

**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 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 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
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7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

Case No. 7329

14 **WESTSIDE PHARMACY**
CORPORATION, DBA WESTSIDE
15 **PHARMACY, FARZAD JACK PIROOZ**
16 **11504 Santa Monica Blvd.**
Los Angeles, CA 90025

OAH No. 2022120578

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

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT FARZAD JACK
PIROOZ, PHARMACIST LICENSE NO.
RPH 48428 ONLY

18 **and**

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

21 **Pharmacist License No. RPH 48428**

22 Respondents.

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 Farzad Jack Pirooz is represented in this proceeding by attorney Herbert
4 L. Weinberg, whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

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, 2025,
8 unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 7329 was filed before the Board, and is currently pending against
11 Respondent Pirooz. The Accusation and all other statutorily required documents were properly
12 served on Respondent Pirooz on October 4, 2022. Respondent Pirooz timely filed his Notice of
13 Defense contesting the Accusation.

14 5. A copy of Accusation No. 7329 is attached as Exhibit A and incorporated herein by
15 reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent Pirooz has carefully read, fully discussed with counsel, and understands
18 the charges and allegations in Accusation No. 7329. Respondent Pirooz has also carefully read,
19 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
20 Disciplinary Order.

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

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

1 **CULPABILITY**

2 9. Respondent Pirooz understands and agrees that the charges and allegations in
3 Accusation No. 7329, if proven at a hearing, constitute cause for imposing discipline upon his
4 Pharmacist License.

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

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

12 **CONTINGENCY**

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

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

26 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Pharmacist License No. 48428 issued to Respondent
9 Farzad Jack Pirooz is revoked. However, the revocation is stayed and Respondent Pirooz is
10 placed on probation for five (5) years on the following terms and conditions:

11 1. **Obey All Laws**

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

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

- 15 • an arrest or issuance of a criminal complaint for violation of any provision of the
16 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
17 substances laws
- 18 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
19 criminal proceeding to any criminal complaint, information or indictment
- 20 • a conviction of any crime
- 21 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
22 administrative action filed by any state or federal agency which involves
23 Respondent Pirooz's license or which is related to the practice of pharmacy or the
24 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
25 device or controlled substance.

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

27 2. **Report to the Board**

28 Respondent Pirooz shall report to the Board quarterly, on a schedule as directed by the

1 Board or its designee. The report shall be made either in person or in writing, as directed. Among
2 other requirements, Respondent Pirooz shall state in each report under penalty of perjury whether
3 there has been compliance with all the terms and conditions of probation.

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

9 **3. Interview with the Board**

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

15 **4. Cooperate with Board Staff**

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

22 **5. Continuing Education**

23 Respondent Pirooz shall provide evidence of efforts to maintain skill and knowledge as a
24 pharmacist as directed by the Board or its designee.

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

26 During the period of probation, Respondent Pirooz shall notify all present and prospective
27 employers of the decision in case number 7329 and the terms, conditions and restrictions imposed
28 on Respondent Pirooz by the decision, as follows:

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

13 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
14 Respondent Pirooz undertaking any new employment, Respondent Pirooz shall cause (a) his
15 direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible
16 manager, or other compliance supervisor, and (c) the owner or owner representative of his
17 employer, to report to the Board in writing acknowledging that the listed individual(s) has/have
18 read the decision in case number 7329, and terms and conditions imposed thereby. If one person
19 serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It
20 shall be Respondent Pirooz's responsibility to ensure that these acknowledgment(s) are timely
21 submitted to the Board. In the event of a change in the person(s) serving the role(s) described in
22 (a), (b), or (c) during the term of probation, Respondent Pirooz shall cause the person(s) taking
23 over the role(s) to report to the Board in writing within fifteen (15) days of the change
24 acknowledging that he or she has read the decision in case number 7329, and the terms and
25 conditions imposed thereby.

