  
14 free non-sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the  
15 Compound Sheet under "Mix Instructions".

16  
17 **THIRD CAUSE FOR DISCIPLINE**

18 [Unprofessional Conduct (Record Keeping of Compounded Drug Products) - Complete Infusion  
19 Care and Moshe Lalehzari]

20 32. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
21 action under Business and Professions Code section 4301, subdivision (o) in conjunction with  
22 California Code of Regulations, title 16, section 1735.3 subdivision (a), which states (a) for each  
23 compounded drug product, the pharmacy records failed to include: (7) the equipment used in  
24 compounding the drug product. The circumstances are as follows:

25 33. On or about October 16, 2012, an onsite inspection by the Board of Pharmacy  
26 revealed that at Complete Infusion Care, the compounding records dated January 23, 2012 for RX  
27  
28

1 6850 and June 7, 2012 for RX 8437 for patient C.B.<sup>1</sup> prepared by pharmacist-in-charge Moshe  
2 Lalehzari did not document the equipment used in the compounding of the preservative free non-  
3 sterile to sterile morphine 50 mg/ml + bupivacaine 30 mg/ml compound on the Compound Sheet.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 [Unprofessional Conduct (Fraudulent Billing) - Complete Infusion Care, Ali Pourmola]

6 34. Respondent Complete Infusion Care and Ali Pourmola are subject to disciplinary  
7 action under Business and Professions Code section 4301, subdivisions (f) and (g) in that  
8 Respondent committed unprofessional conduct due to the commission of acts involving moral  
9 turpitude, dishonesty, fraud, deceit, or corruption, by knowingly making or signing any certificate  
10 or other document that falsely represents the existence or nonexistence of a state of facts. The  
11 circumstances are as follows:

12 35. On or about March 12, 2010, Respondent fraudulently billed Anthem Blue Shield for  
13 services not rendered to patient K.W. as follows:

14 a) Claim #956, Date of Service: February 24, 2010; Service Codes S1015, J0696  
15 and S9500 totaling \$7,438.80.

16 b) Claim #957, Date of Service: February 24, 2010; Service Codes A4216, J1644,  
17 S9590, totaling \$6,686.05.

18 36. On or about July 31, 2011, Respondent fraudulently re-billed Anthem Blue Shield,  
19 changing the codes for services on Patient K.W. on the following dates:

20 a) Claim #6229, Date of Service: February 24, 2010, Service Code S9336 totaling  
21 \$3,500.00.

22 b) Claim #6230, Date of Service: February 24, 2010, Service Code S9336 totaling  
23 \$3,772.50.

24 c) Claim #6231, Date of Service: February 17, 2010, Service Code S5501 totaling  
25 \$6,772.50.

26  
27 <sup>1</sup> The patient's initials are used throughout this pleading in lieu of the patient name in  
28 order to protect patient privacy rights.

1 d) Claim #6232, Date of Service: February 17, 2010, Service Code S9810 totaling  
2 \$4,000.00.

3 e) Claim #6233, Date of Service: February 18, 2010, Service Code 99601 totaling  
4 \$3,500.00.

5 f) Claim #6234, Date of Service: February 19, 2010, Service Code 99601 totaling  
6 \$3,500.00.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 [Sale of Drugs Lacking Quality of Strength - Complete Infusion Care and Moshe Lalehzari]

9 37. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
10 action under Business and Professions Code section 4342 and 4169 subdivision (a)(3) in that  
11 Respondents sold and/or transferred dangerous drugs that a reasonable person would know or  
12 reasonably should have known were misbranded. The circumstances are as follows:

13 38. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe  
14 Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles  
15 CA 90034, dispensed sterile injectable compound Carimune 20gm RX Nos. 7267, 7673, and  
16 8258 with labeled expiration dates of six (6) days, six (6) days and three (3) days, respectively,  
17 after preparation. The manufacturers beyond the use date for Carimune was within twenty-four  
18 hours of reconstitution of the drug. Complete Infusion Care conducted and obtained extended  
19 stability and potency testing results for Carimune on April 25, 2014, but did not have extended  
20 stability and potency data at the time the Carimune was dispensed on March 8, 2012, April 9,  
21 2012, and May 25, 2012.

22 **SIXTH CAUSE FOR DISCIPLINE**

23 [Erroneous or Uncertain Prescription - Complete Infusion Care, Moshe Lalehzari and Ali  
24 Pourmola]

25 39. Respondents Complete Infusion Care, Moshe Lalehzari and Ali Pourmola are subject  
26 to disciplinary action under Business and Professions Code section 4300 in conjunction with  
27 California Code of Regulations, title 16, section 1761 subdivision (a) in that Respondents  
28 dispensed a prescription which contained significant errors, omissions, irregularities,

1 uncertainties, ambiguities, or alterations without contacting the prescriber for clarification. The  
2 circumstances are as follows:

3 40. On or about March 8, 2012, April 9, 2012, and May 22, 2012, Respondents Moshe  
4 Lalehzari and Ali Pourmola while working at Complete Infusion Care located at 8588 Venice  
5 Blvd., Los Angeles CA 90034, dispensed uncertain and ambiguous prescriptions for Carimune  
6 20gm RX, Nos. 7267, 7673, and 8258 to patient E.L.<sup>2</sup> without first clarifying the dose of the  
7 prescriptions with the prescriber. Specifically, E.L.'s Carimune prescriptions were written  
8 incorrectly for a daily dose of "0.4 mg/kg" for a calculated dose of 20mg per day and not the  
9 correct dose of "0.4gm/kg" for a calculated dose of 20gm per day. The prescriptions were  
10 dispensed by Respondents without first obtaining clarification of the correct ordered dose from  
11 the prescriber.

#### 12 **SEVENTH CAUSE FOR DISCIPLINE**

13 [Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

14 41. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
15 action under Business and Professions Code section 4076 subdivision (a)(9) which precludes a  
16 pharmacist from dispensing any prescription unless in a container that is correctly labeled with  
17 the expiration dates of the effectiveness of the drug dispensed. The circumstances are as follows:

18 42. On or about May 25, 2012, Respondent Moshe Lalehzari, while working at Complete  
19 Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034, dispensed five bags of  
20 Carimune RX# 8258 to patient E.L. labeled with the incorrect expiration date of May 28, 2012.  
21 Specifically, on or about May 25, 2012, Respondent Moshe Lalehzari dispensed a five (5) day  
22 course of Carimune 20gm RX # 8258 with a labeled expiration dated of May 28, 2012, which  
23 resulted in the last two (2) days of the five (5) day Carimune doses being labeled as expired at the  
24 time of use.

25  
26 ////

27 <sup>2</sup> Patient initials are used in lieu of real names in order to protect the privacy rights of the  
28 individuals.

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 [Sterile Injectable Labeling Requirements - Complete Infusion Care and Moshe Lalehzari]

3 43. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
4 action under Business and Professions Code section 4076 in conjunction with California Code of  
5 Regulations, title 16, section 1751.2 and 1735.4, which requires a pharmacy that compounds  
6 sterile injectable products to include on the label the instructions for storage and handling. The  
7 circumstances are as follows:

8 44. On or about March 8, 2012 and April 9, 2012, Respondent Moshe Lalehzari while  
9 working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles CA 90034,  
10 dispensed Carimune 20gm RX Nos. 7267 and 7673 labeled with instructions to store medication  
11 at room temperature instead of being stored by the required method of refrigeration.

