

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

In the Matter of the Accusation Against:

**B3 HOLDINGS INC., DBA PORTER RANCH PHARMACY,
PHILIP WILLIAM BANKS
Pharmacy Permit No. PHY 48684,**

**MOJDEH ROUHANI
Pharmacist License No. RPH 46639,**

**PHILIP WILLIAM BANKS
Pharmacist License No. RPH 47038,**

and

**WHOLERX INC., DBA PORTER RANCH PHARMACY,
MOJDEH ROUHANI
Pharmacy Permit No. PHY 58025**

Respondents.

Agency Case No. 7163

OAH No. 2022050603

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 May 24, 2023.

It is so ORDERED on April 24, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S" and "O".

Seung W. Oh, Pharm.D.
Board President

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Attorney General of California
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7163

13 **B3 HOLDINGS INC., DBA PORTER**
RANCH PHARMACY, PHILIP WILLIAM
14 **BANKS**
19950 Rinaldi Street, Suite 102
15 Porter Ranch, CA 91326

OAH No. 2022050603

16 Pharmacy Permit No. PHY 48684,

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT WHOLERX INC., DBA
PORTER RANCH PHARMACY,
PHARMACY PERMIT NO. PHY 58025
ONLY

17 **MOJDEH ROUHANI**
19300 Rinaldi Street #7512
18 Northridge, CA 91327

19 Pharmacist License No. RPH 46639,

20 **PHILIP WILLIAM BANKS**
19300 Rinaldi St., #7512
21 Northridge, CA 91327

22 Pharmacist License No. RPH 47038,

23 **and**

24 **WHOLERX INC., DBA PORTER RANCH**
PHARMACY, MOJDEH ROUHANI
19950 Rinaldi St., Ste. 102
25 Porter Ranch, CA 91326

26 Pharmacy Permit No. PHY 58025

27 Respondents.
28

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

3 **PARTIES**

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

8 2. Respondent WholeRx Inc., dba Porter Ranch Pharmacy, Mojdeh Rouhani is
9 represented in this proceeding by attorney Armond Marcarian, whose address is 21650 Oxnard
10 Street, Suite 1980, Woodland Hills, CA 91367.

11 3. On or about February 22, 2021, the Board issued Pharmacy Permit No. PHY 58025 to
12 WholeRx Inc., dba Porter Ranch Pharmacy (Respondent Porter Ranch Pharmacy 2). Mojdeh
13 Rouhani is and has been the Chief Executive Officer, Chairman, President, Director, Secretary,
14 Treasurer/Chief Financial Officer, and Pharmacist-in-Charge since February 22, 2021. The
15 Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First
16 Amended Accusation No. 7163, and will expire on February 1, 2024, unless renewed.

17 **JURISDICTION**

18 4. First Amended Accusation No. 7163 was filed before the Board, and is currently
19 pending against Respondent Porter Ranch Pharmacy 2. The First Amended Accusation and all
20 other statutorily required documents were properly served on Respondent Porter Ranch Pharmacy
21 2 on October 4, 2022. Respondent Porter Ranch Pharmacy 2 timely filed its Notice of Defense
22 contesting the Accusation. A copy of First Amended Accusation No. 7163 is attached as Exhibit
23 A and incorporated herein by reference.

24 **ADVISEMENT AND WAIVERS**

25 5. Respondent Porter Ranch Pharmacy 2 has carefully read, fully discussed with
26 counsel, and understands the charges and allegations in First Amended Accusation No. 7163.
27 Respondent Porter Ranch Pharmacy 2 has also carefully read, fully discussed with counsel, and
28 understands the effects of this Stipulated Settlement and Disciplinary Order.

1 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
2 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
3 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

16 **DISCIPLINARY ORDER**

17 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 58025 issued to Respondent
18 WholeRx Inc., dba Porter Ranch Pharmacy, Mojdeh Rouhani (Respondent Porter Ranch
19 Pharmacy 2) is revoked. However, the revocation is stayed and Respondent Porter Ranch
20 Pharmacy 2 is placed on probation for three (3) years on the following terms and conditions:

21 1. **Definition: Respondent**

22 For the purposes of these terms and conditions, "Respondent Porter Ranch Pharmacy 2"
23 shall refer to WholeRx Inc., dba Porter Ranch Pharmacy. All terms and conditions stated herein
24 shall bind and be applicable to the licensed premises and to all owners, managers, officer,
25 administrators, members, directors, trustees, associates, or partners thereof. For purposes of
26 compliance with any term or condition, any report, submission, filing, payment, or appearance
27 required to be made by Respondent Porter Ranch Pharmacy 2 to or before the Board or its
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1 designee shall be made by an owner or executive officer with authority to act on behalf of and
2 legally bind the licensed entity.

3 **2. Obey All Laws**

4 Respondent Porter Ranch Pharmacy 2 shall obey all state and federal laws and regulations.

5 Respondent Porter Ranch Pharmacy 2 shall report any of the following occurrences to the
6 Board, in writing, within seventy- two (72) hours of such occurrence:

- 7 • an arrest or issuance of a criminal complaint for violation of any provision of the
8 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
9 substances laws
- 10 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
11 criminal proceeding to any criminal complaint, information or indictment
- 12 • a conviction of any crime
- 13 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
14 administrative action filed by any state or federal agency which involves
15 Respondent Porter Ranch Pharmacy 2's license or which is related to the practice of
16 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or
17 charging for any drug, device or controlled substance.

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

19 **3. Report to the Board**

20 Respondent Porter Ranch Pharmacy 2 shall report to the Board quarterly, on a schedule as
21 directed by the Board or its designee. The report shall be made either in person or in writing, as
22 directed. Among other requirements, Respondent Porter Ranch Pharmacy 2 shall state in each
23 report under penalty of perjury whether there has been compliance with all the terms and
24 conditions of probation.

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

3 **4. Interview with the Board**

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

10 **5. Cooperate with Board Staff**

11 Respondent Porter Ranch Pharmacy 2 shall timely cooperate with the Board's inspection
12 program and with the Board's monitoring and investigation of respondent's compliance with the
13 terms and conditions of its probation, including but not limited to: timely responses to requests
14 for information by Board staff; timely compliance with directives from Board staff regarding
15 requirements of any term or condition of probation; and timely completion of documentation
16 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a
17 violation of probation.

18 **6. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent Porter Ranch
20 Pharmacy 2 shall pay to the Board its costs of investigation and prosecution in the amount of
21 \$30,000.00. Respondent Porter Ranch Pharmacy 2 shall be jointly and severally responsible with
22 Respondent Mojdeh Rouhani for payment of these costs.

23 Respondent Porter Ranch Pharmacy 2 shall be permitted to pay these costs in a payment
24 plan approved by the Board or its designee, so long as full payment is completed prior to the end
25 date of probation.

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

1 **7. Probation Monitoring Costs**

2 Respondent Porter Ranch Pharmacy 2 shall pay any costs associated with probation
3 monitoring as determined by the Board each and every year of probation. Such costs shall be
4 payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such
5 costs by the deadline(s) as directed shall be considered a violation of probation.

6 **8. Status of License**

7 Respondent Porter Ranch Pharmacy 2 shall, at all times while on probation, maintain an
8 active, current Pharmacy Permit with the Board, including any period during which suspension or
9 probation is tolled. Failure to maintain an active, current Pharmacy Permit shall be considered a
10 violation of probation.

11 If Respondent Porter Ranch Pharmacy 2's Pharmacy Permit expires or is cancelled by
12 operation of law or otherwise at any time during the period of probation, including any extensions
13 thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be
14 subject to all terms and conditions of this probation not previously satisfied.

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

16 Following the effective date of this decision, should Respondent Porter Ranch Pharmacy 2
17 wish to discontinue business, Respondent Porter Ranch Pharmacy 2 may tender the premises
18 license to the Board for surrender. The Board or its designee shall have the discretion whether to
19 grant the request for surrender or take any other action it deems appropriate and reasonable.
20 Upon formal acceptance of the surrender of the license, Respondent Porter Ranch Pharmacy 2
21 will no longer be subject to the terms and conditions of probation.

22 Respondent Porter Ranch Pharmacy 2 may not apply for any new license from the Board
23 for three (3) years from the effective date of the surrender. Respondent Porter Ranch Pharmacy 2
24 shall meet all requirements applicable to the license sought as of the date the application for that
25 license is submitted to the Board.

26 Respondent Porter Ranch Pharmacy 2 further stipulates that it shall reimburse the Board
27 for its costs of investigation and prosecution prior to the acceptance of the surrender.

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1 **10. Sale or Discontinuation of Business**

2 During the period of probation, should Respondent Porter Ranch Pharmacy 2 sell, trade or
3 transfer all or part of the ownership of the licensed entity, discontinue doing business under the
4 license issued to Respondent Porter Ranch Pharmacy 2, or should practice at that location be
5 assumed by another full or partial owner, person, firm, business, or entity, under the same or a
6 different premises license number, the Board or its designee shall have the sole discretion to
7 determine whether to exercise continuing jurisdiction over the licensed location, under the current
8 or new premises license number, and/or carry the remaining period of probation forward to be
9 applicable to the current or new premises license number of the new owner.

10 **11. Notice to Employees**

11 Respondent Porter Ranch Pharmacy 2 shall, upon or before the effective date of this
12 decision, ensure that all employees involved in permit operations are made aware of all the terms
13 and conditions of probation, either by posting a notice of the terms and conditions, circulating
14 such notice, or both. If the notice required by this provision is posted, it shall be posted in a
15 prominent place and shall remain posted throughout the probation period. Respondent Porter
16 Ranch Pharmacy 2 shall ensure that any employees hired or used after the effective date of this
17 decision are made aware of the terms and conditions of probation by posting a notice, circulating
18 a notice, or both. Additionally, Respondent Porter Ranch Pharmacy 2 shall submit written
19 notification to the Board, within fifteen (15) days of the effective date of this decision, that this
20 term has been satisfied. Failure to timely provide such notification to employees, or to timely
21 submit such notification to the Board shall be considered a violation of probation.

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

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

26 Respondent Porter Ranch Pharmacy 2 shall provide, within thirty (30) days after the
27 effective date of this decision, signed and dated statements from its owners, including any owner
28 or holder of ten percent (10%) or more of the interest in respondent or respondent's stock, and all

1 of its officer, stating under penalty of perjury that said individuals have read and are familiar with
2 state and federal laws and regulations governing the practice of pharmacy. The failure to timely
3 provide said statements under penalty of perjury shall be considered a violation of probation.