26 If Respondent Pirooz works for or is employed by or through an employment service,
27 Respondent Pirooz must notify the person(s) described in (a), (b), and (c) above at every entity
28 licensed by the Board of the decision in case number 7329, and the terms and conditions imposed

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

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

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

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

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

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

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

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

22 During the period of probation, Respondent Pirooz shall not supervise any intern
23 pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible
24 manager or other compliance supervisor of any entity licensed by the Board, nor serve as a
25 consultant. Assumption of any such unauthorized supervision responsibilities shall be considered
26 a violation of probation.

27 During the period of probation, Respondent Pirooz shall not supervise any ancillary
28 personnel, including, but not limited to, pharmacy technicians, designated representatives,

1 designated representative-3PL in any entity licensed by the Board. Assumption of any such
2 unauthorized ancillary personnel supervision responsibilities shall be considered a violation of
3 probation.

4 **9. Reimbursement of Board Costs**

5 As a condition precedent to successful completion of probation, Respondent Pirooz shall be
6 jointly and severally responsible to pay to the Board its costs of investigation and prosecution in
7 the amount of \$37,133.25.

8 Respondent Pirooz shall be permitted to pay these costs in a payment plan approved by the
9 Board or its designee, so long as full payment is completed no later than one (1) year prior to the
10 end date of probation.

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

14 **10. Probation Monitoring Costs**

15 Respondent Pirooz shall pay any costs associated with probation monitoring as determined
16 by the Board each and every year of probation. Such costs shall be payable to the Board on a
17 schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as
18 directed shall be considered a violation of probation.

19 **11. Status of License**

20 Respondent Pirooz shall, at all times while on probation, maintain an active, current
21 Pharmacist License with the Board, including any period during which suspension or probation is
22 tolled. Failure to maintain an active, current Pharmacist License shall be considered a violation
23 of probation.

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

28 ///

1 **12. License Surrender While on Probation/Suspension**

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

10 Upon acceptance of the surrender, Respondent Pirooz shall relinquish his pocket and/or
11 wall license, including any indicia of licensure not previously provided to the Board within ten
12 (10) days of notification by the Board that the surrender is accepted if not already provided.
13 Respondent Pirooz may not reapply for any license from the Board for three (3) years from the
14 effective date of the surrender. Respondent Pirooz shall meet all requirements applicable to the
15 license sought as of the date the application for that license is submitted to the Board, including
16 any outstanding costs.

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

18 Except during periods of suspension, Respondent Pirooz shall, at all times while on
19 probation, be employed as a Pharmacist in California for a minimum of 100 hours per calendar
20 month. Any month during which this minimum is not met shall extend the period of probation by
21 one month. During any such period of insufficient employment, Respondent Pirooz must
22 nonetheless comply with all terms and conditions of probation, unless Respondent Pirooz receives
23 a waiver in writing from the Board or its designee.

24 If Respondent Pirooz does not practice as a Pharmacist in California for the minimum
25 number of hours in any calendar month, for any reason (including vacation), Respondent Pirooz
26 shall notify the Board in writing within ten (10) days of the conclusion of that calendar month.
27 This notification shall include at least: the date(s), location(s), and hours of last practice; the
28 reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which

1 Respondent Pirooz will resume practice at the required level. Respondent Pirooz shall further
2 notify the Board in writing within ten (10) days following the next calendar month during which
3 Respondent Pirooz practices as a Pharmacist in California for the minimum of hours. Any failure
4 to timely provide such notification(s) shall be considered a violation of probation.

5 It is a violation of probation for Respondent Pirooz's probation to be extended pursuant to
6 the provisions of this condition for a total period, counting consecutive and non-consecutive
7 months, exceeding thirty-six (36) months. The Board or its designee may post a notice of the
8 extended probation period on its website.

9 **14. Violation of Probation**

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

17 If Respondent Pirooz violates probation in any respect, the Board, after giving Respondent
18 Pirooz notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
19 order that was stayed. If a petition to revoke probation or an accusation is filed against
20 Respondent Pirooz during probation, or the preparation of an accusation or petition to revoke
21 probation is requested from the Office of the Attorney General, the Board shall have continuing
22 jurisdiction and the period of probation shall be automatically extended until the petition to
23 revoke probation or accusation is heard and decided, and the charges and allegations in
24 Accusation No. 7329 shall be deemed true and correct.