12 **NINTH CAUSE FOR DISCIPLINE**

13 [Records of Compounding Products - Complete Infusion Care and Moshe Lalehzari]

14 45. Respondents Complete Infusion Care and Moshe Lalehzari are subject to disciplinary  
15 action under Business and Professions Code section 4300 in conjunction with California Code of  
16 Regulations, title 16, section 1735.3 subdivisions (a)(2), (3), (4), (6), and (10), which requires for  
17 each compounded product, that the pharmacy records include the date the drug was compounded,  
18 the identity of the pharmacy personnel who compounded the product, the identity of the  
19 pharmacist reviewing the final product, the manufacturer and a lot number of each component,  
20 and the quantity or amount of the drug compounded. The circumstances are as follows:

21 46. On or about March 8, 2012, April 9, 2012, and May 25, 2012, Respondent Moshe  
22 Lalehzari, while working at Complete Infusion Care located at 8588 Venice Blvd., Los Angeles  
23 CA 90034, dispensed sterile injectable compound Carimune 20gm, RX nos. 7267, 7673 and 8258  
24 without maintaining proper compounding records for each of the products dispensed.

25 **OTHER MATTERS**

26 173. Pursuant to Code section 4307, if discipline is imposed on Pharmacy  
27 Permit Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to  
28 Complete Infusion Care, and Ali Pourmola (Pourmola) while acting as the manager,

1 administrator, owner, member, officer, director, associate, or partner of Complete Infusion Care  
2 had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number  
3 PHY 46939 or Sterile Compounding License Number LSC 99250, issued to Complete Infusion  
4 Care was revoked, suspended or placed on probation, Pourmola shall be prohibited from serving  
5 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
6 for five years if Pharmacy Permit Number PHY 46839 or Sterile Compounding License Number  
7 LSC 99250, issued to Complete Infusion Care is placed on probation or until Pharmacy Permit  
8 Number PHY 46839 or Sterile Compounding License Number LSC 99250, issued to Complete  
9 Infusion Care is reinstated if it is revoked.

#### 10 **DISCIPLINE CONSIDERATIONS**

11 47. To determine the degree of discipline, if any, to be imposed on Respondents,  
12 Complainant alleges as follows:

13 a) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued  
14 Citation Number CI 2009 41466 to Respondent Ali Pourmola for violations of Business and  
15 Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without prescription)  
16 and Health & Safety Code section 11200, subdivision (c) (no prescription for Schedule II  
17 substance may be refilled). Respondent was ordered to pay \$4000. On or about March 21, 2012,  
18 the Citation was modified and reduced. Respondent was ordered to pay \$1000. That Citation is  
19 now final and is incorporated by reference as if fully set forth.

20 b) On or about October 15, 2009, in a prior action, the Board of Pharmacy issued  
21 Citation Number CI 2008 38864 to Respondent Complete Infusion Care for violations of  
22 Business and Professions Code section 4059, subdivision (a) (furnishing dangerous drugs without  
23 prescription) and Health & Safety Code section 11200, subdivision (c) (no prescription for  
24 Schedule II substance may be refilled). Respondent was ordered to pay \$4000. On or about April  
25 20, 2012, the Citation was modified and reduced. Respondent was ordered to pay \$1500. That  
26 Citation is now final and is incorporated by reference as if fully set forth.  
27  
28

1 c) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued  
2 Citation Number CI 2012 53606 to Respondent Complete Infusion Care for violations of  
3 Business and Professions Code Section 4115 subdivision (e) and California Code of Regulations  
4 section 1793.2 subdivision (b) (no person shall act as a pharmacy technician without being  
5 licensed by the Board) and ordered Respondent to pay \$1000. That Citation is now final and is  
6 incorporated by reference as if fully set forth.

7 d) On or about July 1, 2013, in a prior action, the Board of Pharmacy issued  
8 Citation Number CI 2012 57415 to Respondent Moshe Lalehzari for violations of Business and  
9 Professions Code Section 4115 subdivision (e) and California Code of Regulations section 1793.2  
10 subdivision (b) (no person shall act as a pharmacy technician without being licensed by the  
11 Board) and ordered Respondent to pay \$1000. That Citation is now final and is incorporated by  
12 reference as if fully set forth.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacy Permit Number PHY 46839, issued to Complete  
17 Infusion Care; Ali Pourmola

18 2. Revoking or suspending Sterile Compounding License Number LSC 99250, issued to  
19 Complete Infusion Care; Ali Pourmola;

20 3. Revoking or suspending Pharmacy License Number RPH 48035 issued to Ali  
21 Pourmola;

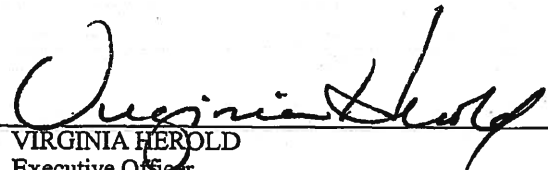
22 4. Revoking or suspending Pharmacy License Number RPH 59011 issued to Moshe  
23 Lalehzari;

24 5. Prohibiting Ali Pourmola from serving as a manager, administrator, owner,  
25 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
26 Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion  
27 Care is placed on probation or until Pharmacy Permit Number 46839 or Sterile Compounding  
28 License Number LSC 99250 issued to Complete Infusion Care is reinstated if Pharmacy Permit

1 Number 46839 or Sterile Compounding License Number LSC 99250 issued to Complete Infusion  
2 Care issued is revoked;

3 6. Ordering Complete Infusion Care, Ali Pourmola and Moshe Lalehzari to pay the  
4 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
5 pursuant to Business and Professions Code section 125.3; and

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

8  
9 DATED: 10/26/15   
10 VIRGINIA HEROLD  
11 Executive Officer  
12 Board of Pharmacy  
13 Department of Consumer Affairs  
14 State of California  
15 Complainant

14 LA2013510143  
15 51934682.docx

28



**10B**



DO NOT FOLD OR STAPLE ABOVE THIS LINE

## Nevada State Board of Pharmacy – Renewal Application - PHARMACIST

431 W Plumb Lane • Reno, NV 89509 • bop.nv.gov

For the period of November 1, 2015 to October 31, 2017

**Money Order ONLY** (NO BUSINESS or PERSONAL CHECKS, NO CASH)

\$180.00 (postmarked on or before 10/31/2015) **OR** \$320.00 (postmarked after 10/31/2015)

**LICENSE: 13105**

**Phic Kaing Lim**  
1553 LUCRETIA AVE,  
Los Angeles, CA 90026

Please make any changes to name or address next to the old information

*Must be postmarked no later*

*than*

*or late fees will apply!*

### RENEW BY MAIL

1. Complete **ALL** sections on this form
2. Sign and date this form
3. Send **MO** with this form (do **NOT** staple)
4. Mail **original** form/payment to address above
5. **NO COPIES**
6. **NO SIGNATURE STAMPS ACCEPTED**

<OR>

### RENEW ONLINE

1. Go to <http://bop.nv.gov>
2. Click "Applications" then, "License Renewal", FOLLOW instructions
3. Use: **USER ID: PKLIM98@GMAIL.COM**  
**PASSWORD: \*\*\*\*\***

*\*New Users: once logged in, when asked for OLD password, use the above password, then change*

**Section 1:** Since your last renewal or recent licensure have you: (Please fill in completely) Yes No

**Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or**

**Physical condition that would impair your ability to perform the essential functions of your license?.....** ☐ ☒

1. Been charged, arrested or convicted of a felony or misdemeanor in any state? ..... ☒ ☐
2. Been the subject of a board citation or an administrative action whether completed or pending in any state?..... ☒ ☐
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?..... ☐ ☒

**If you marked YES to any of the numbered questions (1-3) above, include the following information & letter of explanation:**

Board Administrative Action: State Date: Case #:

CA 4/17/2014 4873  
CA 4/17/2014 4906

Criminal Action: State Date: Case #: County Court

CA October 12011 CA 11-1075 SD Los Angeles US Court Central District

**Section 2:** Are you the subject of a court order for the support of a child?..... Yes No

**IF you marked YES to the question above, are you in compliance with the court order?.....** ☐ ☒

### Section 3: (Fees apply to either status) (see colored insert for details)

By signing below, you certify that you have completed **ALL** required CE Hours due for the 15/17 Renewal period.  
(Dated from Nov. 1, 13 – Oct. 31, 15; 1.25hrs per mo.). The exemption period is 2yrs after graduation only.