4 **13. Premises Open for Business**

5 Respondent Porter Ranch Pharmacy 2 shall remain open and engaged in its ordinary
6 business as a Pharmacy in California for a minimum of 100 hours per calendar month. Any
7 month during which this minimum is not met shall toll the period of probation, i.e., the period of
8 probation shall be extended by one month for each month during with this minimum is not met.
9 During any such period of tolling of probation, Respondent Porter Ranch Pharmacy 2 must
10 nonetheless comply with all terms and conditions of probation, unless Respondent Porter Ranch
11 Pharmacy 2 is informed otherwise in writing by the Board or its designee. If Respondent Porter
12 Ranch Pharmacy 2 is not open and engaged in its ordinary business as a Pharmacy for a minimum
13 of 100 hours in any calendar month, for any reason (including vacation), Respondent Porter
14 Ranch Pharmacy 2 shall notify the Board in writing within ten (10) days of the conclusion of that
15 calendar month. This notification shall include at minimum all of the following: the date(s) and
16 hours respondent was open; the reason(s) for the interruption or why business was not conducted;
17 and the anticipated date(s) on which respondent will resume business as required. Respondent
18 Porter Ranch Pharmacy 2 shall further notify the Board in writing with ten (10) days following
19 the next calendar month during which respondent is open and engaged in its ordinary business as
20 a Pharmacy in California for a minimum of 100 hours. Any failure to timely provide such
21 notification(s) shall be considered a violation of probation.

22 **14. Posted Notice of Probation**

23 Respondent Porter Ranch Pharmacy 2 shall prominently post a probation notice provided
24 by the Board or its designee in a place conspicuous to and readable by the public within two (2)
25 days of receipt thereof from the Board or its designee. Failure to timely post such notice, or to
26 maintain the posting during the entire period of probation, shall be considered a violation of
27 probation.

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1 Respondent Porter Ranch Pharmacy 2 shall not, directly or indirectly, engage in any
2 conduct or make any statement which is intended to mislead or is likely to have the effect of
3 misleading any patient, customer, member of the public, or other person(s) as to the nature of and
4 reason for the probation of the licensed entity.

5 **15. Violation of Probation**

6 If Respondent Porter Ranch Pharmacy 2 has not complied with any term or condition of
7 probation, the Board shall have continuing jurisdiction over Respondent Porter Ranch Pharmacy
8 2, and the Board shall provide notice to Respondent Porter Ranch Pharmacy 2 that probation shall
9 automatically be extended, until all terms and conditions have been satisfied or the Board has
10 taken other action as deemed appropriate to treat the failure to comply as a violation of probation,
11 to terminate probation, and to impose the penalty that was stayed. The Board or its designee may
12 post a notice of the extended probation period on its website.

13 If Respondent Porter Ranch Pharmacy 2 violates probation in any respect, the Board, after
14 giving Respondent Porter Ranch Pharmacy 2 notice and an opportunity to be heard, may revoke
15 probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or
16 an accusation is filed against Respondent Porter Ranch Pharmacy 2 during probation, or the
17 preparation of an accusation or petition to revoke probation is requested from the Office of the
18 Attorney General, the Board shall have continuing jurisdiction and the period of probation shall
19 be automatically extended until the petition to revoke probation or accusation is heard and
20 decided, and the charges and allegations in First Amended Accusation No. 7163 shall be deemed
21 true and correct.

22 **16. Completion of Probation**

23 Upon written notice by the Board or its designee indicating successful completion of
24 probation, Respondent Porter Ranch Pharmacy 2's license will be fully restored.

25 **17. Consultant**

26 Respondent Porter Ranch Pharmacy 2 shall retain, at their own expense, an independent
27 consultant who shall be responsible for reviewing the operations of the entity for compliance, on
28 a frequency determined by the Board's designee (monthly or quarterly), by the pharmacist-in-

1 charge and the entity with state and federal laws and regulations governing the practice of the
2 entity. The consultant shall be a pharmacist licensed by and not on probation with the Board, who
3 has been approved by the Board or its designee to serve in this position. Respondent Porter
4 Ranch Pharmacy 2 shall submit the name of the proposed consultant to the Board or its designee
5 for approval within thirty (30) days of the effective date of the decision. Failure to timely seek
6 approval for, timely retain, or ensure timely reporting by the consultant shall be considered a
7 violation of probation.

8 **18. No Additional Ownership or Management of Licensed Premises**

9 Respondent Porter Ranch Pharmacy 2 shall not acquire any additional ownership, legal or
10 beneficial interest in, nor serve as a manager, administrator, member, officer, director, associate,
11 partner or any business, firm , partnership, or corporation currently or hereinafter licensed by the
12 Board except as approved by the Board or its designee. Violations of this restriction shall be
13 considered a violation of probation.

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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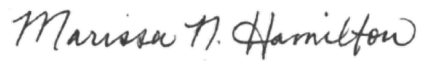
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ENDORSEMENT

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

DATED: 3/20/2023

Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



MARISSA N. HAMILTON
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 7163

1 ROB BONTA
Attorney General of California
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Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
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E-mail: Marissa.Hamilton@doj.ca.gov
7 *Attorneys for Complainant*

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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

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RANCH PHARMACY, PHILIP WILLIAM
14 **BANKS**
15 **19950 Rinaldi Street, Suite 102**
Porter Ranch, CA 91326

FIRST AMENDED ACCUSATION

16 **Pharmacy Permit No. PHY 48684,**

17 **MOJDEH ROUHANI**
18 **19300 Rinaldi Street #7512**
Northridge, CA 91327

19 **Pharmacist License No. RPH 46639,**

20 **PHILIP WILLIAM BANKS**
21 **19300 Rinaldi St., #7512**
Northridge, CA 91327

22 **Pharmacist License No. RPH 47038,**

23 **and**

24 **WHOLERX INC., DBA PORTER RANCH**
PHARMACY, MOJDEH ROUHANI
25 **19950 Rinaldi St., Ste. 102**
Porter Ranch, CA 91326

26 **Pharmacy Permit No. PHY 58025**

27 Respondents.
28

PARTIES

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

5 2. On or about August 1, 2007, the Board of Pharmacy issued Pharmacy Permit Number
6 PHY 48684 to B3 Holdings Inc., dba Porter Ranch Pharmacy (Respondent Porter Ranch
7 Pharmacy 1). Philip William Banks was the 100% shareholder, President, Secretary, and
8 Treasurer/Chief Financial Officer from February 23, 2017 to February 22, 2021. In addition,
9 Philip William Banks was the Pharmacist-in-Charge from August 1, 2007 to February 22, 2021.
10 The Pharmacy Permit was cancelled and expired on February 22, 2021 pursuant to a change in
11 ownership, and has not been renewed.

12 3. On or about August 23, 1993, the Board of Pharmacy issued Pharmacist License
13 Number RPH 46639 to Mojdeh Rouhani (Respondent Rouhani). The Pharmacist License was in
14 full force and effect at all times relevant to the charges brought herein and will expire on
15 November 30, 2024, unless renewed.

16 4. On or about March 21, 1994, the Board of Pharmacy issued Pharmacist License
17 Number RPH 47038 to Philip William Banks (Respondent Banks). The Pharmacist License was
18 in full force and effect at all times relevant to the charges brought herein and will expire on
19 November 30, 2023, unless renewed.

20 5. On or about February 22, 2021, the Board of Pharmacy issued Pharmacy Permit
21 Number PHY 58025 to WholeRx Inc., dba Porter Ranch Pharmacy (Respondent Porter Ranch
22 Pharmacy 2). Mojdeh Rouhani is and has been the Chief Executive Officer, Chairman, President,
23 Director, Secretary, Treasurer/Chief Financial Officer, and Pharmacist-in-Charge since February
24 22, 2021. The Pharmacy Permit was in full force and effect at all times relevant to the charges
25 brought herein and will expire on February 1, 2023, unless renewed.

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1 **JURISDICTION**

2 6. This First Amended Accusation is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 7. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Code sections 4000 et seq.] and the Uniform Controlled Substances Act
7 [Health & Safety Code sections 11000 et seq].

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

10 9. Section 4300.1 of the Code states:

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

15 10. Section 4302 of the Code states:

16 The board may deny, suspend, or revoke any license of a corporation where
17 conditions exist in relation to any person holding 10 percent or more of the corporate stock
18 of the corporation, or where conditions exist in relation to any officer or director of the
corporation that would constitute grounds for disciplinary action against a licensee.

19 **STATUTORY PROVISIONS**

20 11. Section 4036.5 of the Code states:

21 “Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the
22 board as the supervisor or manager responsible for ensuring the pharmacy's compliance
with all state and federal laws and regulations pertaining to the practice of pharmacy.

23 12. Section 4059, subdivision (a), of the Code states:

24 (a) A person may not furnish any dangerous drug, except upon the prescription
25 of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
26 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

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1 13. Section 4081, subdivision (a) of the Code states:

2 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or
3 disposition of dangerous drugs or dangerous devices shall be at all times during
4 business hours open to inspection by authorized officers of the law, and shall be
5 preserved for at least three years from the date of making. A current inventory shall
6 be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,
7 veterinary food-animal drug retailer, outsourcing facility, physician, dentist,
8 podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section
4187, clinic, hospital, institution, or establishment holding a currently valid and
unrevoked certificate, license, permit, registration, or exemption under Division 2
(commencing with Section 1200) of the Health and Safety Code or under Part 4
(commencing with Section 16000) of Division 9 of the Welfare and Institutions Code
who maintains a stock of dangerous drugs or dangerous devices.

9 14. Section 4110, subdivision (a) of the Code states:

10 (a) No person shall conduct a pharmacy in the State of California unless they
11 have obtained a license from the board. A license shall be required for each pharmacy
12 owned or operated by a specific person. A separate license shall be required for each
13 of the premises of any person operating a pharmacy in more than one location. The
14 license shall be renewed annually. The license shall not be renewed unless the
15 applicant includes necessary matters identified by the board in the renewal
application, including, but not limited to, notification to the board regarding
compounding practices, including compounded human drug preparations distributed
outside of the state. The board may, by regulation, determine the circumstances under
which a license may be transferred.

16 15. Section 4113, subdivision (c), of the Code states, in pertinent part, [t]he pharmacist-
17 in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and
18 regulations pertaining to the practice of pharmacy.”

19 16. Section 4301 of the Code states, in pertinent part:

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

22 ...

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

25 ...

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

28 ...

