

15

January 2018
Board Meeting

Second: Darla Zarley

Action: Passed unanimously

J.	Jose Ferran, R.Ph	(17-039-RPH-S)
K.	Ian Knickerbocker, PT	(17-039-PT-A-S)
L.	Tiffany Buie, PT	(17-039-PT-B-S)

This matter was continued to a future Board meeting.

5. Requests for Renewal of Pharmacist License:

A. Gurpartap Basrai

Gurpartap Basrai appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards stated that Mr. Basrai disclosed a pending case with the California Board of Pharmacy (California Board) on his Nevada Pharmacist License Renewal form. Mr. Edwards explained that Mr. Basrai is the owner of a pharmacy that is currently being investigated by the California Board for substantial losses of hydrocodone and alprazolam.

The Board expressed concern regarding the amount of hydrocodone and alprazolam missing from Mr. Basrai's pharmacy.

The Board offered Mr. Basrai the option of tabling his request until his pending case in California is resolved.

The Board tabled Mr. Basrai's request for renewal of his Nevada Pharmacist License at his request.

B. Lisa Chaplinsky

Ms. Chaplinski contacted Board Staff to withdraw her request to renew her pharmacist license.

C. Farbod Melamed

Darla Zarley disclosed that Mr. Melamed was a former student but stated that she could participate in this matter fairly and without bias.

Farbod Melamed appeared and was sworn by President Basch prior to answering questions or offering testimony.

Mr. Edwards explained that Mr. Melamed indicated that he had been the subject of a board citation or administrative action in California on his Nevada Pharmacist License Renewal form.



Renewal Application

Section 1:

Since your last renewal or recent licensure have you: (Please fill in completely)

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?

Yes No

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

Yes No

Upload Supporting Doc.

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

Yes No

Upload Supporting Doc.

(Includes/Uploads/)

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

Yes No

Upload Supporting Doc.

If you marked YES to any of the numbered questions (1-3) above, include the following information. If you are unsure of an answer please type unknown. Please be as complete as possible.

Board Administrative Action:

State:

Date:

Case#:

Criminal Action:

State:

Date:

Case#:

County:

Court:

Section 2:

1. Are you the subject of a court order for the support of a child?

 Yes No

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

 Yes No

Section 3:

Continuing Education Certification:

Calculation=1.25 hours per month Date Range= 11/01/2015 – 10/31/2017

1. Pharmacists are exempt from completing CE for the first 2 years after graduation. Did you graduate within the last 2 years?

Yes No

2. If you answered No to CE question 1 above, have you completed all YOUR required number of Continuing Education hours, including 1 hour in an approved NV law program if living or practicing in Nevada? (If you are a pharmacist practicing out-of-state and are currently in compliance with that state's continuing education requirements please select Yes.)

Yes No

Section 4:

Though it is NOT required to have, SB21 required the Board to ask if you have a Nevada State Business license and if you do, please provide the number

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

State:

Military Branch:

Dates of Service:

From Date

To Date

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.

 Yes, I Agree

Type Your Name To Agree:

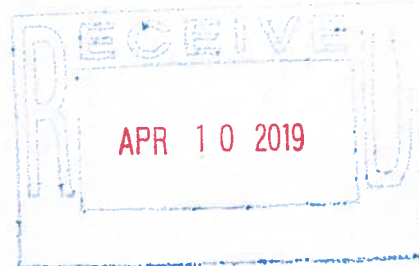
GURPARTAP SINGH

BASRAI

Save Changes

Generate License

04/04/2019
License# 06874



Detailed Explanation of Incident in California, USA

To the Nevada Board of Pharmacy,

Please take this as my written explanation.

Incident:

Under the corporation, GSB Pharmaceuticals Enterprises purchased Alisal Pharmacy in Salinas, CA on or about September 16th, 2009 from Robert Souza. Robert Souza was the Owner/PIC of that Pharmacy for 8 Years. After I purchased the Pharmacy no changes were made to the staff and Robert Souza continued to be the Pharmacists In Charge/Manager of the Pharmacy.

On or around February 3rd, 2015 a staff Pharmacist realized that a bottle of Hydrocodone/Acetaminophen 10/325 was missing. At this time I was out of the country in India. The staff pharmacist notified Bob Souza and my General Manager Henry Lim. At the time he came in and performed the investigation and realized that someone had been stealing Hydrocodone/Acetaminophen 10/325. I was called when I was in India and I directed them to self report the incident to the California Board of Pharmacy and to fill out the necessary DEA/BOP paperwork. This was done right away. We reported a total loss of 68,239 Hydrocodone/Acetaminophen 10/325 between June 1, 2013 and February 3, 2015, and a loss of 913 Tablets of Alprazolam 2mg.

After this incident we changed our policies and procedures for maintaining and accounting of all controlled substances.

1. We changed the computer System (ComputerRx) to ensure that the inventory was all accounted for.
2. Only a licensed Pharmacist is to fill and dispense any Narcotics/Amphetamines and alprazolam.
3. Started doing perpetual inventory.
4. Quarterly Reconciliation of all controlled drugs.

On or about October 4th, 2017 the California Board Conducted an Inspection at Alisal Pharmacy. Upon this inspection the following causes of discipline was found:

First Cause For Discipline

Failure to Maintain Facilities to Ensure Proper maintenance and Security of Drugs. The inspector found that the safe that stored the Narcotics and Amphetamines was left unlocked and that a technician was able to open the safe with a combination.

Second Cause For Discipline

Failure to Preserve Records of Manufacture, Sale and/or Acquisition of Dangerous Drugs

This refers back to the February 2015 incident listed above.

Third Cause For Discipline

Failure To Store Controlled Substances in a Securely Locked Cabinet

The inspector found that the safe that stored the Narcotics and Amphetamines was left unlocked and that a technician was able to open the safe with a combination.