**OR you may check the box for Inactive if you did NOT complete CE.**

**Inactive** - ☐ By checking this box you certify that you are **NOT** practicing in NV and do not wish to comply with the CE requirements of NV and would like your license changed to **inactive** status. Before re-activating your license it will be necessary to submit an application and to become compliant with current CE requirements (NAC 639.219). See reverse of insert for more information.

### Section 4: NON-DISCIPLINARY STATE-MANDATED QUESTIONS

1. Though it is **NOT** required to have, SB21 requires the Board to ask if you have a Nevada State Business license and if you do, please provide the #: \_\_\_\_\_ Leave blank if non-applicable

2. Have you ever served in the military, either active, reserve or retired? Yes ☐ No ☒ Branch: \_\_\_\_\_

Military Occupation/Specialty: \_\_\_\_\_ Dates of Service: \_\_\_\_\_

**Section 5:** It is a violation of Nevada law to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct. I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices. I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.

Original Signature: \_\_\_\_\_ Date: 10/1/15

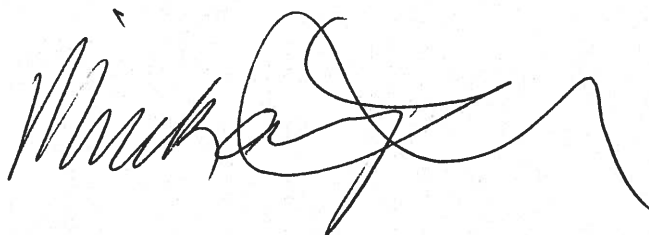
11/5/15

## Explanation

Administration hearing cases # 4873 and 4906 involve excessive dispensing controlled medications without due diligence. The cases are still pending hearing in December 2015.

Case CR 11-1075-SJO involve Medi-Cal and Medicare fraud since November 2011. The case is still pending.

Phic Lim,

A handwritten signature in black ink, appearing to be 'Phic Lim', with a stylized, flowing script.



## Related Licenses/Registrations/Permits

[http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA\\$LCEV2.QueryView?P\\_LICENSE\\_NUM...](http://www2.dca.ca.gov/pls/wllpub/WLLQRYNA$LCEV2.QueryView?P_LICENSE_NUM...) 7/3/2018

99632 GEMMEL PHARMACY OF ONTARIO

LICENSED STERILE  
COMPOUNDING

CANCELLED

## Public Disclosure

### Administrative Disciplinary Actions

Current web site information on Board of Pharmacy disciplinary actions only goes as far back as *January 1998* following the effective date of the disciplinary penalty.

Disciplinary actions rendered by the Board and penalties imposed become operative on the effective date of the action except in situations where the licensee obtains a court-ordered stay through the appeal process. This may occur after the publication of the information on this website.

To obtain information prior to January 1998 or for information on specific discipline listed submit a written request to the *State Board of Pharmacy, 1625 N. Market Blvd, Suite N219, Sacramento, CA 95834, Attention Public Records Desk.*

Case Number: AC201300490600  
Description of Action: THESE PROCEEDINGS ARE CONCLUDED WITHOUT THE IMPOSITION OF DISCIPLINE.  
Effective Date of Action: May 02, 2018

Public documents relating to this action are available here:  
<http://www.pharmacy.ca.gov/enforcement/afy1314/ac134906>

Case Number: AC201300487300  
Description of Action: THROUGH A DISCIPLINARY ACTION OF THE BOARD, THE LICENSE IS REVOKED, THE REVOCATION IS STAYED, AND THE LICENSEE IS PLACED ON PROBATION FOR THREE YEARS SUBJECT TO THE TERMS AND CONDITIONS IN THE DECISION.  
Effective Date of Action: May 02, 2018

Public documents relating to this action are available here:  
<http://www.pharmacy.ca.gov/enforcement/fy1314/ac134873>

**This information is updated Monday through Friday - Last updated: JUL-02-2018**

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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. 4873

13 **GEMMEL PHARMACY INC., DBA B & B**  
14 **PHARMACY; PHIC LIM; STANLEY**  
15 **MARC SCHWARTZ**  
16 **10244 Rosecrans Ave.**  
17 **Bellflower, CA 90706**

**A C C U S A T I O N**

18 **Pharmacy Permit No. PHY 49825,**

19 **PHIC LIM**  
20 **1107 Fair Oaks Avenue, #148**  
21 **South Pasadena, CA 91030**

22 **Pharmacist License No. RPH 49175,**

23 **and**

24 **STANLEY MARC SCHWARTZ**  
25 **4656 Adagio Lane**  
26 **Cypress, CA 90630**

27 **Pharmacist License No. RPH 32928**

28 Respondents.

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1 Complainant alleges:

2 **PARTIES**

3 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
4 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs

5 2. On or about March 23, 2009, the Board issued Pharmacy Permit Number PHY 49825  
6 to Gemmel Pharmacy Inc., dba B & B Pharmacy; Phic Lim<sup>1</sup>; Stanley Marc Schwartz<sup>2</sup>  
7 (Respondent Pharmacy). The Pharmacy Permit expired on March 1, 2012, and has not been  
8 renewed.

9 3. On or about October 22, 1996, the Board issued Pharmacist License Number RPH  
10 49175 to Phic Lim (Respondent Lim). The Pharmacist License was in full force and effect at all  
11 times relevant to the charges brought herein and will expire on December 31, 2015, if not  
12 renewed.

13 4. On or about August 9, 1979, the Board issued Pharmacist License Number RPH  
14 32928 to Stanley Marc Schwartz (Respondent Schwartz). The Pharmacist License was in full  
15 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
16 2015, unless renewed.

17 **JURISDICTION**

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

20 6. Section 4300 of the Code states, in pertinent part:

21 "(a) Every license issued may be suspended or revoked."

22 7. Section 4300.1 of the Code states:

23 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
24 operation of law or by order or decision of the board or a court of law, the placement of a license

25 <sup>1</sup> Phic Lim was the Secretary from March 23, 2009 to December 23, 2011, and the  
26 Pharmacist-in-Charge from March 23, 2009 to February 28, 2010.

27 <sup>2</sup> Stanley Schwarz was the Pharmacist-in-Charge from March 1, 2010 to December 23,  
28 2011.



1 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
2 of 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 STATUTORY PROVISIONS

5 8. Section 4301 of the Code states:

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

9 . . . .

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

12 "(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a)  
13 of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining  
14 whether the furnishing of controlled substances is clearly excessive shall include, but not be  
15 limited to, the amount of controlled substances furnished, the previous ordering pattern of the  
16 customer (including size and frequency of orders), the type and size of the customer, and where  
17 and to whom the customer distributes its product.

18 . . . .

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

21 . . . .

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

26 9. Section 4022 of the Code states:

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

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

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

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

8       10.   Section 4081 of the Code provides:

9       "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs  
10      or dangerous devices shall be at all times during business hours open to inspection by authorized  
11      officers of the law, and shall be preserved for at least three years from the date of making. A  
12      current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-  
13      animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,  
14      institution, or establishment holding a currently valid and unrevoked certificate, license, permit,  
15      registration, or exemption under Division 2 (commencing with Section 1200) of the Health and  
16      Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
17      Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

18      "(b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal  
19      drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated  
20      representative-in charge, for maintaining the records and inventory described in this section."

21      11.   Section 4105 of the Code provides:

22      "(a) All records or other documentation of the acquisition and disposition of dangerous  
23      drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed  
24      premises in a readily retrievable form.

25      "(b) The licensee may remove the original records or documentation from the licensed  
26      premises on a temporary basis for license-related purposes. However, a duplicate set of those  
27      records or other documentation shall be retained on the licensed premises.

28      ///

1       “(c) The records required by this section shall be retained on the licensed premises for a  
2 period of three years from the date of making.