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

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16 17. Section 4306.5 of the Code states:

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

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

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

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

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

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

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

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

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

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

10 19. Health and Safety Code Section 11153 states, in pertinent part:

11 (a) A prescription for a controlled substance shall only be issued for a legitimate
12 medical purpose by an individual practitioner acting in the usual course of his or her
13 professional practice. The responsibility for the proper prescribing and dispensing of
14 controlled substances is upon the prescribing practitioner, but a corresponding
15 responsibility rests with the pharmacist who fills the prescription. Except as authorized by
16 this division, the following are not legal prescriptions:

17 (1) an order purporting to be a prescription which is issued not in the usual
18 course of professional treatment or in legitimate and authorized research; or

19 (2) an order for an addict or habitual user of controlled substances, which is
20 issued not in the course of professional treatment or as part of an authorized
21 narcotic treatment program, for the purpose of providing the user with
22 controlled substances, sufficient to keep him or her comfortable by maintaining
23 customary use.

24 ...

25 20. Health and Safety Code section 11162.1 states, in pertinent part:

26 (a) The prescription forms for controlled substances shall be printed with the
27 following features:

28 (1) A latent, repetitive "void" pattern shall be printed across the entire front
of the prescription blank; if a prescription is scanned or photocopied, the word "void"
shall appear in a pattern across the entire front of the prescription.

(2) A watermark shall be printed on the backside of the prescription blank; the
watermark shall consist of the words "California Security Prescription."

(3) A chemical void protection that prevents alteration by chemical washing.

(4) A feature printed in thermochromic ink.

(5) An area of opaque writing so that the writing disappears if the prescription
is lightened.

(6) A description of the security features included on each prescription form.

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21. Health and Safety Code section 11164 states, in pertinent part:

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

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

22. Health and Safety Code section 11165 states, in pertinent part:

(a) To assist health care practitioners in their efforts to ensure appropriate prescribing, ordering, administering, furnishing, and dispensing of controlled substances, law enforcement and regulatory agencies in their efforts to control the diversion and resultant abuse of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances, and for statistical analysis, education, and research, the Department of Justice shall, contingent upon the availability of adequate funds in the CURES Fund, maintain the Controlled Substance Utilization Review and Evaluation System (CURES) for the electronic monitoring of, and internet access to information regarding, the prescribing and dispensing of Schedule II, Schedule III, Schedule IV, and Schedule V controlled substances by all practitioners authorized to prescribe, order, administer, furnish, or dispense these controlled substances.

. . .

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

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

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

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

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

(5) Quantity of the controlled substance dispensed.

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

4 (7) Number of refills ordered.

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

7 (9) Prescribing date of the prescription.

8 (10) Date of dispensing of the prescription.

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

10 **REGULATORY PROVISIONS**

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

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

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

20 24. California Code of Regulations, title 16, section 1735.2, subdivision (k), states:

21 (k) Prior to allowing any drug product preparation to be compounded in a
22 pharmacy, the pharmacist-in-charge shall complete a self-assessment for
23 compounding pharmacies developed by the board (Incorporated by reference is
24 "Community Pharmacy & Hospital Outpatient Pharmacy Compounding Self-
25 Assessment" Form 17M-39 Rev. 02/12.) as required by Section 1715 of Title 16,
26 Division 17, of the California Code of Regulations. That form contains a first section
27 applicable to all compounding, and a second section applicable to sterile injectable
28 compounding. The first section must be completed by the pharmacist-in-charge
before any compounding is performed in the pharmacy. The second section must be
completed by the pharmacist-in-charge before any sterile compounding is performed
in the pharmacy. The applicable sections of the self-assessment shall subsequently be
completed before July 1 of each odd-numbered year, within 30 days of the start date
of a new pharmacist-in-charge or change of location, and within 30 days of the
issuance of a new pharmacy license. The primary purpose of the self-assessment is to
promote compliance through self-examination and education.

29 25. Federal Code of Regulations, title 21, section 1306.04 states, in pertinent part:

30 (a) A prescription for a controlled substance to be effective must be issued for
31 a legitimate medical purpose by an individual practitioner acting in the usual course
32 of his professional practice. The responsibility for the proper prescribing and
33 dispensing of controlled substances is upon the prescribing practitioner, but a
34 corresponding responsibility rests with the pharmacist who fills the prescription. An
35 order purporting to be a prescription issued not in the usual course of professional
36 treatment or in legitimate and authorized research is not a prescription within the

1 meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person
2 knowingly filling such a purported prescription, as well as the person issuing it, shall
be subject to the penalties provided for violations of the provisions of law relating to
controlled substances.

3 ...

4 **DANGEROUS DRUGS / CONTROLLED SUBSTANCES**

5 26. Section 4021 of the Code states, in pertinent part:

6 Controlled substances: means any substance listed in Chapter 2 (commencing
7 with Section 11053) of Division 10 of the Health and Safety Code.

8 27. Section 4022 states:

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

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

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

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

16 28. Drug classifications are as follows:

17 Generic Name	18 Brand Name	19 Dangerous Drug Per Code Section 4022	20 Controlled Substance Per Health & Safety Code (HSC)	21 Indications for Use
22 Alprazolam	Xanax	Yes	Yes – Schedule IV per HSC 11057(d)(1)	Anxiety
23 Apremilast	Otezla	Yes	No	Psoriasis/ Psoriatic Arthritis
24 Clonazepam	Klonopin	Yes	Yes – Schedule IV per HSC 11057(d)(7)	Anxiety
25 Dextroamphetamine/ Amphetamine	Adderall	Yes	Yes – Schedule II per HSC 11055(d)(1)	ADHD
26 Eszopiclone	Lunesta	Yes	Yes – Schedule IV per 21 CFR 1308.14(c)(58)	Insomnia

1	Fentanyl	Duragesic	Yes	Yes – Schedule II per HSC 11055(c)(8)	Pain
2	Gabapentin Encarbil	Horizant	Yes	No	Nerve Pain
3	Hydrocodone/ Acetaminophen	Norco	Yes	Yes – Schedule II per HSC 11055(b)(1)(I)(ii)	Pain
4	Hydrocodone/Ibuprofen	Vicoprofen	Yes	Yes – Schedule II per HSC 11055(b)(1)(I)(ii)	Pain
5	Hydromorphone	Dilaudid	Yes	Yes – Schedule II per HSC 11055(b)(1)(J)	Pain
6	Ketamine	N/A	Yes	Yes – Schedule III per HSC 11056(g)	Sedative/Pain
7	Lorazepam	Ativan	Yes	Yes – Schedule IV per HSC 11057(d)(16)	Anxiety
8	Oxycodone	Roxicodone	Yes	Yes – Schedule III per HSC 11055(b)(1)(M)	Pain
9	Suvorexant	Belsomra	Yes	Yes – Schedule IV per 21 CFR 1308.14(c)(52)	Insomnia
10	Temazepam	Restoril	Yes	Yes – Schedule IV per HSC 11057(d)(29)	Insomnia
11	Testosterone Gel	Androgel Gel	Yes	Yes – Schedule III per HSC 11056(f)(30)	Testosterone deficiency
12	Tramadol	Ultram	Yes	Yes – Schedule IV per 21 CFR 1308.14(b)(3)	Pain
13	Zolpidem	Ambien	Yes	Yes – Schedule IV per HSC 11057(d)(32)	Insomnia

COST RECOVERY

29. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FACTUAL ALLEGATIONS**

4 **Change of Ownership**

5 30. Porter Ranch Pharmacy had a change of ownership on or about February 22, 2021.
6 Accordingly, all prescriptions dispensed prior to February 22, 2021 are associated with
7 Respondent Porter Ranch Pharmacy 1, and all prescriptions dispensed after February 22, 2021 are
8 associated with Respondent Porter Ranch Pharmacy 2. Respondent Banks served as the
9 Pharmacist-in-Charge at Respondent Porter Ranch Pharmacy 1 from August 1, 2007 until the
10 change of ownership on February 22, 2021. Respondent Rouhani is and has been the Pharmacist-
11 in-Charge at Respondent Porter Ranch Pharmacy 2 since the change of ownership on February
12 22, 2021.

13 **BOARD INVESTIGATION NO. 1**

14 31. On or about March 16, 2021, a Board Inspector requested the following documents
15 from Porter Ranch Pharmacy: electronic dispensing records from March 1, 2018 through March
16 16, 2021; original prescription documents; and all notes pertaining to the requested prescriptions
17 and/or associated patients. On or about April 7, 2021, the Pharmacy provided the Board Inspector
18 with the requested documentation.

19 **General dispensing trends**

20 32. Based on a review of the Pharmacy's dispensing records, the Board Inspector noted
21 the following general dispensing trends for the time period of March 1, 2018 through March 16,
22 2021:

23 a. The Pharmacy dispensed a total of 172,830 prescriptions, of which 26,041
24 (approximately 15%) were controlled substance medications.

25 b. Approximately 16% of the controlled substance medications dispensed by the
26 Pharmacy were paid for with cash.

27 c. One of the Pharmacy's most commonly dispensed controlled substances was
28 Oxycodone 30mg. The Pharmacy dispensed at least 1053 prescriptions of Oxycodone 30mg

1 during the query period. Oxycodone is a commonly abused controlled substance. The 30mg
2 tablet is the highest dosage available. The 30mg tablets were dispensed by the Pharmacy
3 approximately 5 times more often than lower dosages (i.e., 5mg, 10mg, 15mg, 20mg).

4 d. The Pharmacy dispensed at least 544 early fills of controlled substances to 19 patients.

5 **Irregularities in prescriptions and prescribing patterns**

6 33. Based on review of the Pharmacy dispensing records and original prescription
7 documents, the Board Inspector determined that during the time period of March 1, 2018 through
8 March 16, 2021, Respondents Porter Ranch Pharmacy 1 and Porter Ranch Pharmacy 2 had
9 dispensed multiple prescriptions for controlled substances that exhibited objective factors of
10 irregularity—or red flags—for potential abuse without adequately ensuring the prescriptions were
11 issued for a legitimate medical purpose in the usual course of professional practice. Factors of
12 irregularity were evident in the prescription documents and prescribing patterns including but not
13 limited to the following:

14 34. **Prescriptions Dispensed Related to Dr. John Korzelius:**

15 a. Respondent Porter Ranch Pharmacy 1 filled approximately 329 prescriptions under
16 the prescribing authority of Dr. John Korzelius between March 19, 2018 and July 29, 2020.

