

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

**In the Matter of the Accusation Against:**

**WESTSIDE PHARMACY CORPORATION, DBA WESTSIDE  
PHARMACY, FARZAD JACK PIROOZ**

**Pharmacy Permit No. PHY 50065,**

**and**

**FARZAD JACK PIROOZ**

**Pharmacist License No. RPH 48428**

**Respondents.**

**Agency Case No. 7329**

**OAH No. 2022120578**

## DECISION AND ORDER

The attached Stipulated Surrender of License and 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 June 29, 2023.

It is so ORDERED on May 30, 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, sweeping initial "S".

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
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*

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

12 In the Matter of the Accusation Against:

13 **WESTSIDE PHARMACY**  
**CORPORATION, DBA WESTSIDE**  
14 **PHARMACY, FARZAD JACK PIROOZ**  
**11504 Santa Monica Blvd.**  
15 **Los Angeles, CA 90025**

16 **Pharmacy Permit No. PHY 50065,**

17 **and**

18 **FARZAD JACK PIROOZ**  
**1036 Berkeley St**  
19 **Santa Monica, CA 90403**

20 **Pharmacist License No. RPH 48428**

21 Respondents.

Case No. 7329

OAH No. 2022120578

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER AS TO**  
**RESPONDENT WESTSIDE PHARMACY**  
**CORPORATION, DBA WESTSIDE**  
**PHARMACY, PHARMACY PERMIT**  
**NO. PHY 50065 ONLY**

22  
23  
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy  
2 Attorney General.

3 2. Respondent Westside Pharmacy Corporation, dba Westside Pharmacy, Farzad Jack  
4 Pirooz is represented in this proceeding by attorney Herbert L. Weinberg, whose address is: 1990  
5 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

6 3. On or about August 20, 2009, the Board issued Pharmacy Permit No. PHY 50065 to  
7 Westside Pharmacy Corporation, dba Westside Pharmacy, Farzad Jack Pirooz (Respondent  
8 Westside Pharmacy). Farzad Jack Pirooz has been the President, 100% Shareholder, Secretary,  
9 Treasurer/Chief Financial Officer, Director, and Pharmacist-In-Charge since August 20, 2009.  
10 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in  
11 Accusation No. 7329 and will expire on August 1, 2023, unless renewed.

#### 12 **JURISDICTION**

13 4. Accusation No. 7329 was filed before the Board, and is currently pending against  
14 Respondent Westside Pharmacy. The Accusation and all other statutorily required documents  
15 were properly served on Respondent Westside Pharmacy on October 4, 2022. Respondent  
16 Westside Pharmacy timely filed its Notice of Defense contesting the Accusation.

17 5. A copy of Accusation No. 7329 is attached as Exhibit A and incorporated by  
18 reference.

#### 19 **ADVISEMENT AND WAIVERS**

20 6. Respondent Westside Pharmacy has carefully read, fully discussed with counsel, and  
21 understands the charges and allegations in Accusation No. 7329. Respondent Westside Pharmacy  
22 also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
23 Surrender of License and Order.

24 7. Respondent Westside Pharmacy is fully aware of its legal rights in this matter,  
25 including the right to a hearing on the charges and allegations in the Accusation; the right to  
26 confront and cross-examine the witnesses against them; the right to present evidence and to  
27 testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of  
28 witnesses and the production of documents; the right to reconsideration and court review of an

1 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
2 and other applicable laws.

3 8. Respondent Westside Pharmacy voluntarily, knowingly, and intelligently waives and  
4 gives up each and every right set forth above.

5 **CULPABILITY**

6 9. Respondent Westside Pharmacy understands that the charges and allegations in  
7 Accusation No. 7329, if proven at a hearing, constitute cause for imposing discipline upon its  
8 Pharmacy Permit.

9 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
10 further proceedings, Respondent Westside Pharmacy agrees that, at a hearing, Complainant could  
11 establish a factual basis for the charges in the Accusation and that those charges constitute cause  
12 for discipline. Respondent Westside Pharmacy hereby gives up their right to contest that cause  
13 for discipline exists based on those charges.

14 11. Respondent Westside Pharmacy understands that by signing this stipulation Entity  
15 enables the Board to issue an order accepting the surrender of their Pharmacy Permit without  
16 further process.

17 **CONTINGENCY**

18 12. This stipulation shall be subject to approval by the Board. Respondent Westside  
19 Pharmacy understands and agrees that counsel for Complainant and the staff of the Board may  
20 communicate directly with the Board regarding this stipulation and surrender, without notice to or  
21 participation by Respondent Westside Pharmacy or its counsel. By signing the stipulation,  
22 Respondent Westside Pharmacy understands and agrees that they may not withdraw its agreement  
23 or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the  
24 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and  
25 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
26 in any legal action between the parties, and the Board shall not be disqualified from further action  
27 by having considered this matter.

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1 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
2 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
3 thereto, shall have the same force and effect as the originals.

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

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

12 **ORDER**

13 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 50065, issued to Respondent  
14 Westside Pharmacy Corporation, dba Westside Pharmacy, Farzad Jack Pirooz, is surrendered and  
15 accepted by the Board.

16 1. The surrender of Respondent Westside Pharmacy's Pharmacy Permit and the  
17 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
18 against Respondent Westside Pharmacy. This stipulation constitutes a record of the discipline  
19 and shall become a part of Respondent Westside Pharmacy's license history with the Board.  
20 Respondent Westside Pharmacy understands and acknowledges that for purposes of Business and  
21 Professions Code section 4307, this stipulated surrender is the same as a revocation.

22 2. Respondent Westside Pharmacy shall lose all rights and privileges as a Pharmacy in  
23 California as of the effective date of the Board's Decision and Order.

24 3. Respondent Westside Pharmacy shall cause to be delivered to the Board its pocket  
25 license and, if one was issued, its wall certificate on or before the effective date of the Decision  
26 and Order.

27 4. If Respondent Westside Pharmacy ever applies for licensure or petitions for  
28 reinstatement in the State of California, the Board shall treat it as a new application for licensure.

1 Respondent Westside Pharmacy must comply with all the laws, regulations and procedures for  
2 licensure in effect at the time the application or petition is filed, and all of the charges and  
3 allegations contained in Accusation No. 7329 shall be deemed to be true, correct and admitted by  
4 Respondent Westside Pharmacy when the Board determines whether to grant or deny the  
5 application or petition.

6 5. Respondent Westside Pharmacy shall be jointly and severally responsible to pay the  
7 agency its costs of investigation and enforcement in the amount of \$37,133.25, which shall be  
8 made in accordance with the probationary terms set forth in Respondent Farzad Jack Pirooz's  
9 Decision and Order in Case No. 7329.