3       “(d) Any records that are maintained electronically shall be maintained so that the  
4 pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the  
5 case of a veterinary food-animal drug retailer or wholesaler, the designated representative on  
6 duty, shall, at all times during which the licensed premises are open for business, be able to  
7 produce a hard copy and electronic copy of all records of acquisition or disposition or other drug  
8 or dispensing-related records maintained electronically.”

9       12. Health and Safety Code section 11153 provides:

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

#### 20                   REGULATORY PROVISIONS

21       13. California Code of Regulations, title 16 (“Regulations”), section 1761 provides:

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

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

1 **COST RECOVERY PROVISION**

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

6 **DRUG CLASSIFICATIONS**

7 15. Dilaudid, brand name for hydromorphone, is a controlled substance as defined under  
8 Health and Safety Code section 11055, section (b)(1)(J), and a dangerous drug pursuant to  
9 Business and Professions Code section 4022. It is used for the relief of pain.

10 16. Oxycontin, brand name for oxycodone, is a controlled substance as defined under  
11 Health and Safety Code section 11055, section (b)(1)(M), and a dangerous drug pursuant to  
12 Business and Professions Code section 4022. It is used for the relief of pain.

13 17. Vicodin ES, brand name for hydrocodone/acetaminophen, is a controlled substance  
14 as defined under Health and Safety Code section 11056, section (e)(4), and a dangerous drug  
15 pursuant to Business and Professions Code section 4022. It is used for the relief of pain.

16 **BOARD INVESTIGATION**

17 18. On or about March 7, 2011, pursuant to a referral from the Department of Health  
18 Care Services, Board Inspectors investigated Respondent Pharmacy to gather prescriptions and  
19 other data. The investigation revealed that from about July 1, 2009 to about January 6, 2011,  
20 Respondent Pharmacy dispensed a total of about 2438 prescriptions for Oxycontin 80mg for a  
21 total of about 215,434 dosage units, of which 1503 (or 61.64%) prescription for total dosage units  
22 of 133,854 were from Dr. S.S., Dr. H.G. and Physician Assistant A.G. of Compton Pain Center  
23 ("CPC") in Compton. One of the common combinations prescribed by these three practitioners  
24 was Oxycontin 80mg with Dilaudid 4mg.

25 19. A review of the Controlled Substance Utilization Review ("CURES") data for  
26 Respondent Pharmacy reveals the following:

27 ///

28 ///

1 a. Physician Assistant A.G. wrote a total of 6,240 controlled substance prescriptions  
2 from July 1, 2009 to January 6, 2011, of which 2,504 (40.13%-largest) were dispensed at  
3 Respondent Pharmacy.

4 b. Dr. S.S. wrote a total of 1,037 controlled substance prescriptions from July 1, 2009 to  
5 January 6, 2011, of which 269 (25.94%-largest) were dispensed at Respondent Pharmacy.

6 c. Dr. H.G. wrote a total of 1,772 controlled substance prescriptions from July 1, 2009  
7 to January 6, 2011, of which 328 (18.51%-largest) were dispensed at Respondent Pharmacy.

8 20. The following are the prescriptions written from CPC and dispensed by Respondent  
9 Pharmacy between March 23, 2009 and December 23, 2011:

10 a. Patient HH received Oxycontin 80mg above the recommended dosing interval of  
11 twice daily, along with Dilaudid 4mg, 1 tab every 6 hours as needed #100.

12 b. Patient KH received Oxycontin 80mg above the recommended dosing interval of  
13 twice daily, along with Dilaudid 4mg, 1 tab every 6 hours as needed #100. KH lived in Los  
14 Angeles, traveled approximately 18 miles to CPC, and drove additional miles to Respondent  
15 Pharmacy to receive her prescriptions.

16 c. Patient JT received a combination of Oxycontin 80mg and hydromorphone 4mg.  
17 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. JT  
18 lived in Los Angeles, traveled approximately 18 miles to CPC, and drove additional miles to  
19 Respondent Pharmacy to receive her prescriptions. Respondent Pharmacy also dispensed 2  
20 prescriptions for Oxycontin 80mg on July 13, 2009.

21 d. Patient JW received a combination of Oxycontin 80mg and hydromorphone 4mg.  
22 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. JW  
23 lived in Los Angeles, traveled approximately 22 miles to CPC, and drove additional miles to  
24 Respondent Pharmacy to receive his prescriptions. JW paid cash for these drugs when they were  
25 not covered by insurance.

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1 e. Patient DU received a combination of Oxycontin 80mg and hydromorphone 4mg.  
2 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. DU  
3 lived in Los Angeles, traveled approximately 23 miles to CPC, and drove additional miles to  
4 Respondent Pharmacy to receive his prescriptions.

5 f. Patient AS received a combination of Oxycontin 80mg and hydromorphone 4mg.  
6 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. AS  
7 lived in Los Angeles, traveled approximately 12 miles to CPC, and drove additional miles to  
8 Respondent Pharmacy to receive his prescriptions.

9 g. Patient JJ received a combination of Oxycontin 80mg and hydromorphone 4mg.  
10 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. JJ  
11 lived in Los Angeles, traveled approximately 18 miles to CPC, and drove additional miles to  
12 Respondent Pharmacy to receive his prescriptions.

13 h. Patient FJ received a combination of Oxycontin 80mg and hydromorphone 4mg.  
14 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. FJ  
15 lived in Los Angeles, traveled approximately 10 miles to CPC, and drove additional miles to  
16 Respondent Pharmacy to receive his prescriptions.

17 i. Patient MC received a combination of Oxycontin 80mg and hydromorphone 4mg.  
18 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. MC  
19 lived in Los Angeles, traveled approximately 16 miles to CPC, and drove additional miles to  
20 Respondent Pharmacy to receive his prescriptions. Respondent Pharmacy's printed CURES  
21 report for MC shows that on June 16, 2010, July 14, 2010 and August 13, 2010, MC used  
22 multiple physicians and pharmacies to obtain his pain medications. MC also paid cash for his  
23 pain medications when they were not covered by his insurance.

24 j. Patient LM received a combination of Oxycontin 80mg and hydromorphone 4mg.  
25 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100. LM  
26 lived in Long Beach, traveled approximately 3 miles to CPC, and drove additional miles to  
27 Respondent Pharmacy to receive his prescriptions.

28 ///

1 k. Patient EA received hydrocodone/acetaminophen 7.5/750mg, above the  
2 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed  
3 4500mg/day to EA who lived in Moreno Valley, traveled approximately 50 miles to visit his  
4 physician, and drove additional miles to Respondent Pharmacy to receive his prescriptions.

5 l. Patient RA received hydrocodone/acetaminophen 7.5/750mg, above the  
6 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-  
7 4500 mg/day to RA.

8 m. Patient KB received hydrocodone/acetaminophen 7.5/750mg, above the  
9 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-  
10 4500mg/day to KB. KB lived in Highland, traveled approximately 6 miles to visit his physician  
11 in San Bernardino, and drove an additional 67 miles to Respondent Pharmacy to receive his  
12 prescriptions.

13 n. Patient JH received hydrocodone/acetaminophen 7.5/750mg, above the recommended  
14 dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-4500mg/day to  
15 JH. JH lived in Pomona, traveled approximately 40 miles to visit his physician in Beverly Hills,  
16 and drove additional miles to Respondent Pharmacy to receive his prescriptions.

17 o. Patient BH received hydrocodone/acetaminophen 7.5/750mg, 4500mg/day above the  
18 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed  
19 4500mg/day to BH.

20 p. Patient NM received hydrocodone/acetaminophen 7.5/750mg, above the  
21 recommended dose of 4000mg/day of acetaminophen. Respondent Pharmacy dispensed 3000-  
22 4500mg/day to NM. NM lived in Anaheim, traveled approximately 17 miles to visit her physician  
23 in Pico Rivera, and drove additional miles to Respondent Pharmacy to receive her prescriptions.

24 q. Patient KA received a combination of Oxycontin 80mg and hydromorphone 4mg.  
25 Oxycontin 80mg – 2 tabs am, 1 pm #90; Dilaudid 4mg, 1 tab every 6 hours as needed #100.

