

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

In the Matter of the Accusation Against:

**ADVANTAGE HEALTH CARE HIV & COMPOUNDING INC., dba
GARDEN GROVE COMMUNITY PHARMACY, VIMAL BHANVADIA
AND SHEKHA DASHRATH PATEL, OFFICERS AND SHAREHOLDERS,
Pharmacy License No. PHY 51109;**

**AHCS SPECIALTY CARE, LLC AND INNOVATIVE HEALTHCARE
CAPITAL, LLC, dba AHCS SPECIALTY CARE, VIMAL BHANVADIA,
SHEKHA DASHRATH PATEL AND KINJAL GHANSHYAM PATEL,
OFFICERS AND/OR SHAREHOLDERS,
Pharmacy Permit No. PHY 55932;**

**ADVANTAGE HEALTH CARE SERVICES, dba MISSION PLAZA
PHARMACY, KINJAL GHANSHYAM PATEL, VIMAL BHANVADIA
AND SHEKHA DASHRATH PATEL, OFFICERS AND SHAREHOLDERS,
Pharmacy Permit No. PHY 51550;**

**KINJAL GHANSHYAM PATEL,
Pharmacist License No. RPH 61294;**

**SHITAL J. PATEL,
Pharmacist License No. RPH 50125;**

SHEKHA DASHRATH PATEL,

Pharmacist License No. RPH 60337;

Respondents.

Agency Case Nos. 7223, 7538, and 7539

OAH Nos. 2024070440 and 2024090336

and

In the Matter of the Statement of Issues Against:

**AHCS SPECIALTY CARE, LLC
Applicant for Pharmacy Permit**

Respondent.

Agency Case No. 7210

and

In the Matter of the Statement of Issues Against:

**ADVANTAGE HEALTH CARE SERVICES-MISSION INC., dba MISSION
PLAZA PHARMACY 3
Applicant for Pharmacy Permit**

Respondent.

Agency Case No. 7211

and

In the Matter of the Accusation Against:

**AHCS SPECIALTY CARE, LLC, dba AHCS SPECIALTY CARE, NEVIL
PRAKASH JHAVERI, MEMBER,
Pharmacy Permit No. PHY 55932;**

**INNOVATIVE HEALTHCARE CAPITAL, LLC, and AHCS SPECIALTY
CARE LLC, dba AHCS SPECIALTY CARE,
NEVIL PRAKASH JHAVERI, MEMBER,
Pharmacy Permit No. PHY 58059;**

**ANIL KANWAR,
Pharmacist License No. RPH 81880;**

and

**SHITAL J. PATEL,
Pharmacist License No. RPH 50125;**

Respondents.

Agency Case No. 7618

DECISION AND ORDER

The attached Stipulated Surrender of Licenses, Affirmance of Denials 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 27, 2025.

It is so ORDERED on May 28, 2025.

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 fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
E-mail: Desiree.Kellogg@doj.ca.gov
8 *Attorneys for Complainant*

9 JOSHUA A. ROOM
Supervising Deputy Attorney General
10 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
11 San Francisco, CA 94102
Telephone: (415) 510-3512
12 Facsimile: (415) 703-5480
13 *Attorneys for Complainant*

14 **BEFORE THE**
15 **BOARD OF PHARMACY**
16 **DEPARTMENT OF CONSUMER AFFAIRS**
17 **STATE OF CALIFORNIA**

17 In the Matter of the Accusation Against:

18 **ADVANTAGE HEALTH CARE HIV &**
19 **COMPOUNDING INC., DBA GARDEN**
20 **GROVE COMMUNITY PHARMACY,**
21 **VIMAL BHANVADIA AND SHEKHA**
22 **DASHRATH PATEL, OFFICERS AND**
23 **SHAREHOLDERS**
24 **12665 Garden Grove Blvd., Ste. 108**
25 **Garden Grove, CA 92843**

26 **Pharmacy License No. PHY 51109,**

27 **AHCS SPECIALTY CARE, LLC AND**
28 **INNOVATIVE HEALTHCARE CAPITAL,**
LLC, DBA AHCS SPECIALTY CARE,
VIMAL BHANVADIA, SHEKHA
DASHRATH PATEL AND KINJAL
GHANSHYAM PATEL, OFFICERS
AND/OR SHAREHOLDERS
12832 Valley View Street, Suite A
Garden Grove, CA 92845