10 6. If Respondent Westside Pharmacy should ever apply or reapply for a new license or  
11 certification, or petition for reinstatement of a license, by any other health care licensing agency  
12 in the State of California, all of the charges and allegations contained in Accusation, No. 7329  
13 shall be deemed to be true, correct, and admitted by Respondent Westside Pharmacy for the  
14 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

15 7. Respondent Westside Pharmacy may not apply, reapply, or petition for any licensure,  
16 permit, or registration from the Board for three (3) years from the effective date of the Decision  
17 and Order.

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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: \_\_\_\_\_

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

MARISSA N. HAMILTON  
Deputy Attorney General  
*Attorneys for Complainant*

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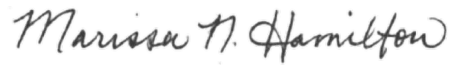
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**ENDORSEMENT**

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 4/20/2023

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**

**Accusation No. 7329**

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MARISSA N. HAMILTON  
Deputy Attorney General  
4 State Bar No. 322489  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6701  
6 Facsimile: (916) 731-2126  
E-mail: Marissa.Hamilton@doj.ca.gov  
7 *Attorneys for Complainant*

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15 **PHARMACY, FARZAD JACK PIROOZ**  
16 **11504 Santa Monica Blvd.**  
17 **Los Angeles, CA 90025**

**ACCUSATION**

18 **Pharmacy Permit No. PHY 50065,**

19 **and**

20 **FARZAD JACK PIROOZ**  
21 **1036 Berkeley St**  
22 **Santa Monica, CA 90403**

23 **Pharmacist License No. RPH 48428**

24 Respondents.

25 **PARTIES**

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

27 2. On or about August 20, 2009, the Board issued Pharmacy Permit Number PHY  
28 50065 to Westside Pharmacy Corporation, dba Westside Pharmacy, Farzad Jack Pirooz

1 (Respondent Westside Pharmacy). Farzad Jack Pirooz has been the President, 100% Shareholder,  
2 Secretary, Treasurer/Chief Financial Officer, Director, and Pharmacist-In-Charge since August  
3 20, 2009. The Pharmacy Permit was in full force and effect at all times relevant to the charges  
4 brought herein and will expire on August 1, 2023, unless renewed.

5 3. On or about November 9, 1995, the Board issued Pharmacist License Number RPH  
6 48428 to Farzad Jack Pirooz (Respondent Pirooz). The Pharmacist License was in full force and  
7 effect at all times relevant to the charges brought herein and will expire on January 31, 2023,  
8 unless renewed.

9 **JURISDICTION**

10 4. This Accusation is brought before the Board under the authority of the following  
11 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
12 indicated.

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

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

18 7. Section 4300.1 of the Code states:

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

25 8. Section 4302 of the Code states:

26 The board may deny, suspend, or revoke any license where conditions exist in  
27 relation to any person holding 10 percent or more of the ownership interest, or where  
28 conditions exist in relation to any officer, director, or other person with management or  
control of the license that would constitute grounds for disciplinary action against a  
licensee.

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**STATUTORY PROVISIONS**

9. Section 4036.5 of the Code states:

“Pharmacist-in-charge” means a pharmacist proposed by a pharmacy and approved by the 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.

10. Section 4059 of the Code states:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor 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.

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

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

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

...

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

...

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

...

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

13. Section 4306.5 of the Code states:

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

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

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

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

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

11 14. Section 4307 of the Code states:

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

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

27 (2) Where the license is denied or revoked, the prohibition shall continue until  
28 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.

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

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

(a) A prescription for a controlled substance shall only be issued for a legitimate  
medical purpose by an individual practitioner acting in the usual course of his or her  
professional practice. The responsibility for the proper prescribing and dispensing of



1 controlled substances is upon the prescribing practitioner, but a corresponding  
2 responsibility rests with the pharmacist who fills the prescription. Except as authorized by  
3 this division, the following are not legal prescriptions:

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

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

11 16. Health and Safety Code section 11162.1 states, in pertinent part:

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

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

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

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

20 (4) A feature printed in thermochromic ink.

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

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

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

- 27 1-24
- 28 25-49
- 50-74
- 75-100
- 101-150
- 151 and over.

(B) In conjunction with the quantity boxes, a space shall be provided to  
designate the units referenced in the quantity boxes when the drug is not in tablet or  
capsule form.

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

(9) The preprinted name, category of licensure, license number, federal  
controlled substance registration number, and address of the prescribing practitioner.

1 (10) Check boxes shall be printed on the form so that the prescriber may  
indicate the number of refills ordered.

2 (11) The date of origin of the prescription.

3 (12) A check box indicating the prescriber's order not to substitute.

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

6 (14)(A) A check box by the name of each prescriber when a prescription form  
lists multiple prescribers.

7 (B) Each prescriber who signs the prescription form shall identify himself or  
8 herself as the prescriber by checking the box by his or her name.

9 (15) A uniquely serialized number, in a manner prescribed by the Department  
of Justice in accordance with Section 11162.2.

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

12 . . .

13 (3) Forms ordered pursuant to this section shall not be valid prescriptions  
14 without the name, category of licensure, license number, and federal controlled  
substance registration number of the prescriber on the form.

15 . . .

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

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

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

21 **REGULATORY PROVISIONS**

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

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

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

28 ///

1 19. Federal Code of Regulations, title 21, section 1306.04 states, in pertinent part:

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

13 **COST RECOVERY**

14 20. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
15 administrative law judge to direct a licensee found to have committed a violation or violations of  
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
18 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
19 included in a stipulated settlement.

20 **DEFINITIONS**

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

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

24 22. Section 4022 states:

25 “Dangerous drug” or “dangerous device” means any drug or device unsafe for  
26 self-use in humans or animals, and includes the following:

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

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

(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.

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23. Drug classifications are as follows:

Generic Name	Brand Name	Dangerous Drug Per Code Section 4022	Controlled Substance Per Health & Safety Code (HSC)	Indications for Use
Oxycodone	Roxicodone	Yes	Yes – Schedule II per HSC 11055(b)(1)(M)	Pain
Hydrocodone/ Acetaminophen	Norco	Yes	Yes – Schedule II per HSC 11055(b)(1)(I)	Pain
Oxymorphone	Opana ER	Yes	Yes – Schedule II per HSC 11055(b)(1)(N)	Pain
Alprazolam	Xanax	Yes	Yes – Schedule IV per HSC 11057(d)(1)	Anxiety
Carisoprodol	Soma	Yes	Yes – Schedule IV per CFR 1308.14(c)(7)	Muscle Relaxant
Dextroamphetamine/ Amphetamine Salts	Adderall	Yes	Yes – Schedule II per HSC 11055(d)(1)	Attention Deficit/ Hyperactive Disorder

**FACTUAL ALLEGATIONS**

24. On or about January 14, 2021, a Board Inspector contacted Respondent Westside Pharmacy and requested documentation of the Pharmacy’s controlled substance transactions. The Board Inspector spoke with Respondent Pirooz, Pharmacist-In-Charge of Respondent Westside Pharmacy. Respondents subsequently provided the Board with documentation, including but not limited to, the following:

- Respondent Westside Pharmacy’s electronic dispensing information from September 29, 2017 through December 31, 2020.
- Respondent Westside Pharmacy’s original hard copy prescriptions and related documents for specific patients from September 2017 through December 2020.
- Corresponding responsibility questionnaire completed by Respondent Pirooz.