Fourth Cause For Discipline

Filling or Dispensing a Prescription Based on Incomplete Prescription Form

During the inspection the inspector found that the Pharmacy had dispensed a prescription for Promethazine with Codeine. The inspector found the following issue with the prescription:

- a. A watermark printed on the backside of the prescription was missing
- b. An identifying number assigned to the approved security printer by the Department of Justice was missing
- c. A lot number printed on the form was missing
- d. Six Quantity check off boxes were missing
- e. The following statement was missing: " Prescription is void if the number of drugs prescribed is not noted"

The Pharmacist in charge at the time, Tung Nguyen, did not do his due diligence in checking to see if the prescription was real.

Fifth Cause For Discipline

Filling or Dispensing a Prescription Based on Incomplete Prescription Form

This was a result of the dispensing of the above mentioned Promethazine with Codeine.

After this incident we updated our policies and procedures to ensure these issues won't happen again. The Pharmacist in Charge at the time (Tung Nguyen) enrolled and completed a DEA/California Board of Pharmacy Education class on dispensing controlled substances and inventory control. We also instituted strict guidelines for dispensing controlled drugs and specifically Promethazine with Codeine.

I am also in full compliance of the specified terms and conditions of probation set by the California BOP.


Gurpartap Basrai

04-05-2019
Date

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 2 DIANN SOKOLOFF
 Supervising Deputy Attorney General
 3 NICHOLAS TSUKAMAKI
 Deputy Attorney General
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 6 Telephone: (510) 879-0982
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 7 *Attorneys for Complainant*

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

10
 11 In the Matter of the Accusation Against:

Case No. 6286

12 **GSB PHARMACEUTICAL**
ENTERPRISES dba ALISAL LTC
 13 **PHARMACY, GURPARTAP SINGH**
BASRAI, PRESIDENT AND SECRETARY
 14 **323 N. Sanborn Rd., Ste. A**
Salinas, CA 93905-2247
 15 **Original Permit No. PHY 50018**

A C C U S A T I O N

16 **GURPARTAP SINGH BASRAI**
37323 Fremont Blvd.
 17 **Fremont, CA 94536**
Pharmacist License No. RPH 31057

18 **JANE CHIN EITOKU**
 19 **13449 Paseo Terrano**
Salinas, CA 93908
 20 **Pharmacist License No. RPH 39910**

21 Respondents.
 22

23
 24 Complainant alleges:

25 **PARTIES**

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

28 *///*

STATUTORY AND REGULATORY PROVISIONS

1
2 9. Section 4301 of the Code provides, in pertinent part:

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

6 ...

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

9 ...

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

14 ...”

15 10. Section 4081 of the Code provides, in pertinent part:

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

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

1 records and inventory described in this section.”

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

5 12. Section 4307 of the Code provides, in pertinent part:

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

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

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

21 13. California Code of Regulations, title 16, section 1718 provides, in pertinent part:

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

25 14. Code of Federal Regulations, title 21, section 1317.30 provides, in pertinent part:

26 “(a) The following persons are authorized to collect controlled substances from ultimate
27 users and other non-registrants for destruction in compliance with this chapter:

28 ///

1 “(1) Any registrant authorized by the Administration to be a collector pursuant to
2 § 1317.40; and

3 “(2) Federal, State, tribal, or local law enforcement when in the course of official duties and
4 pursuant to § 1317.35.”

5 15. Code of Federal Regulations, title 21, section 1306.22 provides, in pertinent part:

6 “(f) As an alternative to the procedures provided by paragraphs (a) through (e) of this
7 section, a computer application may be used for the storage and retrieval of refill information for
8 original paper prescription orders for controlled substances in Schedule III and IV, subject to the
9 following conditions:

10 ...

11 “(3) Documentation of the fact that the refill information entered into the computer each
12 time a pharmacist refills an original paper, fax, or oral prescription order for a Schedule III or IV
13 controlled substance is correct must be provided by the individual pharmacist who makes use of
14 such an application. If such an application provides a hard-copy printout of each day’s controlled
15 substance prescription order refill data, that printout shall be verified, dated, and signed by the
16 individual pharmacist who refilled such a prescription order. The individual pharmacist must
17 verify that the data indicated are correct and then sign this document in the same manner as he
18 would sign a check or legal document (e.g., J.H. Smith, or John H. Smith). This document shall
19 be maintained in a separate file at that pharmacy for a period of two years from the dispensing
20 date. This printout of the day’s controlled substance prescription order refill data must be
21 provided to each pharmacy using such a computerized application within 72 hours of the date on
22 which the refill was dispensed. It must be verified and signed by each pharmacist who is
23 involved with such dispensing. In lieu of such a printout, the pharmacy shall maintain a bound
24 log book, or separate file, in which each individual pharmacist involved in such dispensing shall
25 sign a statement (in the manner previously described) each day, attesting to the fact that the refill
26 information entered into the computer that day has been reviewed by him and is correct as shown.
27 Such a book or file must be maintained at the pharmacy employing such an application for a
28 period of two years after the date of dispensing the appropriately authorized refill.”

COSTS

1
2 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate 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.

FACTUAL BACKGROUND

6
7 17. On or about November 2, 2016, two Board inspectors performed an inspection at
8 Respondent Pharmacy. During the inspection, the inspectors discovered twenty-three (23) boxes
9 full of drugs that had been returned to Respondent Pharmacy for destruction. Some of those
10 boxes contained controlled substances. Respondent Pharmacy is not authorized to collect
11 controlled substances for destruction.

12 18. On or about November 16, 2016, a representative from Respondent Pharmacy
13 provided one of the inspectors with a log purportedly containing prescription order refill data for
14 Schedule III and IV controlled substances from October 2016. That log did not contain a daily
15 statement signed by all of the pharmacists involved in the dispensing of those refills attesting to
16 the fact that the refill information entered into the pharmacy's computer that day had been
17 reviewed by the pharmacists and was correct as shown.