17 b. Approximately 187, or 57%, of the prescriptions written by Dr. Korzelius and
18 dispensed by Respondent Porter Ranch Pharmacy 1 were for a controlled substance, which is not
19 consistent with the pattern of dispensing for the Pharmacy overall, which is approximately 15%
20 controlled substances.

21 c. Approximately 40% of the prescriptions written by Dr. Korzelius and dispensed by
22 Respondent Porter Ranch Pharmacy 1 were paid for with cash. Patients paid up to \$483.21 for 90
23 tablets of Oxycodone 30mg. This is not consistent with the amount of cash payments made for
24 controlled substances for the Pharmacy overall, which is approximately 16% cash payments for
25 controlled substances.

26 d. Oxycodone 30mg was Dr. Korzelius' most commonly prescribed medication,
27 accounting for approximately 43% of his total prescribing. Dr. Korzelius' frequent prescribing of
28 oxycodone 30 mg is incongruent with what would be expected for a physician practicing within

1 the scope of Dr. Korzelius' self-reported practice (i.e., general practice).

2 e. Pain was treated by Dr. Korzelius almost exclusively with 3 medications: Oxycodone
3 30mg, Ibuprofen 600mg, and Hydrocodone/Acetaminophen 10/325mg. It is irregular for a
4 prescriber to treat their patients' pain with only 3 medications, as medications with differing
5 mechanisms of action are typically prescribed due the variety of types of pain and presentation of
6 symptoms.

7 f. Dr. Korzelius prescribed the highest strength Oxycodone 30mg to 88% of the patients
8 he treated. Almost all of these patients were directed to take the medication three times daily for a
9 total of 90mg a day, a high dosage which increased the risk for serious harm, overdose, and death.
10 Given the great variability between patients' ages, weight, allergies, medical histories, and
11 tolerance to narcotic medications, it would not be typical for all patients to receive identical
12 prescription dosages.

13 g. Dr. Korzelius had addresses listed on the prescription documents in six different
14 cities, some of which were located a far distance from the Pharmacy, including Encino, CA
15 (approximately 16 miles away), Granada Hills, CA (approximately 5 miles away), Inglewood,
16 CA (approximately 32 miles away), and Tarzana, CA (approximately 18 miles away), resulting in
17 patients traveling unusual distances from Dr. Korzelius' offices to Porter Ranch Pharmacy to
18 obtain prescriptions.

19 h. Despite the irregularities discussed above, the prescription documents collected did
20 not contain documentation indicating that the Pharmacy contacted Dr. Korzelius to specifically
21 address these irregularities prior to filling the prescriptions. The below table shows the pharmacist
22 detail related to the controlled substance prescriptions written by Dr. Korzelius and dispensed by
23 the Pharmacy during the query period:

Pharmacist	No. of Controlled Substance Prescriptions Dispensed	No. of Tablets Dispensed
Respondent Banks	120	11,155
Respondent Rouhani	66	6,165
Other Pharmacist	1	90
TOTAL	187	17,410

1 **35. Early Fills of Controlled Substances**

2 Early dispensing of controlled substances may contribute to prescription drug abuse as it
3 provides patients with excessive drugs. A controlled substance is considered “early” if it is filled
4 before a previously dispensed supply is exhausted; however, it is customary for pharmacies to
5 allow a 2-3 day grace period for a patients’ convenience and business hour limitations. Based on
6 a review of the prescription documents provided for the time period of March 1, 2018 through
7 March 16, 2021, the Board Inspector determined that Respondents Porter Ranch Pharmacy 1 and
8 Porter Ranch Pharmacy 2 dispensed early fills of controlled substances to patients (beyond the 2-
9 3 day grace period) with no inquiry or verification made with the various prescribers as to the
10 necessity for an early fill, including but not limited to the following:

11 a. **Patient A.R.**

- 12 • Patient A.R. received a total of 41 early fills of Hydrocodone/Ibuprofen
13 7.5mg/200mg tablets from to March 22, 2018 to March 3, 2021. Patient A.R.
14 received 21 consecutive early fills of Hydrocodone/Ibuprofen 7.5mg/200mg from
15 March 22, 2018 to April 4, 2019, and 18 consecutive early fills of
16 Hydrocodone/Ibuprofen 7.5mg/200mg from July 10, 2019 to June 9, 2020. This
17 means that nearly a 42-month (1,250 days) supply of Hydrocodone/Ibuprofen
18 7.5mg/200mg was dispensed to Patient A.R. over an 837 day period from March 22,
19 2018 to July 6, 2020, resulting in nearly a 14-month (413 days) supply surplus of
20 Hydrocodone/Ibuprofen 7.5mg/200mg dispensed to Patient A.R. In addition, 31 out
21 of the 52 total prescriptions of Hydrocodone/Ibuprofen 7.5mg/200mg dispensed to
22 Patient A.R. were paid for with cash.
- 23 • Patient A.R. also received 22 early fills of Lorazepam 1mg tablets from May 9, 2018
24 to September 3, 2020. Patient A.R. received 13 nearly consecutive early fills of
25 Lorazepam 1mg from May 9, 2018 to January 24, 2019. This means that a 14-month
26 (420 days) supply of Loraepam 1mg was dispensed to Patient A.R. over a 302 day
27 period from May 9, 2018 to March 7, 2019, resulting in nearly a 4-month (118 days)
28 supply surplus of Lorazepam 1mg dispensed to Patient A.R. In addition, 15 out of the

1 47 total prescriptions of Hydrocodone/Ibuprofen 7.5mg/200mg dispensed to Patient
2 A.R. were paid for with cash.

3 b. **Patient B.W.**

- 4 • Patient B.W. received a total of 11 early fills of Alprazolam 0.5mg tablets from
5 December 14, 2019 to February 14, 2021. Patient B.W. received nearly 9 consecutive
6 early fills of Alprazolam 0.5mg from December 14, 2019 to October 7, 2020. This
7 means that a 13-month (390 days) supply of Alprazolam 0.5mg was dispensed to
8 Patient A.R. over a 323 day period from December 14, 2019 to November 1, 2020,
9 resulting in nearly a 2-month (67 days) supply surplus of Alprazolam 0.5mg
10 dispensed to Patient B.W.
- 11 • Patient B.W. also received 29 early fills of Zolpidem 10mg tablets from April 6, 2018
12 to February 24, 2021. Patient B.W. received 19 nearly consecutive early fills of
13 Zolpidem 10mg from April 6, 2018 to October 28, 2019. This means that a 26-month
14 (780 days) supply of Zolpidem 10mg was dispensed to Patient B.W. over a 595 day
15 period from April 6, 2018 to November 22, 2019, resulting in nearly a 6-month (185
16 days) supply surplus of Zolpidem 10mg dispensed to Patient B.W. In addition, 19
17 out of the 47 total prescriptions of Zolpidem 10mg dispensed to Patient B.W. were
18 paid for with cash.

19 c. **Patient D.C.**

- 20 • Patient D.C. received a total of 15 nearly consecutive early fills of
21 Dextroamphetamine/Amphetamine 20mg tablets from May 30, 2019 to May 11,
22 2020. This means that a 17-month (510 days) supply of
23 Dextroamphetamine/Amphetamine 20mg was dispensed to Patient D.C. over a 377
24 day period from May 30, 2019 to June 10, 2020, resulting in a 4-month (133 days)
25 supply surplus of Dextroamphetamine/Amphetamine 20mg dispensed to Patient D.C.
- 26 • Patient D.C. also received a total of 24 early fills of Lorazepam 2mg tablets from
27 June 30, 2018 to June 23, 2020. Patient D.C. received 19 nearly consecutive early
28 fills of Lorazepam 2mg from June 19, 2019 to June 23, 2020. This means that a 19-

1 month (570 days) supply of Lorazepam 2mg was dispensed to Patient D.C. over a
2 400 day period from June 19, 2019 to July 26, 2020, resulting in a 5-month (170
3 days) supply surplus of Lorazepam 2mg dispensed to Patient D.C. In addition, 11 out
4 of the 33 total prescriptions of Lorazepam 2mg dispensed to Patient D.C. were paid
5 for with cash.

- 6 • Patient D.C. also received a total of 16 early fills of Zolpidem 5mg tablets from
7 August 24, 2018 to June 13, 2020. Patient D.C. received 14 nearly consecutive early
8 fills of Zolpidem 5mg from August 14, 2019 to June 13, 2020. This means that an
9 18-month (540 days) supply of Zolpidem 5mg was dispensed to Patient D.C. over a
10 330 day period from August 14, 2019 to July 9, 2020, resulting in a 7-month (210
11 days) supply surplus of Zolpidem 5mg dispensed to Patient D.C. In addition, 33 out
12 of the 37 total prescriptions of Zolpidem 5mg dispensed to Patient D.C. were paid for
13 with cash.

14 d. **Patient K.B.**

- 15 • Patient K.B. received a total of 17 nearly consecutive early fills of Fentanyl 100
16 mcg/hr patches from March 30, 2019 to March 28, 2020. This means that a 20-
17 month (605 days) supply of Fentanyl 100 mcg/hr was dispensed to Patient K.B. over
18 a 395 day period from March 30, 2019 to April 28, 2020, resulting in a 7-month (210
19 days) supply surplus of Fentanyl 100 mcg/hr dispensed to Patient K.B.
- 20 • Patient K.B. also received a total of 14 nearly consecutive early fills of Fentanyl 25
21 mcg/hr patches from March 30, 2019 to March 26, 2020. This means that an 18-
22 month (540 days) supply of Fentanyl 25 mcg/hr was dispensed to Patient K.B. over a
23 395 day period from March 30, 2019 to April 28, 2020, resulting in a nearly 5-month
24 (145 days) supply surplus of Fentanyl 25 mcg/hr dispensed to Patient K.B.
- 25 • Patient K.B. also received a total of 14 nearly consecutive early fills of
26 Hydromorphone 2mg from March 30, 2019 to May 26, 2020. This means that an 18-
27 month (540 days) supply of Hydromorphone 2mg was dispensed to Patient K.B. over
28 a 452 day period from March 30, 2019 to June 24, 2020, resulting in a nearly 3-

1 month (88 days) supply surplus of Hydromorphone 2mg dispensed to Patient K.B.

- 2 • Patient K.B. also received a total of 12 early fills of Hydromorphone 4mg from
3 March 30, 2019 to February 27, 2021, several of which were consecutive.