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1 **Westside Pharmacy's Dispensing Trends**

2 25. Based on a review of the Pharmacy's dispensing records, the Board Inspector noted  
3 the following general dispensing trends from the time period of September 29, 2017 through  
4 December 31, 2020:

5 a. The total number of prescriptions dispensed by Respondent Westside Pharmacy were  
6 largely for non-controlled substances. Prescriptions for controlled substances were only a small  
7 percentage of the total number during the relevant time period.

8 b. The investigation discovered that multiple, identical, or similar prescriptions written  
9 by the same prescriber presented to the Pharmacy around the same time period for at least  
10 approximately 12 prescribers. The below table depicts the total prescription profile for  
11 Respondent Westside Pharmacy during the time period of September 29, 2017 through December  
12 31, 2020:

<b>Drug Class (Schedule)</b>	<b>Number of Prescriptions</b>	<b>Percent of Total Dispensed</b>
Non-Controlled	129,572	91.45%
Schedule II	4,946	3.49%
Schedule III	833	0.59%
Schedule IV	5,610	3.96%
Schedule V	723	0.51%
<b>TOTAL</b>	<b>141,684</b>	<b>100%</b>

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19 c. Two of Respondent Westside Pharmacy's most commonly dispensed controlled  
20 substances were oxycodone 30mg and hydrocodone/acetaminophen 10/325mg. These are  
21 commonly abused controlled substances, and were dispensed in the highest dosage form  
22 available. Notably, the Centers for Disease Control and Prevention (CDC) recommends  
23 clinicians prescribe the lowest possible effective dosage to reduce risks of opioid use disorders  
24 and overdoses.

25 d. In total, the number of prescriptions dispensed by Respondent Westside Pharmacy  
26 during the relevant time period were largely paid with the aid of insurance, as would be expected  
27 for this type of pharmacy. However, the number of cash payments for commonly abused  
28 controlled substances was highly irregular. The below table depicts the total prescription cash

1 payment profile for Respondent Westside Pharmacy during the time period of September 29,  
2 2017 through December 31, 2020:

<b>Drug Class (Schedule)</b>	<b>Number of Prescriptions</b>	<b>Number with Cash Payment</b>	<b>Percent Paid with Cash Payments</b>
Non-Controlled	129,572	8,347	6.44%
Schedule II	4,946	3,161	63.91%
Schedule III	833	170	20.41%
Schedule IV	5,610	1,378	24.56%
Schedule V	723	83	11.48%
<b>Schedule II-V TOTAL</b>	<b>12,112</b>	<b>4,792</b>	<b>39.56%</b>
<b>Overall TOTAL</b>	<b>141,684</b>	<b>13,139</b>	<b>9.27%</b>

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12 e. The Pharmacy's dispensing profile revealed that a controlled substance with a higher  
13 abuse potential correlated to a higher percentage of cash payments. Specifically, the number of  
14 Schedules II, III, and IV controlled substance prescriptions that were paid for with cash were 63.91%,  
15 20.41%, and 24.56%, respectively. In addition, the percentage of cash payments for oxycodone  
16 30mg and hydrocodone/acetaminophen 10/325mg were 72.87% and 68.50%, respectively.

17 f. Respondent Westside Pharmacy dispensed approximately 286,165 tablets of highly  
18 abused controlled substances pursuant to approximately 2,889 prescriptions, written for  
19 approximately 78 patients, by at least 12 prescribers, totaling approximately \$1 million dollars,  
20 without properly ensuring their legitimacy, including but not limited to:

- 21 • 170,475 tablets of oxycodone 30mg;
- 22 • 21,910 tablets of oxymorphone ER 40mg
- 23 • 47,990 tablets of hydrocodone/acetaminophen 10/325mg;
- 24 • 24,545 tablets of alprazolam 2mg;
- 25 • 12,305 tablets of carisoprodol 350mg; and
- 26 • 8,520 tablets of amphetamine salts 30mg.

27 g. The 12 prescribers with significant objective factors of irregularities, as discussed in  
28 detail below, include PA Jennifer Edwards, Dr. Dean Weiss, PA David Franke, Dr. Annamalai

1 Ashokan, Dr. Randall Gilbert, Dr. Young Yi, Dr. Chadwick Smith, Dr. Massoud Amini, Dr.  
2 Joseph Dinglasan, Dr. William Eidelman, Dr. Amir Friedman, and Dr. Mark Glasberg.  
3 Respondent Pirooz was listed as the verifying pharmacist on nearly all of the prescriptions of  
4 concern written under the prescribing credentials of these 12 prescribers.

5 h. Based on the Board Inspector’s review, it was apparent that multiple patients filled  
6 opioid prescriptions at Respondent Westside Pharmacy from a combination of these 12  
7 prescribers, and that these patients would migrate in groups from one prescriber to another at  
8 similar intervals. In addition, non-opioid tolerant or opioid naïve patients would start receiving  
9 controlled substance prescriptions in the highest available dosage forms, and would then abruptly  
10 stop filling the controlled substance prescriptions without any tapering of dosages. Several of the  
11 prescriptions also included commonly abused and known dangerous combinations of controlled  
12 substances, including the “Trinity” combination<sup>1</sup> and “Speedball” combination.<sup>2</sup>

13 i. Despite the irregularities discussed in detail below for these 12 prescribers, the  
14 prescription documents collected did not contain documentation indicating that Respondent  
15 Westside Pharmacy had contacted the prescribers to specifically address these irregularities prior  
16 to filling the prescriptions. In addition, after reviewing the Pharmacy’s dispensing records, the  
17 Board Inspector did not find any documentation that Respondent Westside Pharmacy had  
18 reviewed CURES<sup>3</sup> reports for any patient prior to dispensing controlled substance prescriptions.

19 <sup>1</sup> A trinity combination, sometimes known as a trinity cocktail or holy trinity, is a  
20 combination of an opiate, a muscle relaxant and a benzodiazepine (such as hydrocodone,  
21 carisoprodol, or alprazolam), that are administered simultaneously. These dangerous drugs  
22 exhibit high potential for abuse when used alone, as well as in combinations together.

23 <sup>2</sup> A speedball or pharmaceutical speedball combination is a combination of two drugs,  
24 specifically a central nervous system (CNS) stimulant and a drug with major depressant  
25 properties, that are administered simultaneously. The former can include cocaine,  
26 methamphetamine, amphetamines, including Attention Deficit/Hyper Disorder drugs, and the  
27 latter can include opiates, benzodiazepines, or barbiturates. This is a known commonly abused  
28 combination of drugs, which is extremely dangerous and can have potentially fatal consequences.