18 19. Respondent Pharmacy provided one of the inspectors with purchasing and dispensing
19 information from May 24, 2015, through November 2, 2016, for certain drugs that were present at
20 Respondent Pharmacy during the inspection. The inspector performed an audit of that
21 information. The results of the audit indicated that there were shortages of four (4) drugs and
22 overages of thirteen (13) drugs. A shortage occurs when a pharmacy purchases more drugs than
23 it dispenses. An overage occurs when a pharmacy dispenses more drugs than it purchased.

FIRST CAUSE FOR DISCIPLINE**(Failure to Maintain Current Inventory of Dangerous Drugs)**

24
25
26 20. Respondent Pharmacy's, Respondent Basrai's, and Respondent Eitoku's licenses are
27 subject to disciplinary action under sections 4301, subdivisions (j) and/or (o), 4081, subdivisions
28 (a) and (b), and 4113, subdivision (c) of the Code, and California Code of Regulations, title 16,

1 section 1718, in that Respondent Pharmacy failed to maintain a current inventory of dangerous
2 drugs. The circumstances of this conduct are set forth above in Paragraphs 17-19.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unauthorized Collection of Controlled Substances for Destruction)**

5 21. Respondent Pharmacy's and Respondent Eitoku's licenses are subject to disciplinary
6 action under sections 4301, subdivision (o) and 4113, subdivision (c) of the Code, and Code of
7 Federal Regulations, title 21, section 1317.30, in that Respondent Pharmacy engaged in the
8 unauthorized collection of controlled substances for destruction. The circumstances of this
9 conduct are set forth above in Paragraphs 17-19.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Failure to Maintain Documentation of Refill Information for Schedule III and IV 12 Controlled Substances)**

13 22. Respondent Pharmacy's, Respondent Basrai's, and Respondent Eitoku's licenses are
14 subject to disciplinary action under sections 4301, subdivision (o) and 4113, subdivision (c) of the
15 Code, and Code of Federal Regulations, title 21, section 1306.22, subdivision (f)(3), in that for
16 the month of October 2016, Respondent Pharmacy failed to maintain a printout of the pharmacy's
17 daily prescription order refill data for Schedule III and IV controlled substances that was verified,
18 dated, and signed by the individual pharmacist(s) who refilled the prescription orders; and/or
19 Respondent Pharmacy failed to maintain a bound log book, or separate file, in which each
20 individual pharmacist(s) involved in dispensing controlled substance prescription refills signed a
21 statement each day that month attesting to the fact that the refill information entered into the
22 computer that day had been reviewed by him or her and was correct as shown. The
23 circumstances of this conduct are set forth above in Paragraphs 17-19.

24 **OTHER MATTERS**

25 23. Pursuant to section 4307 of the Code, if discipline is imposed on Original Permit
26 Number PHY 50018 issued to GSB Pharmaceutical Enterprises dba Alisal LTC Pharmacy while
27 Gurpartap Singh Basrai was an officer or owner of GSB Pharmaceutical Enterprises dba Alisal
28 LTC Pharmacy and had knowledge of or knowingly participated in any conduct for which

1 Original Permit Number PHY 50018 was disciplined, Gurpartap Singh Basrai shall be prohibited
 2 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
 3 of a licensee for five years if Original Permit Number PHY 50018 is placed on probation or until
 4 Original Permit Number PHY 50018 is reinstated if it is revoked.

5 DISCIPLINE CONSIDERATIONS

6 24. To determine the degree of discipline, if any, to be imposed on Respondent Basrai,
 7 Complainant alleges that on or about March 2, 2001, in a prior disciplinary action entitled *In the*
 8 *Matter of the Accusation Against Gurpartap Singh Basrai*, before the Board, in Case Number
 9 2231, Respondent Basrai's Original Pharmacist License Number RPH 31057 was placed on three
 10 years probation subject to certain terms and conditions. That decision is now final and is
 11 incorporated by reference as if fully set forth in this Accusation.

12 25. To determine the degree of discipline, if any, to be imposed on Respondent Basrai,
 13 Complainant further alleges that on or about August 27, 2014, in Case No. CI 2011 49013, the
 14 Board issued a Citation and Fine to Respondent Basrai based on violations of sections 4301,
 15 subdivision (g) (knowingly making or signing any certificate or other document that falsely
 16 represents the existence or nonexistence of a state of facts) and 4201, subdivision (i) (failure to
 17 report a change in the proposed beneficial ownership interest to the Board within thirty (30) days)
 18 of the Code. That Citation and Fine is now final and is incorporated by reference as if fully set
 19 forth in this Accusation.

20 PRAYER

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

- 23 1. Revoking or suspending Original Permit Number PHY 50018 issued to GSB
 24 Pharmaceutical Enterprises dba Alisal LTC Pharmacy, Gurpartap Singh Basrai, President and
 25 Secretary;
- 26 2. Revoking or suspending Pharmacist License Number RPH 31057 issued to Gurpartap
 27 Singh Basrai;

28 ///

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 7 Attorneys for Complainant

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

11
 12 In the Matter of the Second Amended
 Accusation No. 5851 and Accusation No. 6286
 13 Against:

Case Nos. 5851, 6286
 OAH Nos. 2017110399, 2018040505

14 **GURPARTAP SINGH BASRAI**
37323 Fremont Blvd.
 15 **Fremont, CA 94536**
Pharmacist License No. RPH 31057,

**STIPULATED SETTLEMENT AND
 DISCIPLINARY ORDER**

16 Respondent.
 17

18
 19 IT IS STIPULATED AND AGREED by and between the parties to the above-entitled
 20 proceedings that the following matters are true:

21 **PARTIES**

22 1. Complainant Virginia Herold is the executive officer of the Board of Pharmacy,
 23 Department of Consumer Affairs. She brought these actions solely in her official capacity and is
 24 represented in this matter by Xavier Becerra, Attorney General of the State of California, and by
 25 Gregory Tuss, deputy attorney general.