4 e. **Patient R.H.**

- 5 • Patient R.H. received a total of 17 nearly consecutive early fills of Alprazolam 1mg
6 tablets from December 18, 2019 to March 7, 2021. This means that a 19-month (570
7 days) supply of Alprazolam 1mg was dispensed to Patient R.H. over a 475 day period
8 from December 18, 2019 to April 6, 2021, resulting in a 3-month (95 days) supply
9 surplus of Alprazolam 1mg dispensed to Patient R.H.

10 f. **Patient M.B.**

- 11 • Patient M.B. received a total of 23 early fills of Androgel 1.62% from November 16,
12 2018 to November 13, 2020. This means that a 30-month (900 days) supply of
13 Androgel 1.62% was dispensed to Patient M.B. over a 758 day period from
14 November 16, 2018 to December 13, 2020, resulting in a nearly 5-month (142 days)
15 supply surplus of Androgel 1.62% dispensed to Patient M.B.

16 g. **Patient B.W.**

- 17 • Patient B.W. received a total of 20 early fills of Dextroamphetamine/Amphetamine
18 30mg tablets from March 21, 2018 to April 5, 2020. Patient B.W. received 12 nearly
19 consecutive early fills of Dextroamphetamine/Amphetamine 30mg from March 21,
20 2018 to December 4, 2018. This means that a nearly 14-month (412 days) supply of
21 Dextroamphetamine/Amphetamine 30mg was dispensed to Patient B.W. over a 309
22 day period from March 21, 2018 to January 24, 2019, resulting in a nearly 4-month
23 (103 days) supply surplus of Dextroamphetamine/Amphetamine 30mg dispensed to
24 Patient B.W. Moreover, Patient B.W. received 8 nearly consecutive early fills of
25 Dextroamphetamine/Amphetamine 30mg from November 7, 2019 to April 5, 2020.
26 This means that a nearly 9-month (270 days) supply of Dextroamphetamine/
27 Amphetamine 30mg was dispensed to Patient B.W. over a 175 day period from
28 November 7, 2019 to April 30, 2020, resulting in a nearly 3-month (95 days) supply

1 surplus of Dextroamphetamine/Amphetamine 30mg dispensed to Patient B.W. In
2 addition, 37 out of the 38 total prescriptions of Dextroamphetamine/Amphetamine
3 30mg dispensed to Patient B.W. were paid for with cash.

4 h. **Patient R.F.**

- 5 • Patient R.F. received a total of 15 early fills of Clonazepam 1mg tablets from
6 September 16, 2018 to January 27, 2021. Patient R.F. received 12 nearly consecutive
7 early fills of Clonazepam 1mg from September 16, 2018 to August 26, 2019. This
8 means that a nearly 16-month (480 days) supply of Clonazepam 1mg was dispensed
9 to Patient R.F. over a 369 day period from September 16, 2018 to September 20,
10 2019, resulting in a nearly 4-month (111 days) supply surplus of Clonazepam 1mg
11 dispensed to Patient R.F.

12 i. **Patient K.H.**

- 13 • Patient K.H. received a total of 30 early fills of Alprazolam 0.5mg tablets from
14 September 19, 2018 to March 12, 2021. Patient K.F. received 12 nearly consecutive
15 early fills of Alprazolam 0.5mg from March 8, 2019 to October 16, 2019. This
16 means that a 13-month (390 days) supply of Alprazolam 0.5mg was dispensed to
17 Patient K.H. over a 250 day period from March 8, 2019 to November 13, 2019,
18 resulting in a nearly 5-month (140 days) supply surplus of Alprazolam 0.5mg
19 dispensed to Patient K.H. Moreover, Patient K.H. received 17 nearly consecutive
20 early fills of Alprazolam 0.5mg from January 25, 2020 to March 12, 2021. This
21 means that a 20-month (600 days) supply of Alprazolam 0.5mg was dispensed to
22 Patient K.H. over a 442 day period from January 25, 2020 to April 11, 2021, resulting
23 in a 5-month (158 days) supply surplus of Alprazolam 0.5mg dispensed to Patient
24 K.H.

25 j. **Patient R.R.**

- 26 • Patient R.R. received a total of 34 nearly consecutive early fills of Tramadol 50mg
27 tablets from April 12, 2018 to January 29, 2021. This means that a 41-month (1,241
28 days) supply of Tramadol 50mg was dispensed to Patient R.R. over a 1,048 day

1 period from April 12, 2018 to February 23, 2021, resulting in a 6-month (193 days)
2 supply surplus of Tramadol 50mg dispensed to Patient R.R.

3 k. **Patient B.L.**

- 4 • Patient B.L. received a total of 15 early fills of Belsomra 20mg tablets from October
5 3, 2018 to April 21, 2020. Patient B.L. received 13 nearly consecutive early fills of
6 Belsomra 20mg from October 3, 2018 to September 27, 2019. This means that a 16-
7 month (480 days) supply of Belsomra 20mg was dispensed to Patient B.L. over a 386
8 day period from October 3, 2018 to October 24, 2019, resulting in a nearly 3-month
9 (94 days) supply surplus of Belsomra 20mg dispensed to Patient B.L.
- 10 • Patient B.L. also received a total of 18 early fills of Librax 5mg/2.5mg capsules from
11 August 31, 2018 to May 1, 2020. Patient B.L. received 14 nearly consecutive early
12 fills of Librax 5mg/2.5mg from August 31, 2018 to August 23, 2019. This means that
13 a 17-month (510 days) supply of Librax 5mg/2.5mg was dispensed to Patient B.L. over
14 a 391 day period from August 31, 2018 to September 26, 2019, resulting in a nearly 4-
15 month (119 days) supply surplus of Librax 5mg/2.5mg dispensed to Patient B.L.

16 l. **Patient R.H.**

- 17 • Patient R.H. received a total of 19 early fills of Oxycodone 20mg tablets from July
18 19, 2018 to February 5, 2021. Patient R.H. received 11 nearly consecutive early fills
19 of Oxycodone 20mg from July 19, 2018 to May 8, 2019. This means that a 13-month
20 (395 days) supply of Oxycodone 20mg was dispensed to Patient R.H. over a 314 day
21 period from July 19, 2018 to May 29, 2019, resulting in a nearly 3-month (81 days)
22 supply surplus of Oxycodone 20mg dispensed to Patient R.H.

23 m. **Patient A.B.**

- 24 • Patient A.B. received a total of 30 nearly consecutive early fills of Temazepam 15mg
25 capsules from June 27, 2018 to January 4, 2021. This means that a 40-month (1,206
26 days) supply of Temazepam 15mg was dispensed to Patient A.B. over a 939 day
27 period from June 27, 2018 to January 21, 2021, resulting in a nearly 9-month (267
28 days) supply surplus of Temazepam 15mg dispensed to Patient A.B.

1 n. **Patient W.M.**

- 2 • Patient W.M. received a total of 24 nearly consecutive early fills of Lunesta 2mg
3 tablets from September 27, 2018 to December 7, 2020. This means that a 33-month
4 (990 days) supply of Lunesta 2mg was dispensed to Patient W.M. over a 846 day
5 period from September 27, 2018 to January 20, 2021, resulting in a nearly 5-month
6 (144 days) supply surplus of Lunesta 2mg dispensed to Patient W.M.

7 o. **Patient G.T.**

- 8 • Patient G.T. received a total of 14 early fills of Tramadol 50mg tablets from
9 September 6, 2018 to October 12, 2020. Patient G.T. received 8 nearly consecutive
10 early fills of Tramadol 50mg from September 6, 2018 to March 12, 2019. This
11 means that a 9-month (270 days) supply of Tramadol 50mg was dispensed to Patient
12 G.T. over a 217 day period from September 16, 2018 to April 11, 2019, resulting in a
13 nearly 2-month (53 days) supply surplus of Tramadol 50mg dispensed to Patient G.T.

14 p. **Patient A.M.**

- 15 • Patient A.M. received a total of 17 early fills of Zolpidem 10mg tablets from June 10,
16 2018 to February 10, 2021, many of which were consecutive.

17 q. **Patient D.Z.**

- 18 • Patient D.Z. received a total of 18 early fills of Zolpidem 10mg tablets from August
19 1, 2018 to January 7, 2021, many of which were consecutive. Patient D.Z. received
20 10 early fills of Zolpidem 10mg from August 15, 2019 to August 26, 2020. This
21 means that a 17-month (510 days) supply of Zolpidem 10mg was dispensed to Patient
22 D.Z. over a 415 day period from August 15, 2020 to September 23, 2020, resulting in
23 a nearly 3-month (95 days) supply surplus of Zolpidem 10mg dispensed to Patient
24 D.Z.

25 r. **Patient C.R.**

- 26 • Patient C.R. received a total of 18 early fills of Tramadol 50mg tablets from July 12,
27 2019 to March 11, 2021. Patient C.R. received 12 early fills of Tramadol 50mg from
28 May 13, 2020 to March 11, 2021. This means that a 14-month (420 days) supply of

Tramadol 50mg was dispensed to Patient C.R. over a 332 day period from May 13, 2020 to April 10, 2021, resulting in a nearly 3-month (88 days) supply surplus of Tramadol 50mg dispensed to Patient C.R.

s. **Patient R.L.**

- Patient R.L. received a total of 17 early fills of Clonazepam 2mg tablets from August 17, 2018 to January 27, 2021. Patient R.L. received 13 nearly consecutive early fills of Clonazepam 2mg from August 17, 2018 to June 14, 2019. This means that a 14-month (420 days) supply of Clonazepam 2mg was dispensed to Patient R.L. over a 333 day period from August 17, 2018 to July 16, 2019, resulting in a nearly 3-month (87 days) supply surplus of Clonazepam 2mg dispensed to Patient R.L.

t. A total of 544 early fills were dispensed by the Pharmacy during the query period of March 1, 2018 to March 16, 2021, of which 538 of the early fills were dispensed by Respondent Porter Ranch Pharmacy 1, and 6 of the early fills were dispensed by Respondent Porter Ranch Pharmacy 2. The below table shows the pharmacist detail related to the early fills dispensed by the Pharmacy during the query period:

Patient	Prescription	No. of Early Fills Dispensed by Respondent Banks	No. of Early Fills Dispensed by Respondent Rouhani
A.R.	Hydrocodone/Ibuprofen 7.5mg/200mg TAB	35	6
A.R.	Lorazepam 1mg TAB	12	10
B.W.	Alprazolam 0.5mg TAB	6	5
B.W.	Zolpidem 10mg TAB	18	11
D.C.	Dextroamphetamine/Amphetamine 20mg TAB	4	11
D.C.	Lorazepam 2mg TAB	14	10
D.C.	Zolpidem 5mg TAB	8	8
K.B.	Fentanyl 100 Mcg/Hr PAT	12	5
K.B.	Fentanyl 25 Mcg/Hr PAT	8	6
K.B.	Hydromorphone 2mg TAB	11	3
K.B.	Hydromorphone 4mg TAB	8	4
R.H.	Alprazolam 1mg TAB	7	10
M.B.	Androgel 1.62% GEL	23	0
B.W.	Dextroamphetamine/Amphetamine 30mg TAB	13	7
R.F.	Clonazepam 1mg tab	8	7