26 r. Patient EM received Oxycontin 80mg above the recommended dosing interval of  
27 twice daily. EM was also prescribed Dilaudid 4mg, 1 tab every 6 hours as needed #90. EM lived  
28 in Los Angeles, traveled approximately 18 miles CPC, and drove additional miles to Respondent

1 Pharmacy to receive his prescriptions. Respondent Pharmacy's printed Controlled Substance  
2 Utilization Review ("CURES") report for EM shows that on June 9, 2010, EM used multiple  
3 physicians to obtain his pain medications.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Failure to Assume Co-Responsibility to Validate Legitimacy of Prescription)**

6 21. Respondents Pharmacy, Lim and Schwartz are subject to disciplinary action under  
7 Code section 4301, subdivisions (d) and (j) for violating Health and Safety Code section 11153,  
8 subdivision (a), and Code section 4301, subdivision (o), for violating Regulations sections 1761,  
9 in that between March 23, 2009 to December 23, 2011, Respondents failed to assume  
10 corresponding responsibility by failing to validate the legitimacy of the prescriptions and/or  
11 reviewing the patients' drug therapy, by dispensing prescriptions to physician shoppers, and/or by  
12 dispensing erroneous/uncertain prescriptions. Complainant refers to and incorporates all the  
13 allegations contained in paragraphs 18-20, as though set forth fully.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Records)**

16 22. Respondents Pharmacy and Lim are subject to disciplinary action under Code section  
17 4301, subdivision (o) for violating Code sections 4081 and 4105, in that during the Board  
18 investigation on March 7, 2011, Respondents could not produce prescription hardcopies for RX  
19 ## 1574617, 1578157, 1556336, 1578979, 1558050, 1558030, 1560968 and 1562161 for the  
20 period between March 23, 2009 and February 28, 2010.

21 **DISCIPLINE CONSIDERATIONS**

22 23. To determine the degree of discipline, if any, to be imposed on Respondent Lim,  
23 Complainant alleges that on or about April 27, 2011, the Board of Pharmacy issued Citation  
24 Number CI 2010 48039 to Respondent Lim for violations of Regulations section 1751.3,  
25 subdivision (b), 1751.7, subdivision (a), and 1716.2. Respondent Lim was ordered to pay a fine  
26 of \$1,500.00. That Citation is now final and is incorporated by reference as if fully set forth.

27 ///

28 ///



1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 49825, issued to Gemmel  
5 Pharmacy Inc., dba B & B Pharmacy; Phic Lim; Stanley Marc Schwartz;

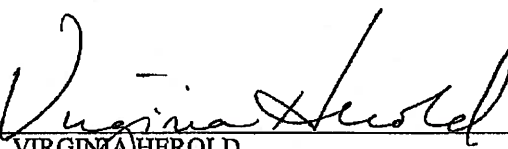
6 2. Revoking or suspending Pharmacist License Number RPH 49175, issued to Phic Lim;

7 3. Revoking or suspending Pharmacist License Number RPH 32928, issued to Stanley  
8 Marc Schwartz;

9 4. Ordering Gemmel Pharmacy Inc., dba B & B Pharmacy, Phic Lim and Stanley Marc  
10 Schwartz to jointly and severally pay the Board of Pharmacy the reasonable costs of the  
11 investigation and enforcement of this case, pursuant to Business and Professions Code section  
12 125.3;

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

14  
15  
16  
17 DATED: 4/5/14

  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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

12 In the Matter of the Accusation Against:

13 **P S ENTERPRISE, INC.,**  
14 **d.b.a. HUNTINGTON PHARMACY;**  
15 **PHIC LIM, President, Pharmacist-In-**  
16 **Charge**  
2300 Huntington Dr.  
San Marino, CA 91108

17 **Pharmacy Permit No. PHY 45238,**

18 and

19 **PHIC LIM**  
1553 Lucretia Ave.  
Los Angeles, CA 90026

20 **Pharmacist License No. RPH 49175,**

21 Respondents.

Case No. 4906  
OAH No. 2014080925 [Consolidated]

**FIRST AMENDED ACCUSATION**

22 Complainant alleges:

23 **PARTIES**

- 24 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 26 2. On May 29, 2001, the Board of Pharmacy issued Pharmacy Permit Number PHY  
27 45238 to Respondent P S Enterprise, Inc., doing business as Huntington Pharmacy; with Phic Lim  
28 as the President since May 29, 2001 and Pharmacist-in-Charge since March 10, 2010 (Respondent

1 Pharmacy). The Pharmacy Permit expired on May 1, 2012, and has not been renewed.

2 3. On October 22, 1996, the Board of Pharmacy issued Pharmacist License Number  
3 RPH 49175 to Phic Lim (Respondent Phic Lim). The Pharmacist License was in full force and  
4 effect at all times relevant to the charges brought herein and will expire on December 31, 2017  
5 unless it is renewed.

### 6 JURISDICTION

7 4. This Accusation is brought before the Board under the authority of the following  
8 laws. All section references are to the Business and Professions Code unless otherwise indicated.

9 5. Section 4300 of the Code states in relevant part that “[e]very license issued may be  
10 suspended or revoked.”

11 6. Section 4300.1 of the Code states:

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

### 16 STATUTES

17 7. Section 490 of the Code states in relevant part:

18 (a) In addition to any other action that a board is permitted to take against a  
19 licensee, a board may suspend or revoke a license on the ground that the licensee has  
20 been convicted of a crime, if the crime is substantially related to the qualifications,  
21 functions, or duties of the business or profession for which the license was issued.

22 (b) Notwithstanding any other provision of law, a board may exercise any  
23 authority to discipline a licensee for conviction of a crime that is independent of the  
24 authority granted under subdivision (a) only if the crime is substantially related to the  
25 qualifications, functions, or duties of the business or profession for which the licensee's  
26 license was issued.

27 (c) A conviction within the meaning of this section means a plea or verdict of  
28 guilty or a conviction following a plea of nolo contendere. An action that a board is  
permitted to take following the establishment of a conviction may be taken when the  
time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal,  
or when an order granting probation is made suspending the imposition of sentence,  
irrespective of a subsequent order under Section 1203.4 of the Penal Code.

1           8.     Section 4022 of the Code states:

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

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

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

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

12           9.     Section 4081 of the Code states in relevant part:

13                 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or  
14 disposition of dangerous drugs or dangerous devices shall be at all times during  
15 business hours open to inspection by authorized officers of the law, and shall be  
16 preserved for at least three years from the date of making. A current inventory shall be  
17 kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,  
18 veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist,  
19 veterinarian, laboratory, clinic, hospital, institution, or establishment holding a  
20 currently valid and unrevoked certificate, license, permit, registration, or exemption  
21 under Division 2 (commencing with Section 1200) of the Health and Safety Code or  
22 under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
23 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

24                 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party  
25 logistics provider, or veterinary food-animal drug retailer shall be jointly responsible,  
26 with the pharmacist-in-charge, responsible manager, or designated representative-in-  
27 charge, for maintaining the records and inventory described in this section.

28           10.    Section 4301 of the Code states:

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

...

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

1 ...  
2 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
3 deceit, or corruption, whether the act is committed in the course of relations as a  
4 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

5 ...  
6 (j) The violation of any of the statutes of this state, of any other state, or of the  
7 United States regulating controlled substances and dangerous drugs.