26 2. Respondent Gurpartap Singh Basrai is represented in this proceeding by attorney
 27 Herb L. Weinberg, whose address is Fenton Law Group, LLP, 1990 South Bundy Drive, Suite
 28 777, Los Angeles, CA 90025.

1 every right set forth above.

2 CULPABILITY

3 10. Respondent admits the truth of each and every charge and allegation in Second
4 Amended Accusation No. 5851 and Accusation No. 6286.

5 11. Respondent agrees that his original pharmacist license is subject to discipline and
6 agrees to be bound by the board's probationary terms as set forth in the disciplinary order below.

7 CONTINGENCY

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

18 13. The parties understand and agree that portable document format (PDF) and
19 facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and
20 facsimile signatures, shall have the same force and effect as the originals.

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

27 15. In consideration of these admissions and stipulations, the parties agree that the
28 board may, without further notice or formal proceeding, issue and enter the following disciplinary

1 order:

2 **DISCIPLINARY ORDER**

3 IT IS ORDERED that Original Pharmacist License No. RPH 31057 issued to respondent
4 Gurpartap Singh Basrai is revoked. However, the revocation is stayed and respondent is placed
5 on probation for five years on the following terms and conditions.

6 **1. Suspension**

7 As part of probation, respondent is suspended from practice as a licensed pharmacist until
8 he completes four hours of remedial education in pharmacy law beginning the effective date of
9 this decision.

10 During suspension, respondent shall not enter any pharmacy area or any portion of the
11 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
12 retailer, or any other distributor of drugs that is licensed by the board, or any manufacturer, or any
13 area where dangerous drugs and/or dangerous devices or controlled substances are maintained.
14 Respondent shall not practice pharmacy nor do any act involving drug selection, selection of
15 stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent
16 manage, administer, or be a consultant to any licensee of the board, or have access to or control
17 the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous
18 devices or controlled substances.

19 During this suspension, respondent shall not engage in any activity that requires the
20 professional judgment of and/or licensure as a licensed pharmacist. Respondent shall not direct
21 or control any aspect of the practice of pharmacy or of the manufacturing, distributing,
22 wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **2. Obey All Laws**

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

26 Respondent shall report any of the following occurrences to the board in writing within 72
27 hours of such occurrence:

- 28
- an arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
2 substances laws

- 3 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal
4 proceeding to any criminal complaint, information or indictment
- 5 • a conviction of any crime
- 6 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
7 administrative action filed by any state or federal agency which involves respondent's
8 license or which is related to the practice of pharmacy or the manufacturing, obtaining,
9 handling, distributing, billing, or charging for any drug, device or controlled substance.

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

11 **3. Report to the Board**

12 Respondent shall report to the board quarterly on a schedule as directed by the board or its
13 designee. The report shall be made either in person or in writing, as directed. Among other
14 requirements, respondent shall state in each report under penalty of perjury whether there has
15 been compliance with all the terms and conditions of probation.

16 Failure to submit timely reports in a form as directed shall be considered a violation of
17 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
18 total period of probation. Moreover, if the final probation report is not made as directed,
19 probation shall be automatically extended until such time as the final report is made and accepted
20 by the board.

21 **4. Interview with the Board**

22 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
23 with the board or its designee at such intervals and locations as are determined by the board or its
24 designee. Failure to appear for any scheduled interview without prior notification to board staff,
25 or failure to appear for two or more scheduled interviews with the board or its designee during the
26 period of probation, shall be considered a violation of probation.

27 **5. Cooperate with Board Staff**

28 Respondent shall timely cooperate with the board's inspection program and with the

1 board's monitoring and investigation of respondent's compliance with the terms and conditions of
2 his probation, including but not limited to timely responses to requests for information by board
3 staff, timely compliance with directives from board staff regarding requirements of any term or
4 condition of probation, and timely completion of documentation pertaining to a term or condition
5 of probation. Failure to timely cooperate shall be considered a violation of probation.

6 **6. Continuing Education**

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

9 **7. Reporting of Employment and Notice to Employers**

10 During the period of probation, respondent shall notify all present and prospective
11 employers of the decision in Second Amended Accusation No. 5851 and Accusation No. 6286,
12 and the terms, conditions, and restrictions imposed on respondent by the decision, as follows:

13 Within 30 days of the effective date of this decision and within 10 days of undertaking
14 any new employment, respondent shall report to the board in writing the name, physical address,
15 and mailing address of each of his employer(s), and the name(s) and telephone number(s) of all of
16 his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-
17 charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known.
18 Respondent shall also include the reason(s) for leaving the prior employment. Respondent shall
19 sign and return to the board a written consent authorizing the board or its designee to
20 communicate with all of respondent's employer(s) and supervisor(s), and authorizing those
21 employer(s) or supervisor(s) to communicate with the board or its designee, concerning
22 respondent's work status, performance, and monitoring. Failure to comply with the requirements
23 or deadlines of this condition shall be considered a violation of probation.

24 Within 30 days of the effective date of this decision and within 15 days of respondent
25 undertaking any new employment, respondent shall cause (a) his direct supervisor, (b) his
26 pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
27 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
28 board in writing acknowledging that the listed individual(s) has/have read the decision in Second

1 Amended Accusation No. 5851 and Accusation No. 6286, and the terms and conditions imposed.
2 If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall
3 so state. It shall be respondent's responsibility to ensure that these acknowledgment(s) are timely
4 submitted to the board. In the event of a change in the person(s) serving the role(s) described in
5 (a), (b), or (c) during the term of probation, respondent shall cause the person(s) taking over the
6 role(s) to report to the board in writing within 15 days of the change acknowledging that he or she
7 has read the decision in Second Amended Accusation No. 5851 and Accusation No. 6286, and the
8 terms and conditions imposed.