<sup>3</sup> The Controlled Substance Utilization Review and Evaluation System (CURES) is  
California’s Prescription Drug Monitoring Program (PDMP). Pharmacies in California are  
required to report all filled prescriptions for Schedule II, III, and IV controlled substances to the  
database every week (and within one working day, effective January 1, 2021). The data is  
collected statewide and can be used by licensed prescribers and pharmacists to evaluate and  
determine whether their patients are utilizing controlled substances correctly, and whether a  
patient has used multiple prescribers and multiple pharmacies to fill controlled substance  
prescriptions. Law enforcement and regulatory agencies, such as the Board, have access to the  
CURES database for official oversight or investigatory purposes.

1 **Irregularities in Prescriptions and Prescribing Patterns**

2 26. Based on a review of the Pharmacy’s dispensing records and original prescription  
3 documents, the Board Inspector determined that Respondent Pirooz, as the Pharmacist-In-Charge,  
4 and Respondent Westside Pharmacy dispensed prescriptions for controlled substances during the  
5 time period of September 29, 2017 through December 31, 2020 that exhibited objective factors of  
6 irregularity—or red flags—for potential abuse without adequately ensuring the prescriptions were  
7 issued for a legitimate medical purpose in the usual course of professional practice. Factors of  
8 irregularity were evident in the prescription documents and prescribing patterns generated under  
9 the purported prescribing credentials of at least 12 prescribers, including but not limited to, the  
10 following:

11 27. **Physician Assistant (PA) Jennifer Edwards**

12 a. The controlled substance prescriptions dispensed by Respondent Westside Pharmacy  
13 under the prescribing authority of PA Edwards during the query period totaled approximately  
14 29,680 tablets, resulting in approximately \$73,711.29 being paid to the Pharmacy through patient  
15 cash payments and/or insurance co-payments. Of the 476 prescriptions dispensed, 66% (315)  
16 were for controlled substances.

17 b. The below table summarizes PA Edwards’ dispensing profile at Respondent Westside  
18 Pharmacy:

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<b>Drug Class (Schedule)</b>	<b>Number of Prescriptions</b>	<b>Number Paid with Cash</b>	<b>Percent Paid with Cash</b>
Non-Controlled	161	87	54.04%
Schedule II	170	163	95.88%
Schedule III	1	1	100%
Schedule IV	135	129	95.56%
Schedule V	9	4	44.44%
<b>TOTAL</b>	<b>476</b>	<b>384</b>	<b>80.67%</b>

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c. The below table summarizes the top 5 drugs prescribed by PA Edwards:

Drug Name & Strength	Number of Prescriptions	Percent of Total Prescriptions	Number with Cash Payments	Percent with Cash Payments
Alprazolam 2mg	100	21.01%	94	94%
Oxycodone 30mg	96	20.17%	92	95.83%
Carisoprodol 350mg	35	7.35%	35	100%
Hydrocodone/ Acetaminophen 10/325mg	32	6.72%	31	96.88%
Amphetamine Salts 30mg	28	5.88%	27	96.43%
<b>TOTAL</b>	<b>291</b>	<b>61.13%</b>	<b>279</b>	<b>95.88%</b>

d. PA Edward's top 5 drugs prescribed are commonly abused controlled substances, and were dispensed in the highest dosage forms available. In addition, the top 5 drugs made up 61.13% of the total prescriptions prescribed by PA Edwards, and 95.88% of these prescriptions were paid for with cash without utilizing insurance. The total cash payment for these controlled substance prescriptions ranged from \$20.00 to \$1,013.18 per prescription.

e. There were 16 controlled substance prescriptions under the prescribing credentials of PA Edwards written on security forms that did not conform to the requirements of Health and Safety Code section 11162.1, with deficiencies including but not limited to the following:

- The forms did not contain the "California Security Prescription" watermark, but rather read "Protected Document." This omitted security feature alone invalidated the prescriptions and indicated that the prescriptions were not written legitimately.
- The forms did not contain a statement printed on the bottom of the prescription blank that read "Prescription is void if the number of drugs prescribed is not noted," but instead read "Prescription is void if the number of drugs prescribed is not *indicated*."
- The forms did not contain check boxes so that the prescriber could indicate the number of refills ordered.
- The forms did not contain an identifying number assigned to the approved security printer (SP) by the Department of Justice.

1           • The forms did not contain a lot number printed on the form.

2           f. In addition to the invalid nature of these prescription forms, the following  
3 additional irregularities were present with respect to the prescriptions written on these  
4 forms:

- 5           • All of the 5 patients paid cash for their prescriptions, without the utilization of  
6 insurance, paying between \$47.22 and up to \$430.71 for each prescription.
- 7           • The prescriptions included a combination of a high dose opioid (oxycodone 30mg)  
8 with a high dose benzodiazepine (alprazolam 2mg). Per CDC guidelines, clinicians  
9 should avoid prescribing opioid pain medication and benzodiazepines concurrently,  
10 whenever possible. In addition, the known highly abused “Trinity” combination of  
11 oxycodone, alprazolam, and carisoprodol was dispensed.
- 12          • On at least 7 occasions, the prescriptions for Alprazolam were misspelled  
13 “Aloprozalen” or Aloprozalem” on these forms.
- 14          • These patients traveled unusual distances to the prescriber’s office and Respondent  
15 Westside Pharmacy to obtain their prescriptions.

16           g. In addition to the prescriptions written on the non-compliant security forms, the  
17 Board Inspector identified additional significant red flags with respect to PA Edwards  
18 prescriptions, including but not limited to the following:

- 19          • High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or  
20 opioid naïve patients, with large quantities of tablets (90 to 120). In addition, high  
21 initial doses of alprazolam 2mg were dispensed.
- 22          • New patients to the Pharmacy were dispensed oxycodone 30mg.
- 23          • Commonly known dangerous drug combinations were provided on the same  
24 prescription form or forms that were presented together, including oxycodone 30mg,  
25 alprazolam 2mg, and carisoprodol 350mg (known as the “Trinity” combination), as  
26 well as oxycodone 30mg and alprazolam 2mg (despite the recommendation against  
27 concomitant use of opioids and benzodiazepines).
- 28          • Similar diagnosis codes were written on the prescriptions.

- Patients traveled unusual distances to the prescriber’s office and Respondent Westside Pharmacy to obtain their prescriptions.
- Pharmacy shopping or prescriber shopping behavior was evident in the CURES reports, with the same patients filling the same or similar prescriptions at different pharmacies from different prescribers.