K.H.	Alprazolam 0.5mg TAB	17	13
R.R.	Tramadol 50mg TAB	27	7
B.L.	Belsomra 20mg TAB	9	6
B.L.	Librax 5mg/2.5mg CAP	15	3
R.H.	Oxycodone 20mg TAB	13	6
A.B.	Temazepam 15mg CAP	23	7
W.M.	Lunesta 2mg TAB	18	6
G.T.	Tramadol 50mg TAB	7	7
A.M.	Zolpidem 10mg TAB	14	3
D.Z.	Zolpidem 10mg TAB	12	6
C.R.	Tramadol 50mg TAB	15	3
R.L.	Clonazepam 2mg TAB	13	4
TOTAL		370	174

36. **Non-Compliant Prescription Documents**

a. Based on review of the Pharmacy original prescription documents, the Board Inspector determined that 3 controlled substance prescriptions written by Dr. Joseph Dinglasan and dispensed by Respondent Porter Ranch Pharmacy 1 did not conform to the requirements of Health and Safety Code section 11162.1 in that they lacked the “California Security Prescription” watermark. This omitted security feature alone invalidated the prescriptions and visibly indicated that the prescriptions were not written legitimately. Respondent Rouhani was noted in the Pharmacy dispensing records as the dispensing pharmacist for all 3 of these non-compliant prescription documents from Dr. Dinglasan. The prescription documents collected did not contain documentation indicating that the Pharmacy contacted Dr. Dinglasan to specifically address the deficiencies prior to filling the prescriptions. The below table shows the dispensing detail related to non-compliant prescription documents from Dr. Dinglasan dispensed by the Pharmacy during the query period:

Patient	Prescription	Written Date	Dispensed Date	Payment Method	Pharmacist
L.R.	Oxycodone 30mg	1/27/2020	1/29/2020	Cash	Respondent Rouhani
L.R.	Oxycodone 30mg	2/21/2020	2/24/2020	Cash	Respondent Rouhani
L.R.	Oxycodone 30mg	3/25/2020	3/30/2020	Cash	Respondent Rouhani

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1 *As to Respondent B3 Holdings Inc., dba Porter Ranch Pharmacy (Porter Ranch Pharmacy 1)*

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Failure to Exercise or Implement Corresponding Responsibility)**

4 37. Respondent Porter Ranch Pharmacy 1 is subject to disciplinary action under Code
5 sections 4301, subdivisions (d), (j) and (o), and 4306.5, subdivisions (a) and (b), in conjunction
6 with Health and Safety Code section 11153, subdivision (a), California Code of Regulations, title
7 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04, subdivision (a), in
8 that Respondent Porter Ranch Pharmacy 1 failed to exercise or implement their best professional
9 judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled
10 substances or dangerous drugs, or with regard to the provision of services, as follows:

11 a. Respondent Porter Ranch Pharmacy 1 dispensed at least 187 controlled substance
12 prescriptions (17,410 tablets) written by Dr. Korzelius in the presence of multiple factors of
13 irregularity or red flags suggesting that they were not written for legitimate medical purposes.

14 b. Respondent Porter Ranch Pharmacy 1 dispensed at least 538 early fills of controlled
15 substances to 19 patients.

16 Complainant refers to, and by this reference incorporates, the allegations set forth above in
17 paragraphs 30-36, as though set forth in full herein.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Filling or Dispensing Improper or Erroneous or Uncertain Prescriptions
20 for Controlled Substances)**

21 38. Respondent Porter Ranch Pharmacy 1 is subject to disciplinary action under Code
22 sections 4301, subdivisions (j), and (o), and 4306.5, subdivisions (a) and (b), in conjunction with
23 Health and Safety Code sections 11162.1, subdivision (a)(2), and 11164, California Code of
24 Regulations, title 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04,
25 subdivision (a), in that Respondent Porter Ranch Pharmacy 1 filled or dispensed controlled
26 substance prescriptions that did not comply with the form requirements of Health and Safety
27 Code section 11162.1, in that the prescriptions lacked the “California Security Prescription”
28 watermark printed on the backside of the document, and/or contained any significant error,

1 omission, irregularity, uncertainty, ambiguity or alteration. Complainant refers to, and by this
2 reference incorporates, the allegations set forth in above paragraphs 30-36, as though set forth in
3 full herein.

4 *As to Respondent Mojdeh Rouhani*

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Failure to Exercise or Implement Corresponding Responsibility)**

7 39. Respondent Rouhani is subject to disciplinary action under Code sections 4301,
8 subdivisions (d), (j) and (o), 4306.5, subdivisions (a) and (b), and 4113, subdivision (c), in
9 conjunction with Health and Safety Code section 11153, subdivision (a), California Code of
10 Regulations, title 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04,
11 subdivision (a), in that Respondent Rouhani failed to exercise or implement their best
12 professional judgment or corresponding responsibility with regard to the dispensing or furnishing
13 of controlled substances or dangerous drugs, or with regard to the provision of services, as
14 follows:

15 a. Respondent Rouhani was the dispensing pharmacist on at least 66 controlled
16 substance prescriptions (6,165 tablets) written by Dr. Korzelius that had multiple factors of
17 irregularity or red flags suggesting that they were not written for legitimate medical purposes.

18 b. Respondent Rouhani was the dispensing pharmacist on at least 174 early fills of
19 controlled substances to 18 patients.

20 c. After the change of ownership on February 22, 2021, where Respondent Rouhani
21 served as the Pharmacist-in-Charge during the relevant period, the Porter Ranch Pharmacy
22 dispensed 6 early fills of controlled substances to patients.

23 Complainant refers to, and by this reference incorporates, the allegations set forth above in
24 paragraphs 30-36, as though set forth in full herein.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Filling or Dispensing Improper or Erroneous or Uncertain Prescriptions**
3 **for Controlled Substances)**

4 40. Respondent Rouhani is subject to disciplinary action under Code sections 4301,
5 subdivisions (j), and (o), and 4306.5, subdivisions (a) and (b), in conjunction with Health and
6 Safety Code sections 11162.1, subdivision (a)(2), and 11164, California Code of Regulations, title
7 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04, subdivision (a), in
8 that Respondent Rouhani filled or dispensed controlled substance prescriptions that did not
9 comply with the form requirements of Health and Safety Code section 11162.1, in that the
10 prescriptions lacked the “California Security Prescription” watermark printed on the backside of
11 the document, and/or contained any significant error, omission, irregularity, uncertainty,
12 ambiguity or alteration. Complainant refers to, and by this reference incorporates, the allegations
13 set forth in above paragraphs 30-36, as though set forth in full herein.

14 *As to Respondent Philip William Banks*

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Failure to Exercise or Implement Corresponding Responsibility)**

17 41. Respondent Banks is subject to disciplinary action under Code sections 4301,
18 subdivisions (d), (j) and (o), 4306.5, subdivisions (a) and (b), and 4113, subdivision (c), in
19 conjunction with Health and Safety Code section 11153, subdivision (a), California Code of
20 Regulations, title 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04,
21 subdivision (a), in that Respondent Banks failed to exercise or implement their best professional
22 judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled
23 substances or dangerous drugs, or with regard to the provision of services, as follows:

24 a. Prior to the change of ownership on February 22, 2021, where Respondent Banks
25 served as the Pharmacist-in-Charge during the relevant period, the Porter Ranch Pharmacy
26 dispensed at least 187 controlled substance prescriptions (17,410 tablets) written by Dr. Korzelius
27 in the presence of multiple factors of irregularity or red flags suggesting that they were not
28 written for legitimate medical purposes. Of which, Respondent Banks was the dispensing

1 pharmacist on at least 120 of the controlled substance prescriptions (11,155 tablets) written by Dr.
2 Korzelius.

3 b. Prior to the change of ownership on February 22, 2021, where Respondent Banks
4 served as the Pharmacist-in-Charge during the relevant period, the Pharmacy dispensed at least
5 538 early fills of controlled substances to 19 patients. Of which, Respondent Banks was the
6 dispensing pharmacist on at least 370 early fills of controlled substances to 19 patients.

7 Complainant refers to, and by this reference incorporates, the allegations set forth above in
8 paragraphs 30-36, as though set forth in full herein.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Filling or Dispensing Improper or Erroneous or Uncertain Prescriptions**
11 **for Controlled Substances)**

12 42. Respondent Banks is subject to disciplinary action under Code sections 4301,
13 subdivisions (j), and (o), 4306.5, subdivisions (a) and (b), and 4113, subdivision (c), in
14 conjunction with Health and Safety Code sections 11162.1, subdivision (a)(2), and 11164,
15 California Code of Regulations, title 16, section 1761, and Federal Code of Regulations, title 21,
16 section 1306.04, subdivision (a), in that, while Respondent Banks served as the Pharmacist-in-
17 Charge during the relevant period, the Pharmacy filled or dispensed controlled substance
18 prescriptions that did not comply with the form requirements of Health and Safety Code section
19 11162.1, in that the prescriptions lacked the “California Security Prescription” watermark printed
20 on the backside of the document, and/or contained any significant error, omission, irregularity,
21 uncertainty, ambiguity or alteration. Complainant refers to, and by this reference incorporates,
22 the allegations set forth in above paragraphs 30-36, as though set forth in full herein.

23 *As to Respondent WholerRx Inc., dba Porter Ranch Pharmacy (Porter Ranch Pharmacy 2)*

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Exercise or Implement Corresponding Responsibility / Filling or Dispensing**
26 **Improper or Erroneous or Uncertain Prescriptions for Controlled Substances)**

27 43. Respondent Porter Ranch Pharmacy 2 is subject to disciplinary action under Code
28 sections 4301, subdivisions (d), (j) and (o), and 4306.5, subdivisions (a) and (b), in conjunction

with Health and Safety Code section 11153, subdivision (a), California Code of Regulations, title 16, section 1761, and Federal Code of Regulations, title 21, section 1306.04, subdivision (a), in that Respondent Porter Ranch Pharmacy 2 failed to exercise or implement their best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances or dangerous drugs, or with regard to the provision of services, and/or filled or dispensed controlled substance prescriptions that contained any significant error, omission, irregularity, uncertainty, ambiguity or alteration when they filled or dispensed at least 6 early fills of controlled substances to patients. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 30-36, as though set forth in full herein.