9 If respondent works for or is employed by or through an employment service, respondent
10 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
11 of the decision in Second Amended Accusation No. 5851 and Accusation No. 6286, and the terms
12 and conditions imposed in advance of respondent commencing work at such licensed entity. A
13 record of this notification must be provided to the board upon request.

14 Furthermore, within 30 days of the effective date of this decision and within 15 days of
15 respondent undertaking any new employment by or through an employment service, respondent
16 shall cause the person(s) described in (a), (b), and (c) above at the employment service to report
17 to the board in writing acknowledging that he or she has read the decision in Second Amended
18 Accusation No. 5851 and Accusation No. 6286, and the terms and conditions imposed. It shall be
19 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
20 board.

21 Failure to timely notify present or prospective employer(s) or failure to cause the
22 identified person(s) with that/those employer(s) to submit timely written acknowledgments to the
23 board shall be considered a violation of probation.

24 "Employment" within the meaning of this provision includes any full-time, part-time,
25 temporary, relief, or employment/management service position as a licensed pharmacist, or any
26 position for which a pharmacist license is a requirement or criterion for employment, whether
27 respondent is an employee, independent contractor or volunteer.

28 ///

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

2 Respondent shall further notify the board in writing within 10 days of any change in
3 name, residence address, mailing address, e-mail address or phone number.

4 Failure to timely notify the board of any change in employer, name, address, or phone
5 number shall be considered a violation of probation.

6 **9. Restrictions on Supervision and Oversight of Licensed Facilities**

7 During the period of probation, respondent shall not supervise any intern pharmacist, be
8 the pharmacist-in-charge, designated representative-in-charge, responsible manager or other
9 compliance supervisor of any entity licensed by the board, or serve as a consultant. Assumption
10 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

11 **10. Reimbursement of Board Costs**

12 As a condition precedent to successful completion of probation, respondent shall pay to
13 the board its costs of investigation and prosecution in the amount of \$32,632.60. Respondent
14 shall be permitted to pay these costs in a payment plan approved by the board or its designee, so
15 long as full payment is completed no later than one year prior to the end date of probation.

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

19 **11. Probation Monitoring Costs**

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

24 **12. Status of License**

25 Respondent shall at all times while on probation maintain an active, current original
26 pharmacist license with the board, including any period during which suspension or probation is
27 tolled. Failure to maintain an active, current original pharmacist license shall be considered a
28 violation of probation.

1 If respondent's original pharmacist license expires or is cancelled by operation of law or
2 otherwise at any time during the period of probation, including any extensions due to tolling or
3 otherwise, upon renewal or reapplication respondent's original pharmacist license shall be subject
4 to all terms and conditions of this probation not previously satisfied.

5 **13. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should respondent cease practice due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 respondent may relinquish his license, including any indicia of licensure issued by the board,
9 along with a request to surrender the license. The board or its designee shall have the discretion
10 whether to accept the surrender or take any other action it deems appropriate and reasonable.
11 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
12 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
13 become a part of respondent's license history with the board.

14 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall
15 license, including any indicia of licensure not previously provided to the board, within 10 days of
16 notification by the board that the surrender is accepted if not already provided. Respondent may
17 not reapply for any license from the board for three years from the effective date of the surrender.
18 Respondent shall meet all requirements applicable to the license sought as of the date the
19 application for that license is submitted to the board, including any outstanding costs.

20 **14. Practice Requirement – Extension of Probation**

21 Except during periods of suspension, respondent shall, at all times while on probation, be
22 employed as a licensed pharmacist in California for a minimum of 40 hours per calendar month.
23 Any month during which this minimum is not met shall extend the period of probation by one
24 month. During any such period of insufficient employment, respondent must nonetheless comply
25 with all terms and conditions of probation, unless respondent receives a waiver in writing from
26 the board or its designee.

27 If respondent does not practice as a licensed pharmacist in California for the minimum
28 number of hours in any calendar month, for any reason (including vacation), respondent shall

1 notify the board in writing within 10 days of the conclusion of that calendar month. This
2 notification shall include at least the date(s), location(s), and hours of last practice; the reason(s)
3 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will
4 resume practice at the required level. Respondent shall further notify the board in writing within
5 10 days following the next calendar month during which respondent practices as a licensed
6 pharmacist in California for the minimum of hours. Any failure to timely provide such
7 notification(s) shall be considered a violation of probation.

8 It is a violation of probation for respondent's probation to be extended under the
9 provisions of this condition for a total period, counting consecutive and non-consecutive months,
10 exceeding 36 months. The board or its designee may post a notice of the extended probation
11 period on its website.

12 **15. Violation of Probation**

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

19 If respondent violates probation in any respect, the board, after giving respondent notice
20 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
21 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
22 probation, or the preparation of an accusation or petition to revoke probation is requested from
23 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
24 probation shall be automatically extended until the petition to revoke probation or accusation is
25 heard and decided.

26 **16. Completion of Probation**

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

1 **17. Remedial Education**

2 Within 30 days of the effective date of this decision, respondent shall submit to the board
3 or its designee for prior approval an appropriate program of remedial education related to
4 inventory controls, record keeping, prescription drug abuse, and pharmacy law. Respondent shall
5 complete the joint Drug Enforcement Administration /Board of Pharmacy training within the first
6 year or probation. Respondent shall complete six hours each subsequent year of probation in
7 inventory controls, record keeping, prescription drug abuse, and pharmacy law. Half of the six
8 hours each year shall be completed through in-person training. The program shall be completed
9 at respondent's own expense. Respondent shall provide proof to the board or its designee of his
10 completion of the training and hours. All remedial education shall be in addition to and shall not
11 be credited toward continuing education (CE) courses used for license renewal purposes for
12 pharmacists.