28. **Dr. Dean Weiss**

a. The controlled substances prescriptions dispensed by Respondent Westside Pharmacy under the prescribing authority of Dr. Weiss during the query period totaled approximately 26,375 tablets, resulting in approximately \$95,738.54 being paid to the Pharmacy through patient cash payments and/or insurance co-payments. Of the 447 prescriptions dispensed, approximately 69% (307) were controlled substances.

b. The below table summarizes Dr. Weiss’ dispensing profile at Respondent Westside Pharmacy:

Drug Class (Schedule)	Number of Prescriptions	Number Paid with Cash	Percent Paid with Cash
Non-Controlled	140	80	57.14%
Schedule II	274	202	73.72%
Schedule III	0	-	-
Schedule IV	33	28	84.85%
Schedule V	0	-	-
<b>TOTAL</b>	<b>447</b>	<b>310</b>	<b>69.35%</b>

c. The below table summarizes the top 5 drugs prescribed by Dr. Weiss:

Drug Name & Strength	Number of Prescriptions	Percent of Total Prescriptions	Number with Cash Payments	Percent with Cash Payments
Oxycodone 30mg	190	42.51%	120	63.16%
Docusate Sodium 250mg	111	24.84%	68	61.26%
Oxymorphone ER 40mg	49	10.96%	47	95.92%
Hydrocodone/ Acetaminophen 10/325mg	35	7.83%	35	100%
Carisprodol 350mg	22	4.92%	18	81.82%
<b>TOTAL</b>	<b>407</b>	<b>91.05%</b>	<b>288</b>	<b>70.76%</b>

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1 d. Of the top 5 drugs prescribed by Dr. Weiss, 4 of the drugs are commonly abused  
2 controlled substances, and were dispensed in high dosage forms. The remaining drug, docusate  
3 sodium 250mg, is a stool softener, which is commonly prescribed with opioids to treat opioid-  
4 induced constipation. In addition, the top 5 drugs made up 91.05% of the total prescriptions  
5 prescribed by Dr. Weiss, and 70.76% of these prescriptions were paid for with cash without  
6 utilizing insurance. The total cash payment for these controlled substances ranged from \$20.00 to  
7 \$1,435.14 per prescription.

8 e. There were 2 controlled substance prescriptions under the prescribing credentials of  
9 Dr. Weiss on a security form that did not conform to the requirements of Health and Safety Code  
10 section 11162.1, with deficiencies including but not limited to the following:

- 11 • The form did not contain the “California Security Prescription” watermark, but rather  
12 read “DocuGard.” This omitted security feature alone invalidated the prescriptions  
13 and indicated that the prescriptions were not written legitimately.
- 14 • The form did not contain a feature printed in thermochromic ink. The thermochromic  
15 ink (pink corner) area appeared to be photocopied and therefore the ink was not heat  
16 sensitive and did not change color when rubbed. This feature would have been easily  
17 identified, as the texture of the thermochromic area differs significantly.

18 f. In addition to the invalid nature of these prescription forms, the following additional  
19 irregularities were present with respect to the prescriptions written on these forms:

- 20 • This prescriptions were paid for in cash, paying \$430.71 and 956.76 for 120 tablets of  
21 oxycodone 30mg and 60 tablets of oxymorphone ER 40mg, respectively.
- 22 • This patient was non-opioid tolerant, yet received a large quantity of oxycodone  
23 30mg tablets (120), which is the highest available dosage form.
- 24 • The patient traveled an unusually long distance to the prescriber’s office and  
25 Respondent Westside Pharmacy to obtain the prescription.

26 g. In addition to the prescriptions written on the non-compliant security forms, the  
27 Board Inspector identified additional significant red flags with respect to Dr. Weiss’  
28 prescriptions, including but not limited to the following:

- 1 • Patients paying cash for prescriptions.
- 2 • High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or
- 3 opioid naïve patients, with large quantities of tablets (90).
- 4 • New patients to the Pharmacy were dispensed oxycodone 30mg.
- 5 • Patients traveled unusually long distances to the prescribers' office and Respondent
- 6 Westside Pharmacy to obtain their prescriptions.

7 29. **Physician Assistant (PA) David Franke**

8 a. Respondent Westside Pharmacy filled approximately 158 prescriptions under the  
9 prescribing authority of PA Franke, a physician assistant that worked with Dr. Weiss, during the  
10 query period, approximately 42% (66) of which were controlled substances. The controlled  
11 substances prescriptions dispensed by Respondent Westside Pharmacy under the prescribing  
12 authority of PA Franke during the query period totaled approximately 6,510 tablets, resulting in  
13 approximately \$12,007.81 being paid to the Pharmacy through patient cash payments and/or  
14 insurance co-payments.

15 b. The top drug prescribed by PA Franke was oxycodone 30mg, which accounted for  
16 more than 95% of the controlled substances PA Franke prescribed. All of the patients who  
17 received oxycodone were prescribed the highest dosage form. The remaining 5% of controlled  
18 substances PA Franke prescribed were alprazolam 2mg, a benzodiazepine that is commonly  
19 abused alone and in combination with opiates. The total cash payment for these controlled  
20 substances ranged from \$30.00 to \$430.71 per prescription.

21 c. The Board Inspector identified significant red flags with respect to PA Franke's  
22 prescriptions, including but not limited to the following:

- 23 • Patients paying cash for prescriptions.
- 24 • High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or
- 25 opioid naïve patients, with large quantities of tablets (90 to 120).
- 26 • New patients to the Pharmacy were dispensed oxycodone 30mg.
- 27 • Patients traveled unusually long distances to the prescribers' office and Respondent
- 28 Westside Pharmacy to obtain their prescriptions.

- Pharmacy shopping or prescriber shopping behavior was evident in at least one CURES report of a patient filling the same oxycodone 30mg prescription.

30. **Dr. Annamalai Ashokan**

a. There were 2 controlled substance prescriptions under the prescribing credentials of Dr. Ashokan written on security forms that did not conform to the requirements of Health and Safety Code section 11162.1, with deficiencies including but not limited to the following:

- The forms did not contain the “California Security Prescription” watermark, but rather read “DocuGard.” This omitted security feature alone invalidated the prescriptions and indicated that the prescriptions were not written legitimately.
- The forms did not contain check boxes so that the prescriber could indicate the number of refills ordered.
- The forms did not contain a lot number printed on the form.

b. In addition to the invalid nature of this prescription form, the following additional irregularities were present with respect to the prescriptions written on these forms:

- The patient paid cash for these prescriptions, totaling \$111.50 per prescription of hydrocodone/acetaminophen 10-325mg.
- The patient was non-opioid tolerant, yet received a large quantity of hydrocodone/acetaminophen 10-325mg tablets (120) in a high dosage form.
- The patient traveled an unusually long distance to the prescriber’s office and Respondent Westside Pharmacy to obtain the prescriptions.