Pharmacy Permit No. PHY 55932,

Case No. 7223, 7538 and 7539

OAH Nos. 2024070440 and 2024090336

STIPULATED SURRENDER OF
LICENSES, AFFIRMANCE OF
DENIALS, & DISCIPLINARY ORDER
EXCEPT AS TO KINJAL GHANSHYAM
PATEL, SHITAL J. PATEL, SHEKHA
DASHRATH PATEL AND ANIL
KANWAR

**ADVANTAGE HEALTH CARE
SERVICES, DBA MISSION PLAZA
PHARMACY, KINJAL GHANSHYAM
PATEL, VIMAL BHANVADIA AND
SHEKHA DASHRATH PATEL,
OFFICERS AND SHAREHOLDERS
26800 Crown Valley Parkway #185
Mission Viejo, CA 92691**

Pharmacy Permit No. PHY 51550,

**KINJAL GHANSHYAM PATEL
4631 Teller Avenue #110
Newport Beach, CA 92660**

Pharmacist License No. RPH 61294,

**SHITAL J. PATEL
7302 Spruce Circle
La Palma, CA 90623**

**Pharmacist License No. RPH 50125,
and**

**SHEKHA DASHRATH PATEL
12665 Garden Grove Blvd., Ste. 108
Garden Grove, CA 92843**

Pharmacist License No. 60337

Respondents.

In the Matter of the Statement of Issues
Against:

AHCS SPECIALTY CARE, LLC

Applicant for Pharmacy Permit

Respondent.

In the Matter of the Statement of Issues
Against:

**ADVANTAGE HEALTH CARE
SERVICES-MISSION INC., DBA
MISSION PLAZA PHARMACY 3**

Applicant for Pharmacy Permit

Respondent.

Case No. 7210

Case No. 7211

In the Matter of the Accusation Against:

Case No. 7618

**AHCS SPECIALTY CARE, LLC, DBA
AHCS SPECIALTY CARE, NEVIL
PRAKASH JHAVERI, MEMBER
12832 Valley View St., Ste. A
Garden Grove, CA 92845**

Pharmacy Permit No. PHY 55932,

**INNOVATIVE HEALTHCARE CAPITAL,
LLC, AND AHCS SPECIALTY CARE,
LLC, DBA AHCS SPECIALTY CARE,
NEVIL PRAKASH JHAVERI, MEMBER
12832 Valley View St., Ste. A
Garden Grove, CA 92845**

Pharmacy Permit No. PHY 58059,

**ANIL KANWAR
5639 E. Elsinore Ave
Orange, CA 92869**

Pharmacist License No. RPH 81880,

and

**SHITAL J. PATEL
7302 Spruce Circle
La Palma, CA 90623**

Pharmacist License No. RPH 50125,

Respondents.

The following stipulation is agreed to by and resolves the administrative cases pending as to Respondents Advantage Health Care HIV & Compounding Inc., dba Garden Grove Community Pharmacy (Respondent Garden Grove); AHCS Specialty Care, LLC, dba AHCS Specialty Care (Respondent AHCS Specialty Care I); Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care (Respondent AHCS Specialty Care II); Advantage Healthcare Services, dba Mission Plaza Pharmacy (Respondent Mission Plaza); AHCS Specialty Care, LLC, (Respondent AHCS Specialty Care III), Advantage Healthcare Services-Mission Inc., dba Mission Plaza Pharmacy 3 (Respondent Mission Plaza 3); Vimal Bhanvadia (Respondent Bhanvadia); and Nevil Prakash Jhaveri (Respondent Jhaveri). These entities and individuals are collectively called Respondents herein. This stipulation does not apply to or alter the

1 administrative case pending against Respondents Kinjal Ghanshyam Patel, Shital J. Patel, Shekha
2 Dashrath Patel, or Anil Kanwar.

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

5 **PARTIES**

6 1. Anne Sodergren (Complainant), Executive Officer of the Board of Pharmacy (Board),
7 Department of Consumer Affairs, brought this action solely in her official capacity and is
8 represented in this matter by Rob Bonta, Attorney General of the State of California, by Desiree I.
9 Kellogg, Deputy Attorney General, and Joshua A. Room, Supervising Deputy Attorney General.

10 2. Respondents Garden Grove, Mission Plaza, Mission Plaza 3 and AHCS Specialty
11 Care III, are acting in this proceeding through Respondent Bhanvadia, an officer, shareholder, or
12 member of those entities, who has been designated and authorized to enter into this agreement for
13 those entities.