13 Failure to timely submit for approval or complete the approved remedial education shall
14 be considered a violation of probation. The period of probation will be automatically extended
15 until such remedial education is successfully completed and written proof, in a form acceptable to
16 the board, is provided to the board or its designee.

17 Following the completion of each course, the board or its designee may require
18 respondent, at his own expense, to take an approved examination to test respondent's knowledge
19 of the course. If respondent does not achieve a passing score on the examination that course shall
20 not count towards satisfaction of this term. Respondent shall take another course approved by the
21 board in the same subject area.

22 **18. Ethics Course**

23 Within 60 calendar days of the effective date of this decision, respondent shall enroll in a
24 course in ethics at respondent's expense approved in advance by the board or its designee that
25 complies with title 16, California Code of Regulations section 1773.5. Respondent shall provide
26 proof of enrollment upon request. Within five days of completion, respondent shall submit a
27 copy of the certificate of completion to the board or its designee. Failure to timely enroll in an
28 approved ethics course, to initiate the course during the first year of probation, to successfully

1 complete it before the end of the second year of probation, or to timely submit proof of
2 completion to the board or its designee, shall be considered a violation of probation.

3 **19. Supervised Practice**

4 Within 30 days of the effective date of this decision, respondent shall submit to the board
5 or its designee for prior approval the name of a pharmacist licensed by and not on probation with
6 the board to serve as respondent's practice supervisor. As part of the documentation submitted,
7 respondent shall cause the proposed practice supervisor to report to the board in writing
8 acknowledging that he or she has read the decision in Second Amended Accusation No. 5851 and
9 Accusation No. 6286, and is familiar with the terms and conditions imposed, including the level
10 of supervision required by the board or its designee. This level will be determined by the board
11 or its designee, will be communicated to respondent on or before the effective date of this
12 decision and shall be one of the following:

- 13 • Continuous – At least 75% of a work week
- 14 • Substantial – At least 50% of a work week
- 15 • Partial – At least 25% of a work week
- 16 • Daily Review – Supervisor's review of probationer's daily activities within 24 hours

17 Respondent may practice only under the required level of supervision by an approved
18 practice supervisor. If for any reason, including change of employment, respondent is no longer
19 supervised at the required level by an approved practice supervisor, within 10 days of this change
20 in supervision respondent shall submit to the board or its designee for prior approval the name of
21 a pharmacist licensed by and not on probation with the board to serve as respondent's
22 replacement practice supervisor. As part of the documentation submitted, respondent shall cause
23 the proposed replacement practice supervisor to report to the board in writing acknowledging that
24 he or she has read the decision in Second Amended Accusation No. 5851 and Accusation No.
25 6286, and is familiar with the terms and conditions imposed, including the level of supervision
26 required.

27 Any of the following shall result in the automatic suspension of practice by a respondent
28 and shall be considered a violation of probation:

1 Failure to nominate an initial practice supervisor, and to have that practice supervisor
2 report to the board in writing acknowledging the decision, terms and conditions, and supervision
3 level, within 30 days;

4 Failure to nominate a replacement practice supervisor, and to have that practice supervisor
5 report to the board in writing acknowledging the decision, terms and conditions, and supervision
6 level, within 10 days;

7 Practicing in the absence of an approved practice supervisor beyond the initial or
8 replacement nomination period; or

9 Any failure to adhere to the required level of supervision.

10 Respondent shall not resume practice until notified in writing by the board or its designee.

11 During any suspension, respondent shall not enter any pharmacy area or any portion of the
12 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug
13 retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or
14 any area where dangerous drugs and/or dangerous devices or controlled substances are
15 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,
16 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall
17 respondent manage, administer, or be a consultant to any licensee of the board, or have access to
18 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or
19 dangerous devices or controlled substances.

20 During any suspension, respondent shall not engage in any activity that requires the
21 professional judgment and/or licensure as a pharmacist. Respondent shall not direct or control
22 any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or
23 retailing of dangerous drugs and/or dangerous devices or controlled substances.

24 Failure to comply with any suspension shall be considered a violation of probation.

25 **20. No Ownership or Management of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
28 partnership, or corporation currently or afterwards licensed by the board. Respondent shall sell or

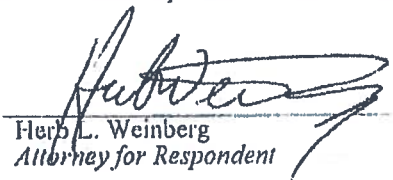
1 transfer any legal or beneficial interest in any entity licensed by the board within 90 days
 2 following the effective date of this decision and shall immediately thereafter provide written
 3 proof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
 4 documentation thereof shall be considered a violation of probation.

5 ACCEPTANCE

6 I have carefully read the above Stipulated Settlement and Disciplinary Order and have
 7 fully discussed it with my attorney, Herb L. Weinberg. I understand the stipulation and the effect
 8 it will have on my original pharmacist license. I enter into this Stipulated Settlement and
 9 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
 10 decision and order of the Board of Pharmacy.

11 DATED: 10-15-18 
 12 GURPARTAP SINGH BASRAI
 Respondent

13 I have read and fully discussed with respondent Gurpartap Singh Basrai the terms and
 14 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
 15 I approve its form and content.

16 DATED: 10/15/2018 
 17 Herb L. Weinberg
 Attorney for Respondent

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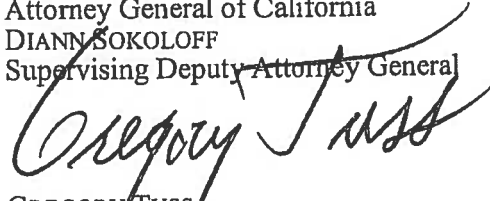
ENDORSEMENT

This Stipulated Settlement and Disciplinary Order is submitted for consideration by the Board of Pharmacy.