31. **Dr. Randall Gilbert**

a. The controlled substance prescriptions dispensed by Respondent Westside Pharmacy under the prescribing authority of Dr. Gilbert during the query period totaled approximately 32,180 tablets, resulting in approximately \$94,272.87 being paid to the Pharmacy through patient cash payments and/or insurance co-payments. Of the 313 prescriptions dispensed, approximately 96% (300) were controlled substances.

b. The below table summarizes Dr. Gilbert’s dispensing profile at Respondent Westside Pharmacy:

Drug Class (Schedule)	Number of Prescriptions	Number Paid with Cash	Percent Paid with Cash
Non-Controlled	13	1	7.69%
Schedule II	298	228	76.51%
Schedule III	0	-	-
Schedule IV	2	1	50%
Schedule V	0	-	-
<b>TOTAL</b>	<b>313</b>	<b>230</b>	<b>73.48%</b>

c. Approximately 95% of the drugs prescribed by Dr. Gilbert were controlled substances, with oxycodone 30mg accounting for approximately 94%, and hydrocodone/acetaminophen 10-325mg accounting for approximately 1.3%. Of the 44 patients who received prescriptions at Respondent Westside Pharmacy under the credentials of Dr. Gilbert, 43 patients received a prescription for oxycodone 30mg, which is the highest available dosage form. Approximately 78% of these oxycodone 30mg prescriptions were paid for with cash, without utilizing insurance. The total cash payment for these controlled substances ranged from \$52.00 to \$502.50 per prescription.

d. Significant irregularities were present with respect to Dr. Gilbert's prescriptions including but not limited to the following:

- Patients paying for prescriptions in cash without the use of insurance.
- Non-opioid tolerant or opioid naïve patients were prescribed oxycodone 30mg, the highest dosage available, with large quantities of tablets (100 to 150 tablets).
- New patients to the Pharmacy were dispensed oxycodone 30mg.
- Commonly known dangerous drug combinations were provided on the same prescription form or forms that were presented together, including prescriptions for oxycodone 30mg and carisprodol 350mg.
- Patients traveled unusually long distances to the prescriber's office and Respondent Westside Pharmacy to obtain the prescription.

32. **Dr. Young Yi**

a. The controlled substances prescriptions dispensed by Respondent Westside Pharmacy under the prescribing authority of Dr. Yi during the query period totaled approximately 15,120

1 tablets, resulting in approximately \$21,368.07 being paid to the Pharmacy through patient cash  
 2 payments and/or insurance co-payments. Of the 232 prescriptions dispensed, approximately 75%  
 3 (175) were controlled substances.

4 b. The below table summarizes Dr. Yi's dispensing profile at Respondent Westside  
 5 Pharmacy:

6 Drug Class (Schedule)	7 Number of Prescriptions	8 Number Paid with Cash	9 Percent Paid with Cash
10 Non-Controlled	57	2	3.51%
11 Schedule II	102	38	37.25%
12 Schedule III	0	-	-
13 Schedule IV	63	26	41.27%
14 Schedule V	10	0	0%
15 <b>TOTAL</b>	<b>232</b>	<b>66</b>	<b>28.45%</b>

16 c. The below table summarizes the top 5 drugs prescribed by Dr. Yi:

17 Drug Name & Strength	18 Number of Prescriptions	19 Percent of Total Prescriptions	20 Number with Cash Payments	21 Percent with Cash Payments
22 Oxycodone 30mg	102	43.97%	38	37.25%
23 Carisprodol 350mg	63	27.16%	26	41.27%
24 Docusate Sodium 250mg	27	11.64%	0	0%
25 Narcan 4mg/0.1ml	10	4.31%	0	0%
26 Promethazine w/ Codeine Syrup	10	4.31%	0	0%
27 <b>TOTAL</b>	<b>212</b>	<b>91.38%</b>	<b>64</b>	<b>30.19%</b>

28 d. The top drug prescribed by Dr. Yi was oxycodone 30mg, accounting for approximately 44% (102) of the total prescriptions. All of the patients that received oxycodone were prescribed the highest available dosage form. The percentage of controlled substances paid for with cash without utilizing insurance was 37.25% for Schedule II drugs and 41.27% for Schedule IV drugs, which is significantly higher than the percentage for non-controlled substances paid for in cash (3.51%). The total cash payment for these controlled substances ranged from \$31.48 to \$430.71 per prescription.

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1 e. There were 14 controlled substance prescriptions under the prescribing credentials of  
2 Dr. Yi written on security forms that did not conform to the requirements of Health and Safety  
3 Code section 11162.1, lacking 12 out of 14 required security features, which invalidated the  
4 legitimacy of the prescriptions.

5 f. In addition to the prescriptions written on non-compliant security forms, the Board  
6 Inspector identified additional significant red flags with respect to Dr. Yi's prescriptions,  
7 including but not limited to the following:

- 8 • Patients paying for prescriptions in cash without the use of insurance.
- 9 • High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or  
10 opioid naïve patients, with large quantities of tablets (90 to 120).
- 11 • New patients to the Pharmacy were dispensed oxycodone 30mg.
- 12 • Commonly known dangerous drug combinations were provided on the same  
13 prescription form or forms that were presented together, including oxycodone 30mg  
14 and carisprodol 350mg.
- 15 • Similar diagnosis codes were written on the prescriptions.
- 16 • Patients traveled unusually long distances to the prescriber's office and Respondent  
17 Westside Pharmacy to obtain their prescriptions.

18 33. **Dr. Chadwick Smith**

19 a. The controlled substances prescriptions dispensed by Respondent Westside  
20 Pharmacy under the prescribing authority of Dr. Smith during the query period totaled  
21 approximately 128,430 tablets, resulting in approximately \$521,582.68 being paid to the  
22 Pharmacy through patient cash payments and/or insurance co-payments. Of the 1,393  
23 prescriptions dispensed, 100% were controlled substances.

24 b. The below table summarizes Dr. Smith's dispensing profile at Respondent Westside  
25 Pharmacy:

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<b>Drug Class (Schedule)</b>	<b>Number of Prescriptions</b>	<b>Number Paid with Cash</b>	<b>Percent Paid with Cash</b>
Non-Controlled	0	-	-
Schedule II	1,234	1,205	97.65%
Schedule III	7	7	100%
Schedule IV	152	152	100%
Schedule V	0	-	-
<b>TOTAL</b>	<b>1,393</b>	<b>1,364</b>	<b>97.92%</b>

c. The below table summarizes the top 5 drugs prescribed by Dr. Smith:

<b>Drug Name &amp; Strength</b>	<b>Number of Prescriptions</b>	<b>Percent of Total Prescriptions</b>	<b>Number with Cash Payments</b>	<b>Percent with Cash Payments</b>
Oxycodone 30mg	430	30.87%	413	96.05%
Hydrocodone/Acetaminophen 10-325mg	425	30.51%	424	99.76%
Oxymorphone ER 40mg	291	20.89%	291	100%
Alprazolam 2mg	128	9.19%	128	100%
Amphetamine Salts 30mg	47	3.37%	45	95.74%
<b>TOTAL</b>	<b>1,321</b>	<b>94.83%</b>	<b>1,301</b>	<b>98.49%</b>

d. All of the 1,393 prescriptions prescribed by Dr. Smith were controlled substances, of which approximately 82% (1,146) were opioid prescriptions in the highest available dosage form. Nearly all of the prescriptions, approximately 98%, were paid for with cash without utilizing insurance. The total cash payment for these controlled substances ranged from \$28.44 to \$1,391.73 per prescription.

e. The Board Inspector identified significant red flags with respect to Dr. Smith's prescriptions, including but not limited to the following:

- Patients paying for prescriptions in cash without the use of insurance.
- High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or opioid naïve patients, with large quantities of tablets (90 to 120).
- High initial doses of amphetamine salts 30mg with large quantities of tablets (120).
- High doses of alprazolam 2mg with large quantities of tablets (90 to 120).