8 ...  
9 (l) The conviction of a crime substantially related to the qualifications, functions,  
10 and duties of a licensee under this chapter. The record of conviction of a violation of  
11 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code  
12 regulating controlled substances or of a violation of the statutes of this state regulating  
13 controlled substances or dangerous drugs shall be conclusive evidence of  
14 unprofessional conduct. In all other cases, the record of conviction shall be conclusive  
15 evidence only of the fact that the conviction occurred. The board may inquire into the  
16 circumstances surrounding the commission of the crime, in order to fix the degree of  
17 discipline or, in the case of a conviction not involving controlled substances or  
18 dangerous drugs, to determine if the conviction is of an offense substantially related to  
19 the qualifications, functions, and duties of a licensee under this chapter. A plea or  
20 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a  
21 conviction within the meaning of this provision. The board may take action when the  
22 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal  
23 or when an order granting probation is made suspending the imposition of sentence,  
24 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the  
25 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting  
26 aside the verdict of guilty, or dismissing the accusation, information, or indictment.

27 ...  
28 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
abetting the violation of or conspiring to violate any provision or term of this chapter or  
of the applicable federal and state laws and regulations governing pharmacy, including  
regulations established by the board or by any other state or federal regulatory agency.

11. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked  
or is under suspension, or who has failed to renew his or her license while it was under  
suspension, or who has been a manager, administrator, owner, member, officer,  
director, associate, partner, or any other person with management or control of any  
partnership, corporation, trust, firm, or association whose application for a license has  
been denied or revoked, is under suspension or has been placed on probation, and while  
acting as the manager, administrator, owner, member, officer, director, associate,  
partner, or any other person with management or control had knowledge of or

1 knowingly participated in any conduct for which the license was denied, revoked,  
2 suspended, or placed on probation, shall be prohibited from serving as a manager,  
3 administrator, owner, member, officer, director, associate, partner, or in any other  
4 position with management or control of a licensee as follows:

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

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

10 (b) "Manager, administrator, owner, member, officer, director, associate, partner,  
11 or any other person with management or control of a license" as used in this section  
12 and Section 4308, may refer to a pharmacist or to any other person who serves in such  
13 capacity in or for a licensee.

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

22 12. Section 4332 of the Code states in relevant part:

23 Any person who fails, neglects, or refuses to maintain the records required by  
24 Section 4081 or who, when called upon by an authorized officer or a member of the  
25 board, fails, neglects, or refuses to produce or provide the records within a reasonable  
26 time, or who willfully produces or furnishes records that are false, is guilty of a  
27 misdemeanor.

28 13. Health and Safety Code section 11153 states in relevant part:

(a) A prescription for a controlled substance shall only be issued for a legitimate  
medical purpose by an individual practitioner acting in the usual course 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.

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14. Health and Safety Code section 11200 states:

(a) No person shall dispense or refill a controlled substance prescription more than six months after the date thereof.

(b) No prescription for a Schedule III or IV substance may be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply.

(c) No prescription for a Schedule II substance may be refilled.

### **REGULATIONS**

15. California Code of Regulations, title 16, section 1718, states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

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

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

(b) Even after conferring with the prescriber, a pharmacist shall not 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.

17. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

### **COST RECOVERY**

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

1 **DRUG CLASSIFICATIONS**

2 19. Dilaudid is a brand name for hydromorphone. Dilaudid is a Schedule II controlled  
3 substance and a dangerous drug. (Health & Saf. Code, § 11055, subd. (b)(l)(J); Bus. & Prof.  
4 Code, § 4022.) Dilaudid is indicated for severe pain.

5 20. OxyContin is a brand name for oxycodone. OxyContin is a Schedule II controlled  
6 substance and a dangerous drug. (Health & Saf. Code, § 11055, subd. (b)(l)(M); Bus. & Prof.  
7 Code, § 4022.) OxyContin is indicated for moderate to severe pain.

8 21. Lyrica is a brand name for pregabalin. Lyrica is a Schedule V controlled substance  
9 and a dangerous drug. (Code Fed. Regs., tit. 21, § 1308.15, subd. (e)(13); Bus. & Prof. Code, §  
10 4022.) Lyrica is indicated for fibromyalgia, diabetic nerve pain, spinal cord injury nerve pain, pain  
11 after shingles, and partial onset seizures in adults with epilepsy.

12 **BOARD INVESTIGATION**

13 22. From 2011 to 2013, the Board conducted a series of investigations of Respondent  
14 Pharmacy. Respondent Pharmacy's controlled substance log, prescription copies, Patient Activity  
15 Reports (PARs) and other documents, revealed violations of the Pharmacy Law.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Conviction of a Substantially Related Crime)**

18 **(As to Respondent Phic Lim)**

19 23. Respondent Phic Lim is subject to disciplinary action under sections 490 and 4301,  
20 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that  
21 Respondent Phic Lim was convicted of a crime that is substantially related to the qualifications,  
22 functions, and duties of a registered pharmacist.

23 24. On or about December 11, 2015, Respondent Phic Lim pleaded guilty to one felony  
24 count of structuring of currency transactions (31 U.S.C. § 5324(a)(3).) On or about February 8,  
25 2016, Respondent was sentenced to 12 months and one day in a federal penitentiary and ordered  
26 to pay a fine of \$15,000 and a special assessment of \$100. Following release from imprisonment,  
27 Respondent was placed on supervised release for three years upon terms and conditions that, in  
28 relevant part, require him to obtain prior written approval from his probation officer before being



1 employed in any position that requires licensing and/or certification by a local, state, or federal  
2 agency. (*United States of America v. Phic Lim* (C.D.Cal. 2016) No. CR-11-1075-SJO-5).)

3 25. The circumstances of the conviction are that beginning not earlier than July 2009,  
4 Respondent and his wife, a co-defendant, engaged in a pattern of knowingly and intentionally  
5 depositing cash proceeds in structured amounts (that is, in individual transactions less than  
6 \$10,000), resulting in combined deposits per day of more than \$10,000, and using multiple bank  
7 accounts.

8 26. In total, Respondent and his wife made structured deposits of at least \$105,826 in  
9 such cash proceeds. Respondent made those structured deposits knowing that the relevant  
10 financial institutions had a legal obligation to report currency transactions in excess of \$10,000,  
11 and Respondent acted for the purpose of evading that reporting obligation.

12 27. As an example of the structuring in which Respondent was engaged, on August 4,  
13 2009, Respondent and his wife made two cash deposits in the amounts of \$1,662 and \$9,000 into  
14 a Chase Bank account ending in numbers 0725.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Commission of Act of Dishonesty, Fraud, Deceit, Corruption)**

17 **(As to Respondent Phic Lim)**

18 28. Respondent Phic Lim is subject to disciplinary action under Code section 4301,  
19 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1770, in that  
20 Respondent Phic Lim committed an act involving moral turpitude, dishonesty, fraud, deceit or  
21 corruption. Complainant realleges paragraphs 21–26.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Validate Legitimacy of Prescriptions)**

24 **(As to All Respondents)**

25 29. Respondents are subject to disciplinary action under Code section 4301, subdivisions  
26 (d) and (j) for violating Health and Safety Code section 11153, subdivision (a), and Code section  
27 4301, subdivision (o), for violating California Code of Regulations, title 16, section 1761,  
28 subdivisions (a) and (b), in that between 2009 and 2011, Respondents failed to assume

1 corresponding responsibility by failing to validate the legitimacy of the prescriptions they  
2 dispensed; by failing to review the patients' drug therapy; by dispensing prescriptions to physician  
3 shoppers or habitual users; and/or by dispensing erroneous or uncertain prescriptions. The  
4 circumstances are as follows:

5 **A. Patient E.H. Received Prescriptions From Other Pharmacies While Receiving**  
6 **Lyrica 300 mg from Respondents**

7 30. On or about February 5, 2010, Respondents dispensed prescription number 699247 to  
8 Patient E.H. The prescription consisted of 60 tablets of Lyrica 300 mg, a 30-day supply.

9 31. Respondents refilled the prescription five times between March and December, 2017.

10 32. Respondents knew or should have known that Patient E.H. obtained prescriptions  
11 from five other pharmacies and seven doctors during the time that he received prescriptions from  
12 Respondents.

13 **B. Patient P.G. Received an Excessive Amount of OxyContin 80 mg**

14 33. On or about November 25, 2009, Respondents dispensed prescription number 693275  
15 to Patient P.G. The prescription consisted of 90 pills of OxyContin 80 mg, a 30-day supply.