Dated: 10.15.18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



GREGORY TUSS
Deputy Attorney General
Attorneys for Complainant

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Exhibit 1

Second Amended Accusation No. 5851

1 XAVIER BECERRA
 Attorney General of California
 2 DIANN SOKOLOFF
 Supervising Deputy Attorney General
 3 NICHOLAS TSUKAMAKI
 Deputy Attorney General
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 7 Email: Nicholas.Tsukamaki@doj.ca.gov
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 5851

12 **GSB PHARMACEUTICAL**
 13 **ENTERPRISES dba ALISAL**
PHARMACY, GURPARTAP SINGH
 14 **BASRAI, PRESIDENT & SECRETARY**
 323 N. Sanborn Rd.
 15 Salinas, CA 93905
 Original Permit No. PHY 50019

SECOND AMENDED ACCUSATION

16 **ROBERT A. SOUZA**
 17 108 San Benancio Road
 Salinas, CA 93908
 18 Pharmacist License No. RPH 22767

19 **GURPARTAP SINGH BASRAI**
 20 37323 Fremont Blvd.
 Fremont, CA 94536
 Pharmacist License No. RPH 31057

21 Respondents.

22
 23
 24 Complainant alleges:

25 **PARTIES**

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

STATUTORY AND REGULATORY PROVISIONS

1
2 9. Section 4301 of the Code provides, in pertinent part:

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

6 . . .

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

9 . . .

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

14 10. Section 4081 of the Code provides, in pertinent part:

15 “(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs
16 or dangerous devices shall be at all times during business hours open to inspection by authorized
17 officers of the law, and shall be preserved for at least three years from the date of making. . . .

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

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

24 12. Section 4307 of the Code provides, in pertinent part:

25 “(a) Any person who has been denied a license or whose license has been revoked or is
26 under suspension, or who has failed to renew his or her license while it was under suspension, or
27 who has been a manager, administrator, owner, member, officer, director, associate, partner, or
28 any other person with management or control of any partnership, corporation, trust, firm, or

1 association whose application for a license has been denied or revoked, is under suspension or has
 2 been placed on probation, and while acting as the manager, administrator, owner, member,
 3 officer, director, associate, partner, or any other person with management or control had
 4 knowledge of or knowingly participated in any conduct for which the license was denied,
 5 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,
 6 administrator, owner, member, officer, director, associate, partner, or in any other position with
 7 management or control of a licensee as follows:

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

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

12 13. Health and Safety Code section 11164 provides, in pertinent part:

13 “Except as provided in Section 11167, no person shall prescribe a controlled substance, nor
 14 shall any person fill, compound, or dispense a prescription for a controlled substance, unless it
 15 complies with the requirements of this section.

16 “(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
 17 except as authorized by subdivision (b), shall be made on a controlled substance prescription form
 18 as specified in Section 11162.1”

19 14. Health and Safety Code section 11162.1 provides, in pertinent part:

20 “(a) The prescription forms for controlled substances shall be printed with the following
 21 features:

22 . . .

23 “(2) A watermark shall be printed on the backside of the prescription blank; the watermark
 24 shall consist of the words ‘California Security Prescription.’

25 . . .

26 “(7)(A) Six quantity check off boxes shall be printed on the form so that the prescriber may
 27 indicate the quantity by checking the applicable box where the following quantities shall appear:

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50-74
75-100
101-150
151 and over.

...

“(8) Prescription blanks shall contain a statement printed on the bottom of the prescription blank that the ‘Prescription is void if the number of drugs prescribed is not noted.’

...

“(13) An identifying number assigned to the approved security printer by the Department of Justice.

...

“(b) Each batch of controlled substance prescription forms shall have the lot number printed on the form and each form within that batch shall be numbered sequentially beginning with the numeral one.”

15. California Code of Regulations, title 16, section 1714 provides, in pertinent part:

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

...

“(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. . . .”

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

1 validate the prescription.

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

5 17. Code of Federal Regulations, title 21, section 1301.75, subdivision (b) states:

6 “Controlled substances listed in Schedules II, III, IV, and V shall be stored in a securely
7 locked, substantially constructed cabinet. However, pharmacies and institutional practitioners
8 may disperse such substances throughout the stock of noncontrolled substances in such a manner
9 as to obstruct the theft or diversion of the controlled substances.”

10 COSTS

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

15 FACTUAL BACKGROUND

16 19. Respondent Souza was Respondent Alisal’s pharmacist-in-charge from September
17 16, 2009, to May 1, 2015.

18 20. On or about February 3, 2015, Respondent Souza reported to the Board that
19 Respondent Alisal had experienced a loss of hydrocodone/acetaminophen 10/325mg, a Schedule
20 II controlled substance and dangerous drug. Respondent Souza later determined that Respondent
21 Alisal had also experienced a loss of alprazolam 2mg, a Schedule IV controlled substance and
22 dangerous drug.

23 21. A Board inspector determined that Respondent Alisal experienced a loss of 68,239
24 tablets of hydrocodone/acetaminophen 10/325mg between June 1, 2013, and February 3, 2015,
25 and a loss of 913 tablets of alprazolam 2mg between June 1, 2013, and January 28, 2015.

26 22. According to its records of disposition, Respondent Alisal dispensed approximately
27 1,136 tablets of alprazolam 2mg manufactured by Sandoz between June 1, 2013, and January 28,
28 2015. Respondent Alisal did not retain purchase records for those alprazolam 2mg tablets.