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- Dr. Smith did not prescribe any non-controlled substance medications during the relevant prescribing period.
- Patients traveled unusually long distances to the prescriber’s office and Respondent Westside Pharmacy to obtain their prescriptions.
- New patients to the Pharmacy were dispensed high dosage forms of drugs.
- Commonly known dangerous drug combinations were provided on the same prescription form or forms that were presented together, as follows:

<b>Patients that Received: Opioids / Depressants / “Trinity” Combination</b>	<b>Patients that Received: “Speedball” Combination</b>
Oxycodone 30mg Oxymorphone ER 40mg Hydrocodone/Acetaminophen 10-325mg	Alprazolam 2mg Amphetamine Salts 30mg Carisoprodol 350mg
OR	OR
Oxycodone 30mg Alprazolam 2mg With or without Carisoprodol 350mg	Amphetamine Salts 30mg Any Opioid Prescription
OR	
Opioids Prescribed Alone	
<b>Total Patients: 49</b>	<b>Total Patients: 14</b>

34. **Dr. Massoud Amini**

a. The controlled substances prescriptions dispensed by Respondent Westside Pharmacy under the prescribing authority of Dr. Amini during the query period totaled approximately 2,365 tablets, resulting in approximately \$2,779.91 being paid to the Pharmacy through patient cash payments and/or insurance co-payments. Of the 80 prescriptions dispensed, approximately 39% (31) were controlled substances.

b. The below table summarizes Dr. Amini’s dispensing profile at Respondent Westside Pharmacy:

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Drug Class (Schedule)	Number of Prescriptions	Number Paid with Cash	Percent Paid with Cash
Non-Controlled	49	12	24.49%
Schedule II	30	6	20%
Schedule III	0	-	-
Schedule IV	1	0	0%
Schedule V	0	-	-
<b>TOTAL</b>	<b>80</b>	<b>18</b>	<b>22.5%</b>

c. The top drug prescribed by Dr. Amini was oxycodone 30mg, which accounted for approximately 30% of Dr. Amini’s prescriptions. All of the patients who received oxycodone were prescribed the highest available dosage form. The cash payments for these controlled substances was up to \$319.59 per prescription.

d. The Board Inspector identified significant red flags with respect to Dr. Amini’s prescriptions, including but not limited to the following:

- High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or opioid naïve patients.
- New patients to the Pharmacy were dispensed oxycodone 30mg.
- Patients traveled unusually long distances to the prescriber’s office and Respondent Westside Pharmacy to obtain their prescriptions.

35. **Dr. Joseph Dinglasan**

a. The controlled substances prescriptions dispensed by Respondent Westside Pharmacy under the prescribing authority of Dr. Dinglasan during the query period totaled approximately 8,825 tablets, resulting in approximately \$43,723.86 being paid to the Pharmacy through patient cash payments and/or insurance co-payments. Of the 183 prescriptions dispensed, approximately 58% (107) were controlled substances.

b. The below table summarizes Dr. Dinglasan’s dispensing profile at Respondent Westside Pharmacy:

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Drug Class (Schedule)	Number of Prescriptions	Number Paid with Cash	Percent Paid with Cash
Non-Controlled	76	42	55.26%
Schedule II	107	82	76.64%
Schedule III	0	-	-
Schedule IV	0	-	-
Schedule V	0	-	-
<b>TOTAL</b>	<b>183</b>	<b>124</b>	<b>67.76%</b>

c. The top drug prescribed by Dr. Dinglasan was oxycodone 30mg, which accounted for approximately 40% of Dr. Dinglasan’s prescriptions. The other two controlled substances prescribed by Dr. Dinglasan were oxymorphone ER 40mg and hydrocodone/acetaminophen 10-325mg, which accounted for approximately 27% and 1.7% of prescriptions, respectively. All of the patients who received controlled substances were prescribed the highest available dosage form. Approximately 77% of the controlled substances were paid for with cash without utilizing insurance, with the cash payments ranging from \$83.62 to \$1,435.14 per prescription.

d. The Board Inspector identified significant red flags with respect to Dr. Dinglasan’s prescriptions, including but not limited to the following:

- Patients paying for prescriptions in cash without the use of insurance.
- High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or opioid naïve patients, with large quantities of tablets (90 to 120).
- New patients to the Pharmacy were dispensed oxycodone 30mg.
- Similar diagnosis codes were written on the prescriptions.
- Patients traveled unusually long distances to the prescriber’s office and Respondent Westside Pharmacy to obtain their prescriptions.

36. **Dr. William Eidelman**

a. The controlled substance prescriptions dispensed by Respondent Westside Pharmacy under the credentials of Dr. Eidelman during the query period totaled approximately 31,740 tablets, resulting in approximately \$107,343.99 being paid to the Pharmacy through patient cash payments and/or insurance co-payments. All of the 216 prescriptions dispensed were for controlled substances.

1 b. The below table summarizes Dr. Eidelman's dispensing profile at Respondent  
2 Westside Pharmacy:

3 Drug Class (Schedule)	4 Number of Prescriptions	5 Number Paid with Cash	6 Percent Paid with Cash
7 Non-Controlled	8 0	9 -	-
Schedule II	210	173	82.38%
Schedule III	0	-	-
Schedule IV	6	6	100%
Schedule V	0	-	-
<b>TOTAL</b>	<b>216</b>	<b>179</b>	<b>82.87%</b>

10 c. All of the 216 prescriptions prescribed by Dr. Eidelman were controlled substances,  
11 of which approximately 96% (208) were oxycodone 30mg. Approximately 83% of the controlled  
12 substance prescriptions were paid for with cash without utilizing insurance. The total cash  
13 payment for these controlled substances ranged from \$45.00 to \$538.39 per prescription.

14 d. The Board Inspector identified significant red flags with respect to Dr. Eidelman  
15 prescriptions, including but not limited to the following:

- 16 • Patients paying for prescriptions in cash without the use of insurance.
- 17 • High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or  
18 opioid naïve patients, with large quantities of tablets (120-150).
- 19 • New patients to the Pharmacy were dispensed oxycodone 30mg.