25 **15. Completion of Probation**

26 Upon written notice by the Board or its designee indicating successful completion of
27 probation, Respondent Pirooz's license will be fully restored.

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1 **16. Remedial Education**

2 Within sixty (60) days of the effective date of this decision, Respondent Pirooz shall submit
3 to the Board or its designee, for prior approval, an appropriate program of remedial education
4 related to corresponding responsibility. The program of remedial education shall consist of at
5 least 6 hours per year for each year of probation, which shall be completed Respondent Pirooz's
6 own expense, and shall be at least 50% in person or livestream. In addition, Respondent Pirooz
7 shall complete the Board's Prescription Drug Abuse and Diversion Training within the first year
8 of probation. All remedial education shall be in addition to, and shall not be credited toward,
9 continuing education (CE) courses used for license renewal purposes for pharmacists.

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

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

19 **17. Ethics Course**

20 Within sixty (60) calendar days of the effective date of this decision, Respondent Pirooz
21 shall enroll in a course in ethics, at Respondent Pirooz's expense, approved in advance by the
22 Board or its designee that complies with Title 16 California Code of Regulations section 1773.5.
23 Respondent Pirooz shall provide proof of enrollment upon request. Within five (5) days of
24 completion, Respondent Pirooz shall submit a copy of the certificate of completion to the Board
25 or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during
26 the first year of probation, to successfully complete it before the end of the second year of
27 probation, or to timely submit proof of completion to the Board or its designee, shall be
28 considered a violation of probation.

1 **18. Supervised Practice**

2 During the first two (2) years of probation, Respondent Pirooz shall be required to comply
3 with supervised practice. Within thirty (30) days of the effective date of this decision,
4 Respondent Pirooz shall submit to the Board or its designee, for prior approval, the name of a
5 Pharmacist by and not on probation with the Board, to serve as Respondent Pirooz’s practice
6 supervisor. As part of the documentation submitted, Respondent Pirooz shall cause the proposed
7 practice supervisor to report to the Board in writing acknowledging that he or she has read the
8 decision in case number 7329, and is familiar with the terms and conditions imposed thereby,
9 including the level of supervision required by the Board or its designee. This level will be
10 determined by the Board or its designee, will be communicated to Respondent Pirooz on or
11 before the effective date of this decision and shall be one of the following:

12 Continuous – At least 75% of a work week

13 Substantial - At least 50% of a work week

14 Partial - At least 25% of a work week

15 Daily Review - Supervisor’s review of probationer’s daily activities within 24 hours

16 Respondent Pirooz may practice only under the required level of supervision by an
17 approved practice supervisor. If, for any reason, including change of employment, Respondent
18 Pirooz is no longer supervised at the required level by an approved practice supervisor, within ten
19 (10) days of this change in supervision Respondent Pirooz shall submit to the Board or its
20 designee, for prior approval, the name of a Pharmacist by and not on probation with the Board, to
21 serve as Respondent Pirooz’s replacement practice supervisor. As part of the documentation
22 submitted, Respondent Pirooz shall cause the proposed replacement practice supervisor to report
23 to the Board in writing acknowledging that he or she has read the decision in case number 7329,
24 and is familiar with the terms and conditions imposed thereby, including the level of supervision
25 required.

26 Any of the following shall result in the automatic suspension of practice by a Respondent
27 Pirooz and shall be considered a violation of probation:

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

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

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

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

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

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

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

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

26 **19. No Ownership or Management of Licensed Premises**

27 Respondent Pirooz shall not own, have any legal or beneficial interest in, nor serve as a
28 manager, administrator, member, officer, director, trustee, associate, or partner of any business,

1 firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent
2 Pirooz shall sell or transfer any legal or beneficial interest in any entity licensed by the Board
3 within ninety (90) days following the effective date of this decision and shall immediately
4 thereafter provide written proof thereof to the Board. Failure to timely divest any legal or
5 beneficial interest(s) or provide documentation thereof shall be considered a violation of
6 probation.