1 prepared, maintained, secured and/or distributed. The circumstances of this conduct are set forth
2 above in paragraphs 19-22.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failure to Preserve Records of Manufacture, Sale, and/or Acquisition of Dangerous Drugs)**

5 27. Respondents Alisal, Souza, and Basrai are subject to disciplinary action under
6 sections 4301, subdivisions (j) and/or (o), and 4081, subdivisions (a) and/or (b) of the Code, in
7 that Respondents failed to preserve certain records of manufacture, sale, acquisition, or
8 disposition of dangerous drugs or dangerous devices. The circumstances of this conduct are set
9 forth above in paragraphs 19-22.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Failure to Store Controlled Substances in a Securely Locked Cabinet)**

12 28. Respondent Alisal is subject to disciplinary action under section 4301, subdivision (o)
13 of the Code and Code of Federal Regulations, title 21, section 1301.75, subdivision (b),
14 in that Respondent Alisal failed to store controlled substances in a securely locked cabinet. The
15 circumstances of this conduct are set forth above in paragraph 23.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Dispensing a Prescription Containing a Significant Error, Omission, or Uncertainty)**

18 29. Respondent Alisal is subject to disciplinary action under section 4301, subdivision (o)
19 of the Code and California Code of Regulations, title 16, section 1761, subdivisions (a) and/or
20 (b), in that a pharmacist employed by Respondent Alisal dispensed a prescription that contained a
21 significant error, omission, irregularity, uncertainty, ambiguity, or alteration, and/or that
22 pharmacist dispensed a controlled substance prescription where that pharmacist knew or had
23 objective reason to know that the prescription was not issued for a legitimate medical purpose.
24 The circumstances of this conduct are set forth above in paragraphs 24 and 25.

25 **FIFTH CAUSE FOR DISCIPLINE**

26 **(Filling or Dispensing a Prescription Based on Incomplete Prescription Form)**

27 30. Respondent Alisal is subject to disciplinary action under section 4301, subdivisions
28 (j) and/or (o) of the Code and Health and Safety Code section 11164, subdivision (a), in that a

1 pharmacist employed by Respondent Alisal filled or dispensed a prescription for a controlled
2 substance based on a controlled substance prescription form that did not contain all of the features
3 required by Health and Safety Code section 11162.1. The circumstances of this conduct are set
4 forth above in paragraphs 24 and 25.

5 OTHER MATTERS

6 31. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit
7 Number PHY 50019 issued to GSB Pharmaceutical Enterprises dba Alisal Pharmacy, GSB
8 Pharmaceutical Enterprises dba Alisal Pharmacy shall be prohibited from serving as a manager,
9 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
10 Pharmacy Permit Number PHY 50019 is placed on probation or until Pharmacy Permit Number
11 PHY 50019 is reinstated if it is revoked.

12 32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
13 PHY 50019 issued to GSB Pharmaceutical Enterprises dba Alisal Pharmacy while Gurpartap
14 Singh Basrai was an officer or owner of GSB Pharmaceutical Enterprises dba Alisal Pharmacy
15 and had knowledge of or knowingly participated in any conduct for which Pharmacy Permit
16 Number PHY 50019 was disciplined, Gurpartap Singh Basrai shall be prohibited from serving as
17 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
18 five years if Pharmacy Permit Number PHY 50019 is placed on probation or until Pharmacy
19 Permit Number PHY 50019 is reinstated if it is revoked.

20 DISCIPLINE CONSIDERATIONS

21 33. To determine the degree of discipline, if any, to be imposed on Respondent Basrai,
22 Complainant alleges that on or about March 2, 2001, in a prior disciplinary action entitled *In the*
23 *Matter of the Accusation Against Gurpartap Singh Basrai*, before the Board, in Case Number
24 2231, Respondent Basrai's Original Pharmacist License Number RPH 31057 was placed on three
25 years probation subject to certain terms and conditions. That decision is now final and is
26 incorporated by reference as if fully set forth in this Second Amended Accusation.

27 34. To determine the degree of discipline, if any, to be imposed on Respondent Basrai,
28 Complainant further alleges that on or about August 27, 2014, in Case No. CI 2011 49013, the

1 Board issued a Citation and Fine to Respondent Basrai based on violations of sections 4301,
2 subdivision (g) (knowingly making or signing any certificate or other document that falsely
3 represents the existence or nonexistence of a state of facts) and 4201, subdivision (i) (failure to
4 report a change in the proposed beneficial ownership interest to the Board within thirty (30)
5 days), of the Code. That Citation and Fine is now final and is incorporated by reference as if fully
6 set forth in this Second Amended Accusation.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
9 Second Amended Accusation, and that following the hearing, the Board of Pharmacy issue a
10 decision:

11 1. Revoking or suspending Original Permit Number PHY 50019 issued to GSB
12 Pharmaceutical Enterprises to do business as Alisal Pharmacy, Gurpartap Singh Basrai, President
13 and Secretary;

14 2. Revoking or suspending Original Pharmacist License Number RPH 22767 issued to
15 Robert A. Souza;

16 3. Revoking or suspending Original Pharmacist License Number RPH 31057 issued to
17 Gurpartap Singh Basrai;

18 4. Prohibiting GSB Pharmaceutical Enterprises dba Alisal Pharmacy from serving as a
19 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
20 five years if Pharmacy Permit Number PHY 50019 is placed on probation or until Pharmacy
21 Permit Number PHY 50019 is reinstated if Pharmacy Permit Number 50019 issued to GSB
22 Pharmaceutical Enterprises dba Alisal Pharmacy is revoked;

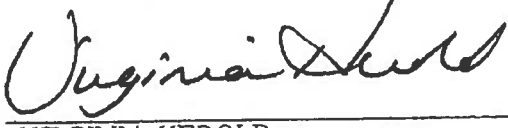
23 5. Prohibiting Gurpartap Singh Basrai from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
25 Number PHY 50019 is placed on probation or until Pharmacy Permit Number PHY 50019 is
26 reinstated if Pharmacy Permit Number 50019 issued to GSB Pharmaceutical Enterprises dba
27 Alisal Pharmacy is revoked;

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6. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case pursuant to Business and Professions Code section 125.3; and

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

DATED: 3/5/18 

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

SF2016200954

Exhibit 2

Accusation No. 6286