16 34. On or about December 1, 2009, Respondents dispensed a 30-day supply of Patient  
17 P.G.'s prescription.

18 35. On or about December 24, 2009, Respondents dispensed another 30-day supply to  
19 Patient P.G. 30 days early.

20 36. Respondents knew or should have known that Patient P.G. received prescriptions  
21 from two different doctors while receiving his prescriptions from Respondents.

22 **C. Patient S.A. Received an Excessive Amount of Hydrocodone/APAP 10/325**

23 37. On or about June 22, 2010, Respondents dispensed prescription number 711850 to  
24 Patient S.A. The prescription consisted of 120 pills of hydrocodone/APAP 10 mg /325 mg, a 30-  
25 day supply.

26 38. On or about July 6, 2010, Respondents dispensed a refill 16 days early.

27 39. On or about July 21, 2010 Respondents dispensed a refill 15 days early.

28 40. Respondents knew or should have known that Patient S.A. obtained 120

1 hydrocodone/APAP 10 mg/325 mg from four other pharmacies during the period in which she  
2 obtained the prescriptions from Respondents.

3 41. Respondents knew or should have known that Respondent lived in Palmdale and  
4 traveled to San Dimas and Azusa for her prescriptions.

5 **D. Patient Y.B. Received an Excessive Amount of Hydrocodone/APAP 10/325**

6 42. On or about January 21, 2011, Respondents dispensed prescription number 724719 to  
7 Patient Y.B. The prescription consisted of 45 pills of hydrocodone/APAP 10 mg/325 mg, an 11-  
8 day supply.

9 43. On or about January 26, 2011, Respondents dispensed a refill six days early.

10 44. On or about February 3, 2011, Respondents dispensed a refill eight days early.

11 45. On or about February 8, 2011, Respondents dispensed a refill six days early.

12 46. On or about February 21, 2011, Respondents dispensed a refill.

13 47. On or about February 25, 2011, Respondents dispensed a refill seven days early.

14 48. On or about March 4, 2011, Respondents ran a CURES report on Patient Y.B.

15 A CURES report is a report generated from California's Controlled Substance Utilization Review  
16 and Evaluation System. All prescription drug history information is maintained in CURES, a  
17 database which contains about 86 million records. The database includes information about the  
18 drug dispensed, drug quantity and strength, patient name, address, prescriber name, and  
19 authorization number, including DEA number and prescription number.

20 49. By virtue of the information conveyed in the CURES report, Respondents knew or  
21 should have known that during the period in which Patient Y.B. obtained prescriptions from  
22 Respondents, she also obtained prescriptions from 16 other pharmacies and 13 doctors.

23 50. Respondents knew or should have known that Patient Y.B. lived in San Gabriel and  
24 traveled to Glendora and Norwalk for her prescriptions.

25 **E. Daily Logs Reveal Questionable Prescribing and Dispensing Patterns**

26 51. The daily logs for Respondent Pharmacy reveal prescribing and dispensing patterns  
27 from which Respondents knew or should have known that the prescriptions they filled were not  
28 issued for a lawful medical purpose. Specifically, the daily logs show that out-of-area patients

received a combined 123 prescriptions for pain killers, including OxyContin 80 mg, morphine sulphate, and hydromorphone/Dilaudid 4 mg between January 4, 2010 and February 6, 2010, as follows:

	Date	Rx No.	Count	Drug
<b>January 4, 2010</b>				
1	1/4/2010	696115	90	OxyContin 80 mg
2	1/4/2010	696137	90	OxyContin 80 mg
3	1/4/2010	696141	90	OxyContin 80 mg
4	1/4/2010	696145	90	OxyContin 80 mg
5	1/4/2010	696150	90	OxyContin 80 mg
6	1/4/2010	696155	90	OxyContin 80 mg
7	1/4/2010	696161	90	OxyContin 80 mg
8	1/4/2010	696169	90	OxyContin 80 mg
<b>January 5, 2010</b>				
9	1/5/2010	696270	90	OxyContin 80 mg
10	1/5/2010	696274	90	OxyContin 80 mg
11	1/5/2010	696278	90	OxyContin 80 mg
12	1/5/2010	696282	90	OxyContin 80 mg
13	1/5/2010	696286	90	OxyContin 80 mg
14	1/5/2010	696291	90	OxyContin 80 mg
15	1/5/2010	696295	90	OxyContin 80 mg
<b>January 7, 2010</b>				
16	1/7/2010	696489	90	OxyContin 80 mg
17	1/7/2010	696493	90	OxyContin 80 mg
18	1/7/2010	696500	90	OxyContin 80 mg
19	1/7/2010	696504	90	OxyContin 80 mg
20	1/7/2010	696505	60	Hydromorphone 4 mg

	Date	Rx No.	Count	Drug
21	1/7/2010	696510	90	OxyContin 80 mg
22	1/7/2010	696514	90	OxyContin 80 mg
23	1/7/2010	696518	90	OxyContin 80 mg
<b>January 8, 2010</b>				
24	1/8/2010	696600	90	OxyContin 80 mg
25	1/8/2010	696604	90	OxyContin 80 mg
26	1/8/2010	696608	90	OxyContin 80 mg
27	1/8/2010	696613	90	OxyContin 80 mg
28	1/8/2010	696617	90	OxyContin 80 mg
29	1/8/2010	696621	90	OxyContin 80 mg
<b>January 9, 2010</b>				
30	1/9/2010	696717	90	OxyContin 80 mg
31	1/9/2010	696718	60	Morphine sulphate 50 mg
32	1/9/2010	696722	90	OxyContin 80 mg
33	1/9/2010	696727	90	OxyContin 80 mg
34	1/9/2010	696730	90	OxyContin 80 mg
35	1/9/2010	696734	90	OxyContin 80 mg
36	1/9/2010	696735	60	Hydromorphone 4 mg
37	1/9/2010	696740	90	OxyContin 80 mg
38	1/9/2010	696748	90	OxyContin 80 mg
39	1/9/2010	696752	90	OxyContin 80 mg
40	1/9/2010	696756	90	OxyContin 80 mg
41	1/9/2010	696760	90	OxyContin 80 mg
<b>January 11, 2010</b>				
42	1/11/2010	696788	90	OxyContin 80 mg
43	1/11/2010	696796	60	Morphine sulphate 50 mg

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	Date	Rx No.	Count	Drug
44	1/11/2010	696801	90	OxyContin 80 mg
45	1/11/2010	696805	90	OxyContin 80 mg
46	1/11/2010	696809	90	OxyContin 80 mg
47	1/11/2010	696813	90	OxyContin 80 mg
48	1/11/2010	696815	60	Hydromorphone 4 mg
49	1/11/2010	696831	90	OxyContin 80 mg
50	1/11/2010	696832	100	Dilaudid 4 mg
51	1/11/2010	696835	90	OxyContin 80 mg
52	1/11/2010	696836	100	Dilaudid 4 mg
January 12, 2010				
53	1/12/2010	696924	90	OxyContin 80 mg
54	1/12/2010	696928	90	OxyContin 80 mg
55	1/12/2010	696932	90	OxyContin 80 mg
56	1/12/2010	696937	90	OxyContin 80 mg
57	1/12/2010	696941	90	OxyContin 80 mg
58	1/12/2010	696942	60	Hydromorphone 4 mg
59	1/12/2010	696943	90	OxyContin 80 mg
60	1/12/2010	696949	90	OxyContin 80 mg
61	1/12/2010	696953	90	OxyContin 80 mg
62	1/12/2010	696972	90	OxyContin 80 mg
January 16, 2010				
63	1/16/2010	697326	90	OxyContin 80 mg
64	1/16/2010	697330	90	OxyContin 80 mg
65	1/16/2010	697334	90	OxyContin 80 mg
66	1/16/2010	697343	90	OxyContin 80 mg
67	1/16/2010	697349	90	OxyContin 80 mg