7 **ACCEPTANCE**

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
10 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
11 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
12 of the Board of Pharmacy.

13
14 DATED: _____

_____ **FARZAD JACK PIROOZ**
Respondent

15
16
17 I have read and fully discussed with Respondent Farzad Jack Pirooz the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20
21 DATED: _____

_____ **HERBERT L. WEINBERG, ESQ.**
Attorney for Respondent

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1 firm, partnership, or corporation currently or hereinafter licensed by the Board. Respondent
2 Pirooz shall sell or transfer any legal or beneficial interest in any entity licensed by the Board
3 within ninety (90) days following the effective date of this decision and shall immediately
4 thereafter provide written proof thereof to the Board. Failure to timely divest any legal or
5 beneficial interest(s) or provide documentation thereof shall be considered a violation of
6 probation.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it
10 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
11 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
12 of the Board of Pharmacy.

13
14 DATED: 4/20/2023



FARZAD JACK PIROOZ
Respondent

15
16
17 I have read and fully discussed with Respondent Farzad Jack Pirooz the terms and
18 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
19 I approve its form and content.

20
21 DATED: 4/20/2023



HERBERT L. WEINBERG, ESQ.
Attorney for Respondent

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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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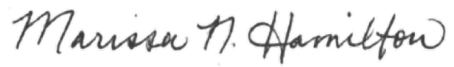
ENDORSEMENT

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

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

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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. 7329

13 **WESTSIDE PHARMACY**
14 **CORPORATION, DBA WESTSIDE**
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
Department of Justice.

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

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

8 (15) A uniquely serialized number, in a manner prescribed by the Department
9 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:

| Drug Class (Schedule) | Number of Prescriptions | Percent of Total Dispensed |
|------------------------------|--------------------------------|-----------------------------------|
| 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% |
| TOTAL | 141,684 | 100% |

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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:

| Drug Class (Schedule) | Number of Prescriptions | Number with Cash Payment | Percent Paid with Cash Payments |
|------------------------------|--------------------------------|---------------------------------|--|
| 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% |
| Schedule II-V TOTAL | 12,112 | 4,792 | 39.56% |
| Overall TOTAL | 141,684 | 13,139 | 9.27% |

11
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” combination¹ and “Speedball” combination.²

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 CURES³ reports for any patient prior to dispensing controlled substance prescriptions.

19 ¹ 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 ² 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.

³ 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:

19

| Drug Class (Schedule) | Number of Prescriptions | Number Paid with Cash | Percent Paid with Cash |
|------------------------------|--------------------------------|------------------------------|-------------------------------|
| 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% |
| TOTAL | 476 | 384 | 80.67% |

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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% |
| TOTAL | 291 | 61.13% | 279 | 95.88% |

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 | - | - |
| TOTAL | 447 | 310 | 69.35% |

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% |
| TOTAL | 407 | 91.05% | 288 | 70.76% |

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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 | - | - |
| TOTAL | 313 | 230 | 73.48% |

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 TOTAL | 232 | 66 | 28.45% |

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 TOTAL | 212 | 91.38% | 64 | 30.19% |

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

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

| Drug Name & Strength | Number of Prescriptions | Percent of Total Prescriptions | Number with Cash Payments | Percent with Cash Payments |
|------------------------------------|-------------------------|--------------------------------|---------------------------|----------------------------|
| 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% |
| TOTAL | 1,321 | 94.83% | 1,301 | 98.49% |

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:

| Patients that Received: Opioids / Depressants / “Trinity” Combination | Patients that Received: “Speedball” Combination |
|--|--|
| 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 | |
| Total Patients: 49 | Total Patients: 14 |

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 | - | - |
| TOTAL | 80 | 18 | 22.5% |

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 | - | - |
| TOTAL | 183 | 124 | 67.76% |

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 | - | - |
| TOTAL | 216 | 179 | 82.87% |

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 | - | - |
| TOTAL | 88 | 88 | 100% |

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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| 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 | - | - |
| TOTAL | 12 | 12 | 100% |

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

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