BOARD INVESTIGATION NO. 2

Drug Audit Review

44. In or around November 2021, a Board Inspector requested the following documents from Porter Ranch Pharmacy: a list of wholesalers used from June 1, 2019 through June 30, 2020, and the acquisition and disposition records for specific drugs including but not limited to Horizant ER and Otezla. Porter Ranch Pharmacy confirmed that their only wholesalers during the relevant period were Cardinal Health and Anda. The Board Inspector obtained the records of Porter Ranch Pharmacy’s drug purchase records from Cardinal Health and Anda.

45. Based on a review of the documentation, the Board Inspector’s audit determined that, during the period of June 1, 2019 and June 30, 2020, Respondent Porter Ranch Pharmacy 1 had an inventory shortage, as summarized in the table below:

Drug	Initial Inventory	Purchases	Total Inventory	Amount Dispensed	Amount Returned	Discrepancy Amount
Horizant ER 300mg	0	0	0	240 tabs	0	-240 tabs (8 bottles)
Otezla 30mg	0	0	0	1080 tabs	0	-1080 tabs (18 bottles)

46. The audit revealed a shortage of 240 tablets (8 bottles) of Horizant ER 300mg and a shortage of 1,080 tablets (18 bottles) of Otezla 30mg. Of note, there is no generic substitution available for Horizant ER (gabapentin encarbil) tablets. The acquisition cost of Horizant ER is

1 approximately \$370 per bottle of 30 tablets, which amounts to approximately \$12.33 per tablet. It
 2 is possible that a higher insurance reimbursement for a pharmacy may result in dispensing
 3 Horizant ER, or a coupon program could result in a higher reimbursement for a pharmacy, as
 4 opposed to dispensing and billing a generic product.

5 **Compounding Review**

6 47. On or about April, 20, 2022, a Board Inspector conducted an on-site inspection at
 7 Porter Ranch Pharmacy. Respondent Banks and Respondent Rouhani were present and assisted
 8 the Board Inspector during the inspection. Respondent Banks stated that the only compounding
 9 that had been performed at the Pharmacy was Stanford Mouthwash,¹ and stated there had been no
 10 compounding performed since the change of ownership on February 22, 2021.

11 48. However, the Board Inspector’s review of CURES data and Pharmacy records
 12 determined that Respondent Porter Ranch Pharmacy 2 had compounded products using ketamine
 13 HCL after the change of ownership, during the period of February 22, 2021 until at least
 14 November 24, 2021, including but not limited to the following:

Patient	RX No.	Drug	Quantity	Date Dispensed
JW	629705	Ketamine 20mg Capsule	240	2/24/2021
	644848	Ketamine 20mg Capsule	240	4/2/2021
	646082	Ketamine 20mg Capsule	240	5/10/2021
	646082 (Refill 1)	Ketamine 20mg Capsule	240	6/28/2021
	652417	Ketamine 20mg Capsule	240	7/27/2021
	652417 (Refill 1)	Ketamine 20mg Capsule	240	10/18/2021
	651188	Ketamine 20mg Capsule	240	8/17/2021
	651188 (Refill 1)	Ketamine 20mg Capsule	240	9/20/2021
	661467	Ketamine 20mg Capsule	240	11/24/2021
	NH	624105	Ketamine 2% Cream	30
647080		Ketamine 2% Cream	30	5/5/2021
647080 (Refill 1)		Ketamine 2% Cream		6/2/2021
DA	640919	Ketamine/Pent/Clon/DMSO Cream	60	2/9/2021
	641181	Ketamine/Pent/Clon/DMSO Cream	60	3/10/2021

28 ¹ A common version of the compounded Stanford Mouthwash includes tetracycline, nystatin, hydrocortisone, and chlorpheniramine (antibiotic, antifungal, steroid, and antihistamine).

1	641181 (Refill 1)	Ketamine/Pent/Clon/DMSO Cream		4/20/2021
2	641181 (Refill 2)	Ketamine/Pent/Clon/DMSO Cream		6/3/2021

3 49. The pharmacist-in-charge of a pharmacy that compounds drug preparations is
4 required to complete the Board’s Compounding Self-Assessment. The Board Inspector requested
5 a copy of Respondent Porter Ranch Pharmacy 2’s Compounding Self-Assessment; however, one
6 was not provided.

7 **Review of Pharmacy Purchases of Dangerous Drugs from Wholesalers**

8 50. As indicated above, the Porter Ranch Pharmacy’s wholesalers include Cardinal
9 Health and Anda. The Pharmacy orders medications, both non-controlled and controlled
10 substances, from its wholesalers through an account number associated with their license number.

11 51. Respondent Porter Ranch Pharmacy 1 had account number 76675 with Cardinal
12 Health, associated with its pharmacy permit number 48684. Based on a review of documentation,
13 the Board Inspector determined that, after the change of ownership, Respondent Porter Ranch
14 Pharmacy 2 was given a new Cardinal Health account number 79897, associated with its new
15 pharmacy permit number 58025, on or about March 11, 2021, with the first purchase using the
16 new account on or about March 13, 2021. However, the next purchase using the new account
17 was not made until April 28, 2021. Accordingly, the Board Inspector determined that, from the
18 change of ownership on February 22, 2021 through April 27, 2021, Respondent Porter Ranch
19 Pharmacy 2 purchased dangerous drugs and devices from Cardinal Health using Respondent
20 Porter Ranch Pharmacy 1’s cancelled pharmacy permit.² Purchases using the cancelled permit
21 were made on 53 days.

22 52. Respondent Porter Ranch Pharmacy 1 had account number 363873 with Anda,
23 associated with its pharmacy permit number 48684. Based on a review of documentation, the
24 Board Inspector determined that from the change in ownership on February 22, 2021 through
25

26 ² On or around the change of ownership on February 22, 2021, Respondents executed a
27 power of attorney and submitted it to their wholesalers, such that Respondent Porter Ranch
28 Pharmacy 2 was able to continue ordering Schedule II controlled substances under the cancelled
pharmacy permit for a limited period of time. However, Respondent Porter Ranch Pharmacy
purchased Schedule III-V controlled substances and non-controlled dangerous drugs and devices
during the relevant time period using the cancelled pharmacy permit.

1 June 11, 2021, Respondent Porter Ranch Pharmacy 2 purchased dangerous drugs and devices
2 from Anda using Respondent Porter Ranch Pharmacy 1's cancelled pharmacy permit. Anda
3 closed account number 363873 associated with the cancelled permit on or about June 24, 2021.
4 Respondent Porter Ranch Pharmacy 2 was given a new Anda account number 519569, associated
5 with its pharmacy permit number 58025, on or about July 9, 2021, with the first purchase on the
6 new account on July 12, 2021.

7 **Review of CURES Reporting**

8 53. The Controlled Substance Utilization Review and Evaluation System (CURES)³ is
9 California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are
10 required to report all filled prescriptions for Schedule II, III, IV, and V controlled substances to
11 the database every week (and within one working day, effective January 1, 2021). When reporting
12 controlled substance prescriptions filled by a pharmacy to CURES, the pharmacy is required to
13 include, inter alia, the pharmacy's license number and federal controlled substance registration
14 number (i.e., DEA permit number).

15 54. Respondent Porter Ranch Pharmacy 1 was issued DEA permit number FP450697.
16 Upon the change of ownership, Respondent Porter Ranch Pharmacy 2 was required to obtain a
17 new DEA permit, and was issued DEA permit number FW0028604 on or about March 4, 2021.⁴
18 Based on a review of the CURES data, the Board Inspector determined that after the new DEA
19 permit was issued to Respondent Porter Ranch Pharmacy 2 on March 4, 2021, Respondent Porter
20 Ranch Pharmacy 2 submitted controlled substance prescription data to CURES using Respondent
21 Porter Ranch Pharmacy 1's DEA permit number and cancelled pharmacy license.

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24 ³ The CURES data is collected statewide and can be used by licensed prescribers and
25 pharmacists to evaluate and determine whether their patients are utilizing controlled substances
26 correctly and whether a patient has used multiple prescribers and multiple pharmacies to fill
27 controlled substance prescriptions. Law enforcement and regulatory agencies such as the Board
28 have access to the CURES database for official oversight or investigatory purposes.

⁴ When there is a sale or transfer of ownership in a pharmacy, the new pharmacy is
generally allowed a "grace period," wherein the new pharmacy is allowed to purchase controlled
substance medications with the old pharmacy's DEA permit until the new pharmacy is issued a
new permit. However, once the new DEA permit number is issued, use of the prior DEA permit
is not permitted.

55. Notably, the Board Inspector’s review determined that during the period of March 4, 2021 and May 27, 2021, Respondent Porter Ranch Pharmacy 2 submitted controlled substance prescription data to CURES simultaneously using both Porter Ranch Pharmacy 1’s DEA permit number/cancelled pharmacy license as well as Porter Ranch Pharmacy 2’s DEA permit number/pharmacy license. A summary of Respondent Porter Ranch Pharmacy 2’s CURES reporting is provided in the table below:

DEA Permit No. / Pharmacy Permit No.	Total CURES Submissions 3/4/2021 to 5/27/2021
DEA No. FP450697 / PHY No. 48684 (Cancelled License)	1,821
DEA No. FW0028604 / PHY No. 58025 (New License)	607

As to Respondent B3 Holdings Inc., dba Porter Ranch Pharmacy (Porter Ranch Pharmacy 1)

EIGHTH CAUSE FOR DISCIPLINE

(Failure to Maintain Records of Dangerous Drugs; Current Inventory)

56. Respondent Porter Ranch Pharmacy 1 is subject to disciplinary action under Code section 4301, subdivision (o), in conjunction with Code section 4081, subdivision (a), in that Respondent Porter Ranch Pharmacy 1 failed to maintain all records of sale, acquisition, receipt, shipment, and/or disposition of dangerous drugs or devices. An audit revealed that from on or about June 1, 2019 to June 30, 2020, Respondent Porter Ranch Pharmacy 1 had a negative discrepancy of 240 tablets of Horizant ER 300mg and 1080 tablets of Otezla 30mg. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 30 and 44-55, as though set forth in full herein.