	Date	Rx No.	Count	Drug
68	1/16/2010	697353	90	OxyContin 80 mg
69	1/16/2010	697357	90	OxyContin 80 mg
70	1/16/2010	697361	90	OxyContin 80 mg
71	1/16/2010	697365	90	OxyContin 80 mg
72	1/16/2010	697369	90	OxyContin 80 mg
<b>January 18, 2010</b>				
73	1/18/2010	697399	90	OxyContin 80 mg
74	1/18/2010	697409	90	OxyContin 80 mg
75	1/18/2010	697416	90	OxyContin 80 mg
76	1/18/2010	697422	90	OxyContin 80 mg
77	1/18/2010	697427	90	OxyContin 80 mg
78	1/18/2010	697436	90	OxyContin 80 mg
79	1/18/2010	697440	90	OxyContin 80 mg
80	1/18/2010	697444	90	OxyContin 80 mg
81	1/18/2010	697448	90	OxyContin 80 mg
82	1/18/2010	697454	90	OxyContin 80 mg
83	1/18/2010	697458	90	OxyContin 80 mg
84	1/18/2010	697462	90	OxyContin 80 mg
<b>January 23, 2010</b>				
85	1/23/2010	697925	90	OxyContin 80 mg
86	1/23/2010	697934	90	OxyContin 80 mg
87	1/23/2010	697938	90	OxyContin 80 mg
88	1/23/2010	697942	90	OxyContin 80 mg
89	1/23/2010	697946	90	OxyContin 80 mg
90	1/23/2010	697950	90	OxyContin 80 mg
91	1/23/2010	697955	90	OxyContin 80 mg

	Date	Rx No.	Count	Drug
92	1/23/2010	697960	90	OxyContin 80 mg
93	1/23/2010	697965	90	OxyContin 80 mg
94	1/23/2010	697969	90	OxyContin 80 mg
<b>January 25, 2010</b>				
95	1/25/2010	698017	90	OxyContin 80 mg
96	1/25/2010	698021	90	OxyContin 80 mg
97	1/25/2010	698025	90	OxyContin 80 mg
98	1/25/2010	698029	90	OxyContin 80 mg
99	1/25/2010	698033	90	OxyContin 80 mg
100	1/25/2010	698037	90	OxyContin 80 mg
101	1/25/2010	698069	90	OxyContin 80 mg
102	1/25/2010	698077	90	OxyContin 80 mg
103	1/25/2010	698080	90	OxyContin 80 mg
104	1/25/2010	698082	100	Dilaudid 4 mg
<b>January 30, 2010</b>				
105	1/30/2010	698644	90	OxyContin 80 mg
106	1/30/2010	698647	90	OxyContin 80 mg
107	1/30/2010	698652	90	OxyContin 80 mg
108	1/30/2010	698655	90	OxyContin 80 mg
109	1/30/2010	698658	90	OxyContin 80 mg
110	1/30/2010	698661	90	OxyContin 80 mg
111	1/30/2010	698664	90	OxyContin 80 mg
112	1/30/2010	698667	90	OxyContin 80 mg
113	1/30/2010	698679	90	OxyContin 80 mg
<b>February 6, 2010</b>				
114	2/6/2010	699317	90	OxyContin 80 mg



	Date	Rx No.	Count	Drug
115	2/6/2010	699320	90	OxyContin 80 mg
116	2/6/2010	699323	90	OxyContin 80 mg
117	2/6/2010	699326	90	OxyContin 80 mg
118	2/6/2010	699329	90	OxyContin 80 mg
119	2/6/2010	699334	90	OxyContin 80 mg
120	2/6/2010	699337	90	OxyContin 80 mg
121	2/6/2010	699340	90	OxyContin 80 mg
122	2/6/2010	699343	90	OxyContin 80 mg
123	2/6/2010	699346	90	OxyContin 80 mg

#### **FOURTH CAUSE FOR DISCIPLINE**

##### **(Unauthorized Dispensing of Controlled Substance Refill)**

##### **(As to All Respondents)**

52. Respondents are subject to disciplinary action under Code section 4301, subdivision (j), for violating Health and Safety Code section 11200, in that Respondents dispensed a controlled substance refill more than six months after the date of the original prescription. On or about February 5, 2010, Respondents dispensed prescription number 699247 to Patient E.H. The prescription consisted of 60 tablets of Lyrica 300 mg, a 30-day supply. Respondents dispensed a refill prescription on December 17, 2010, which was more than six months from the date of the original prescription.

#### **FIFTH CAUSE FOR DISCIPLINE**

##### **(Failure to Keep Complete Accountability)**

##### **(As to All Respondents)**

53. Respondents are subject to disciplinary action under Code section 4301, subdivision (o), for violating Code sections 4081, 4332, and California Code of Regulations, title 16, section 1718, in that, pursuant to an audit based on Respondent Pharmacy's records from March 25, 2010 to December 23, 2011, Respondents could not account for 142 tablets of Dilaudid 4 mg and 200

1 tablets of OxyContin 80 mg.

2 54. The Selected Data Audit Summary follows:

3 Drug	Initial Amount	Amount Ordered	Total	Amount Dispensed	Amt. to Account	Stock On Hand	Short- age
4 Dilaudid 4 mg	840	7,300	8,140	7,320	820	620	200
5 OxyCon- tin 80 mg	820	22,900	23,720	23,550	170	28	142

7 **DISCIPLINARY CONSIDERATIONS**

8 55. To determine the degree of discipline, if any, to be imposed on Respondent Phic Lim,  
9 Complainant alleges that on or about April 27, 2011, the Board issued Citation Number CI 2010  
10 48039 to Respondent Phic Lim for violations of California Code of Regulations, title 16, sections  
11 1751.3, subdivision (b), 1751.7, subdivision (a), and 1716.2. Respondent Phic Lim was ordered to  
12 pay a fine of \$1,500. That Citation is now final and is incorporated herein by reference as if set  
13 forth fully.

14 **OTHER MATTERS**

15 56. Pursuant to Business and Professions Code section 4307, if Pharmacy Permit Number  
16 PHY 45238 or Pharmacist License Number RPH 49175 is disciplined as part of the Board's  
17 Decision, then Phic Lim shall be prohibited from serving as a manager, administrator, owner,  
18 member, officer, director, associate, partner, or in any other position with management or control  
19 of a licensee for a period (1) not to exceed five years if either Pharmacy Permit Number PHY  
20 45238 or Pharmacist License Number RPH 49175 is placed on probation as part of the Board's  
21 decision, or (2) until said licenses are reinstated if they are revoked as part of the Board's  
22 decision.

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1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 45238, issued to P S  
5 Enterprise, Inc., doing business as Huntington Pharmacy; with Phic Lim as the President and  
6 Pharmacist-in-Charge;

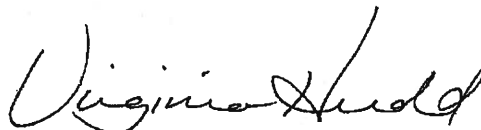
7 2. Revoking or suspending Pharmacist License Number RPH 49175, issued to Phic Lim;

8 3. Prohibiting Phic Lim, pursuant to Business and Professions Code section 4307, from  
9 serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any  
10 other position with management or control of a licensee for a period (1) not to exceed five years if  
11 either Pharmacy Permit Number PHY 45238 or Pharmacist License Number RPH 49175 is placed  
12 on probation as part of the Board's decision, or (2) until said licenses are reinstated if they are  
13 revoked as part of the Board's decision;

14 4. Ordering P S Enterprise, Inc., d.b.a. Huntington Pharmacy and Phic Lim, jointly and  
15 severally, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement  
16 of this case, pursuant to Business and Professions Code section 125.3; and,

17 5. Taking such other and further action as deemed necessary and proper.  
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21 DATED: 2/17/17



22 VIRGINIA HEROLD  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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