20 37. **Dr. Amir Friedman**

21 a. The controlled substances prescriptions dispensed by Respondent Westside Pharmacy  
22 under the prescribing authority of Dr. Friedman during the query period totaled approximately  
23 4,550 tablets, resulting in approximately \$18,525.58 being paid to the Pharmacy through patient  
24 cash payments. Of the 88 prescriptions dispensed, approximately 56% (49) were controlled  
25 substances.

26 b. The below table summarizes Dr. Friedman's dispensing profile at Respondent  
27 Westside Pharmacy:

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Drug Class (Schedule)	Number of Prescriptions	Number Paid with Cash	Percent Paid with Cash
Non-Controlled	39	39	100%
Schedule II	48	48	100%
Schedule III	0	-	-
Schedule IV	1	1	100%
Schedule V	0	-	-
<b>TOTAL</b>	<b>88</b>	<b>88</b>	<b>100%</b>

c. The top drug prescribed by Dr. Friedman was oxycodone 30mg, accounting for approximately 50% of prescriptions, and was exclusively prescribed in the highest available dosage form. All of Dr. Friedman’s prescriptions were paid for with cash without utilizing insurance. The total cash payment for these controlled substances ranged from \$215.35 to \$1,435.14 per prescription.

d. The Board Inspector identified significant red flags with respect to Dr. Friedman’s prescriptions, including but not limited to the following:

- Patients paying for prescriptions in cash without the use of insurance.
- High initial doses of oxycodone 30mg were dispensed to non-opioid tolerant or opioid naïve patients, with large quantities of tablets (90).

38. **Dr. Mark Glasberg**

a. The controlled substances prescriptions dispensed by Respondent Westside Pharmacy under the prescribing authority of Dr. Glasberg during the query period totaled approximately 630 tablets, resulting in approximately \$2,261.21 being paid to the Pharmacy through patient cash payments. Of the 12 prescriptions dispensed, approximately 58% (7) were controlled substances.

b. The below table summarizes Dr. Glasberg’s dispensing profile at Respondent Westside Pharmacy:

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///  
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Drug Class (Schedule)	Number of Prescriptions	Number Paid with Cash	Percent Paid with Cash
Non-Controlled	5	5	100%
Schedule II	7	7	100%
Schedule III	0	-	-
Schedule IV	0	-	-
Schedule V	0	-	-
<b>TOTAL</b>	<b>12</b>	<b>12</b>	<b>100%</b>

c. The top drug, and only controlled substance, prescribed by Dr. Glasberg was oxycodone 30mg, and was exclusively prescribed in the highest available dosage form. All of Dr. Glasberg's prescriptions were paid for with cash without utilizing insurance. The cash payment for these controlled substances was \$323.03 per oxycodone 30mg prescription.

d. The Board Inspector identified significant red flags with respect to Dr. Glasberg's prescriptions, including but not limited to the following:

- Patients paying for prescriptions in cash without the use of insurance.
- High initial dose of oxycodone 30mg were dispensed to at least one non-opioid patient with a large quantity of 90 tablets.
- Patients traveled unusually long distances to the prescriber's office and Respondent Westside Pharmacy to obtain their prescriptions.

**FIRST CAUSE FOR DISCIPLINE**

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

39. Respondent Westside Pharmacy and Respondent Pirooz are subject to disciplinary action under Code sections 4301, subdivisions (d), (j) and (o), 4306.5, subdivisions (a) and (b), and 4113, subdivision (c), 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 Respondents 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. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 24-38, as though set forth in full herein.



1 **SECOND CAUSE FOR DISCIPLINE**

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

4 40. Respondent Westside Pharmacy and Respondent Pirooz are subject to disciplinary  
5 action under Code sections 4301, subdivisions (d), (j), and (o), 4306.5, subdivisions (a) and (b),  
6 and 4113, subdivision (c), in conjunction with Health and Safety Code section 11162.1,  
7 subdivisions (a) and (b), and 11164, subdivision (a), California Code of Regulations, title 16,  
8 section 1761, and Federal Code of Regulations, title 21, section 1306.04, subdivision (a), in that  
9 Respondents filled or dispensed controlled substance prescriptions that did not comply with the  
10 form requirements of Health and Safety Code section 11162.1. In addition, Respondents filled or  
11 dispensed controlled substance prescriptions that contained a significant error, omission,  
12 irregularity, uncertainty, ambiguity or alteration. Complainant refers to, and by this reference  
13 incorporates, the allegations set forth in above paragraphs 24-38, as though set forth in full herein.

14 **DISCIPLINARY CONSIDERATIONS**

15 41. To determine the degree of discipline, if any, to be imposed on Respondent Westside  
16 Pharmacy, Complainant alleges that on or about December 24, 2020, in a prior action, the Board  
17 issued Respondent Westside Pharmacy Citation Number CI 2018 83039 and ordered Respondent  
18 Westside Pharmacy to pay an administrative fine of \$1,500.00. That citation is now final.

19 **OTHER MATTERS**

20 42. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
21 50065, issued to Westside Pharmacy Corporation, dba Westside Pharmacy, while Farzad Jack  
22 Pirooz has been an officer, director, and/or owner and had knowledge of or knowingly  
23 participated in any conduct for which the licensee was disciplined, Respondent Pirooz shall be  
24 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
25 or partner of a licensee for five years if Pharmacy Permit Number PHY 50065 is placed on  
26 probation or until Pharmacy Permit Number PHY 50065 is reinstated if it is revoked.

27 43. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License  
28 Number RPH 48428, issued to Farzad Jack Pirooz, Respondent Pirooz shall be prohibited from

1 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
2 licensee for five years if Pharmacist License Number RPH 48428 is placed on probation or until  
3 Pharmacist License Number RPH 48428 is reinstated if it is revoked.

4 **PRAYER**

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

7 1. Revoking or suspending Pharmacy Permit Number PHY 50065, issued to Westside  
8 Pharmacy Corporation, dba Westside Pharmacy, Farzad Jack Pirooz;

9 2. Revoking or suspending Pharmacist License Number RPH 48428, issued to Farzad  
10 Jack Pirooz;

11 3. Prohibiting Farzad Jack Pirooz from serving as a manager, administrator, owner,  
12 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
13 Number PHY 50065 is placed on probation or until Pharmacy Permit Number PHY 50065 is  
14 reinstated if Pharmacy Permit Number PHY 50065 is revoked;

15 4. Prohibiting Farzad Jack Pirooz from serving as a manager, administrator, owner,  
16 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
17 Number RPH 48428 is placed on probation or until Pharmacist License Number RPH 48428 is  
18 reinstated if Pharmacist License Number RPH 48428 is revoked;

19 5. Ordering Westside Pharmacy and Farzad Jack Pirooz to pay the Board of Pharmacy  
20 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
21 Professions Code section 125.3; and,

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

23  
24 DATED: 9/26/2022

Signature on File

\_\_\_\_\_  
25 ANNE SODERGREN  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
*Complainant*