As to Respondent Mojdeh Rouhani

NINTH CAUSE FOR DISCIPLINE

(Purchase Dangerous Drugs with Cancelled Permit)

57. Respondent Rouhani is subject to disciplinary action under Code sections 4301, subdivision (o), and 4113, subdivision (c), in conjunction with Code section 4110, subdivision (a), in that while Respondent Rouhani served as the as the Pharmacist-in-Charge, during the

1 period of February 22, 2021 to June 11, 2021, Respondent Porter Ranch Pharmacy 2 used the
2 cancelled Pharmacy Permit No. PHY 48684 issued to Porter Ranch Pharmacy 1 to purchase
3 dangerous drugs or devices from its wholesalers. Complainant refers to, and by this reference
4 incorporates, the allegations set forth above in paragraphs 30 and 44-55, as though set forth in full
5 herein.

6 **TENTH CAUSE FOR DISCIPLINE**

7 **(Violation Regarding Reporting of CURES Data)**

8 58. Respondent Rouhani is subject to disciplinary action under Code sections 4301,
9 subdivision (o), and 4113, subdivision (c), in conjunction with Health and Safety Code section
10 11165, subdivision (d)(3), in that while Respondent Rouhani served as the as the Pharmacist-in-
11 Charge, during the period of March 4, 2021 to May 27, 2021, Respondent Porter Ranch Pharmacy
12 2 transmitted CURES data using the cancelled Pharmacy Permit No. PHY 48684 issued to Porter
13 Ranch Pharmacy 1. Complainant refers to, and by this reference incorporates, the allegations set
14 forth above in paragraphs 30 and 44-55, as though set forth in full herein.

15 **ELEVENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Complete Compounding Self-Assessment)**

17 59. Respondent Rouhani is subject to disciplinary action under Code sections 4301,
18 subdivision (o), and 4113, subdivision (c), in conjunction with California Code of Regulations,
19 title 16, section 1735.2 subdivision (k), in that while Respondent Rouhani served as the as the
20 Pharmacist-in-Charge, during the period of February 22, 2021 to November 24, 2021,
21 Respondent Porter Ranch Pharmacy 2 compounded dangerous drugs or devices without
22 completing the required Compounding Self-Assessment. Complainant refers to, and by this
23 reference incorporates, the allegations set forth above in paragraphs 30 and 44-55, as though set
24 forth in full herein.

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1 *As to Respondent Philip William Banks*

2 **TWELFTH CAUSE FOR DISCIPLINE**

3 **(Failure to Maintain Records of Dangerous Drugs; Current Inventory)**

4 60. Respondent Banks is subject to disciplinary action under Code sections 4301,
5 subdivision (o), and 4113, subdivision (c), in conjunction with Code section 4081, subdivision
6 (a), in that, while serving as the as the Pharmacist-in-Charge, Respondent Banks failed to
7 maintain all records of sale, acquisition, receipt, shipment, and/or disposition of dangerous drugs
8 or devices. An audit revealed that from on or about June 1, 2019 to June 30, 2020, Respondent
9 Porter Ranch Pharmacy 1 had a negative discrepancy of 240 tablets of Horizant ER 300mg and
10 1080 tablets of Otezla 30mg. Complainant refers to, and by this reference incorporates, the
11 allegations set forth above in paragraphs 30 and 44-55, as though set forth in full herein.

12 *As to Respondent WholerRx Inc., dba Porter Ranch Pharmacy (Porter Ranch Pharmacy 2)*

13 **THIRTEENTH CAUSE FOR DISCIPLINE**

14 **(Purchase Dangerous Drugs with Cancelled Permit)**

15 61. Respondent Porter Ranch Pharmacy 2 is subject to disciplinary action under Code
16 section 4301, subdivision (o), in conjunction with Code section 4110, subdivision (a), in that after
17 the change of ownership, during the period of February 22, 2021 to June 11, 2021, Respondent
18 Porter Ranch Pharmacy 2 used the cancelled Pharmacy Permit No. PHY 48684 issued to Porter
19 Ranch Pharmacy 1 to purchase dangerous drugs or devices from its wholesalers. Complainant
20 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 30 and
21 44-55, as though set forth in full herein.

22 **FOURTEENTH CAUSE FOR DISCIPLINE**

23 **(Violation Regarding Reporting of CURES Data)**

24 62. Respondent Porter Ranch Pharmacy 2 is subject to disciplinary action under Code
25 section 4301, subdivision (o), in conjunction with Health and Safety Code section 11165,
26 subdivision (d)(3), in that after the change of ownership, during the period of March 4, 2021 to
27 May 27, 2021, Respondent Porter Ranch Pharmacy 2 transmitted CURES data using the
28 cancelled Pharmacy Permit No. PHY 48684 issued to Porter Ranch Pharmacy 1. Complainant

1 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 30 and
2 44-55, as though set forth in full herein.

3 **FIFTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Complete Compounding Self-Assessment)**

5 63. Respondent Porter Ranch Pharmacy 2 is subject to disciplinary action under Code
6 section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16,
7 section 1735.2 subdivision (k), in that after the change of ownership, during the period of
8 February 22, 2021 to November 24, 2021, Respondent Porter Ranch Pharmacy 2 compounded
9 dangerous drugs or devices without completing the required Compounding Self-Assessment.
10 Complainant refers to, and by this reference incorporates, the allegations set forth above in
11 paragraphs 30 and 44-55, as though set forth in full herein.

12 **DISCIPLINE CONSIDERATIONS**

13 64. To determine the degree of discipline, if any, to be imposed on Respondent Porter
14 Ranch Pharmacy 1, Complainant alleges that on or about October 8, 2020, in a prior action, the
15 Board of Pharmacy issued Citation Number CI 2018 84373 to Respondent Porter Ranch 1. That
16 Citation is now final.

17 65. To determine the degree of discipline, if any, to be imposed on Respondent Porter
18 Ranch Pharmacy 1, Complainant alleges that on or about January 12, 2018, in a prior action, the
19 Board of Pharmacy issued Citation Number CI 2016 73874 to Respondent Porter Ranch
20 Pharmacy 1 and ordered Respondent Porter Ranch Pharmacy 1 to pay a fine in the amount of
21 \$3,000. That Citation is now final.

22 66. To determine the degree of discipline, if any, to be imposed on Respondent Porter
23 Ranch Pharmacy 1, Complainant alleges that on or about January 10, 2018, in a prior action, the
24 Board of Pharmacy issued Citation Number CI 2016 74118 to Respondent Porter Ranch
25 Pharmacy 1. That Citation is now final.

26 67. To determine the degree of discipline, if any, to be imposed on Respondent Porter
27 Ranch Pharmacy 1, Complainant alleges that on or about March 9, 2017, in a prior action, the
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1 Board of Pharmacy issued Citation Number CI 2015 68875 to Respondent Porter Ranch
2 Pharmacy 1. That Citation is now final.

3 68. To determine the degree of discipline, if any, to be imposed on Respondent Banks,
4 Complainant alleges that on or about October 8, 2020, in a prior action, the Board of Pharmacy
5 issued Citation Number CI 2020 89289 to Respondent Banks and ordered Respondent Banks to
6 pay a fine in the amount of \$2,000. That Citation is now final.

7 69. To determine the degree of discipline, if any, to be imposed on Respondent Banks
8 Complainant alleges that on or about January 12, 2018, in a prior action, the Board of Pharmacy
9 issued Citation Number CI 2017 78081 to Respondent Banks and ordered Respondent Banks to
10 pay a fine in the amount of \$1,500. That Citation is now final.

11 70. To determine the degree of discipline, if any, to be imposed on Respondent Banks
12 Complainant alleges that on or about January 10, 2018, in a prior action, the Board of Pharmacy
13 issued Citation Number CI 2017 78074 to Respondent Banks and ordered Respondent Banks to
14 pay a fine in the amount of \$250. That Citation is now final.

15 **OTHER MATTERS**

16 71. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
17 PHY 48684, issued to B3 Holdings Inc., dba Porter Ranch Pharmacy, Respondent Porter Ranch
18 Pharmacy 1 shall be prohibited from serving as a manager, administrator, owner, member,
19 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
20 PHY 48684 is placed on probation or until Pharmacy Permit Number PHY 48684 is reinstated if
21 it is revoked.

22 72. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
23 PHY 48684, issued to B3 Holdings Inc., dba Porter Ranch Pharmacy, while Respondent Philip
24 William Banks has been an officer, director, and/or owner and had knowledge of or knowingly
25 participated in any conduct for which the licensee was disciplined, Respondent Banks shall be
26 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
27 or partner of a licensee for five years if Pharmacy Permit Number PHY 48684 is placed on
28 probation or until Pharmacy Permit Number PHY 48684 is reinstated if it is revoked.

1 2. Prohibiting B3 Holdings Inc., dba Porter Ranch Pharmacy and Philip William Banks
2 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
3 of a licensee for five years if Pharmacy Permit Number PHY 48684 is placed on probation or
4 until Pharmacy Permit Number PHY 48684 is reinstated if Pharmacy Permit Number PHY 48684
5 is revoked;

6 3. Revoking or suspending Pharmacist License Number RPH 46639, issued to Mojdeh
7 Rouhani;

8 4. Prohibiting Mojdeh Rouhani from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
10 Number RPH 46639 is placed on probation or until Pharmacist License Number RPH 46639 is
11 reinstated if Pharmacist License Number RPH 46639 is revoked;

12 5. Revoking or suspending Pharmacist License Number RPH 47038, issued to Philip
13 William Banks;

14 6. Prohibiting Philip William Banks from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
16 Number RPH 47038 is placed on probation or until Pharmacist License Number RPH 47038 is
17 reinstated if Pharmacist License Number RPH 47038 is revoked;

18 7. Revoking or suspending Pharmacy Permit Number PHY 58025, issued to WholeRx
19 Inc., dba Porter Ranch Pharmacy, Mojdeh Rouhani;

20 8. Prohibiting WholeRx Inc., dba Porter Ranch Pharmacy and Mojdeh Rouhani from
21 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
22 licensee for five years if Pharmacy Permit Number PHY 58025 is placed on probation or until
23 Pharmacy Permit Number PHY 58025 is reinstated if Pharmacy Permit Number PHY 58025 is
24 revoked;

25 9. Ordering B3 Holdings Inc., dba Porter Ranch Pharmacy, Mojdeh Rouhani, Philip
26 William Banks, and WholeRx Inc., dba Porter Ranch Pharmacy to pay the Board of Pharmacy the
27 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
28 Professions Code section 125.3; and,

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

DATED: 10/3/2022

Signature on File

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

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