14 3. Respondents AHCS Specialty Care I, and AHCS Specialty Care II are acting in this
15 proceeding through Respondents Bhanvadia and Jhaveri, members of those LLCs, who have been
16 designated and authorized to enter into this agreement for those entities.

17 4. Collectively, Respondents are represented in this proceeding by Armond Marcarian,
18 Marc L. McCulloch and Kristina N. Markarian of the Marcarian Law Firm, whose address is:
19 21650 Oxnard Street, Suite 1980, Woodland Hills, California 91367.

20 5. On or about November 19, 2012, the Board issued Pharmacy Permit Number PHY
21 51109 to Respondent Garden Grove, with Respondent Bhanvadia President and 20% shareholder
22 of Advantage Health Care HIV & Compounding, Inc. and Respondent Shekha Dashrath Patel VP
23 and 20% shareholder of Advantage Health Care HIV & Compounding, Inc. The Pharmacy Permit
24 was in full force and effect at all times relevant to the charges brought in the First Amended
25 Accusation and expired on December 1, 2020. It was cancelled on March 8, 2022.

26 6. On or about August 13, 2013, the Board issued Pharmacy Permit Number PHY
27 51550 to Respondent Mission Plaza, with Respondent Bhanvadia President and 17% shareholder
28 of Advantage Healthcare Services, Respondent Shekha Dashrath Patel 16% shareholder of

1 Advantage Healthcare Services, and Respondent Kinjal Ghanshyam Patel 16% shareholder of
2 Advantage Healthcare Services. The Pharmacy Permit was in full force and effect at all times
3 relevant to the First Amended Accusation and was cancelled on March 8, 2022.

4 7. On or about December 19, 2017, the Board issued Pharmacy Permit Number PHY
5 55932 to Respondent AHCS Specialty Care I. Respondents Jhaveri, Bhanvadia, Shekha Dashrath
6 Patel, and Kinjal Ghanshyam Patel, were identified as members of AHCS Specialty Care, LLC.
7 The Pharmacy Permit was in full force and effect at all times relevant to the charges in the First
8 Amended Accusation and Accusation and was cancelled on December 3, 2020.

9 8. On or about December 1, 2020, the Board issued Pharmacy Permit Number PHY
10 58059 to Respondent AHCS Specialty Care II. Respondent Jhaveri was identified as a member.
11 The Pharmacy Permit was in full force and effect at all times relevant to the charges in the
12 Accusation and was canceled on November 9, 2023.

13 9. On or about January 22, 2021, the Board received an application for a pharmacy
14 permit from Respondent Mission Plaza 3, with Respondent Bhanvadia as 15% shareholder and
15 officer, and Respondent Shekha Dashrath Patel as 14% shareholder and director. On or about
16 October 8 and 13, 2020, Respondent Bhanvadia and Respondent Shekha Dashrath Patel certified
17 under penalty of perjury the truthfulness of all statements, answers, and representations in the
18 application. On or about September 30, 2021, the Board denied the application.

19 10. On or about February 16, 2021, the Board received an application for a pharmacy
20 permit from Respondent AHCS Specialty Care III, with Respondent Bhanvadia as manager. On
21 or about October 23, 2020, Respondent Bhanvadia certified under penalty of perjury the
22 truthfulness of all statements, answers, and representations in the application. On or about
23 September 30, 2021, the Board denied the application.

24 **JURISDICTION**

25 11. First Amended Accusation Nos. 7223, 7538 and 7539 were filed before the Board,
26 and are currently pending against Respondents Garden Grove, AHCS Specialty Care I, and
27 Mission Plaza. First Amended Statement of Issues No. 7210 was filed before the Board and is
28 currently pending against Respondent AHCS Specialty Care III. First Amended Statement of

1 Issues No. 7211 was filed before the Board and is currently pending against Respondent Mission
2 Plaza 3. Accusation No. 7618 was filed before the Board and is currently pending against
3 Respondents AHCS Specialty Care I and AHCS Specialty Care II.

4 12. First Amended Accusation Nos. 7223, 7538 and 7539, First Amended Statement of
5 Issues No. 7210, First Amended Statement of Issues No. 7211, and Accusation No. 7618, and all
6 other statutorily required documents, were properly served on Respondents. Respondents timely
7 filed Notices of Defense or requests for hearing. First Amended Accusation Nos. 7223, 7538 and
8 7539, First Amended Statement of Issues No. 7210, and First Amended Statement of Issues No.
9 7211, are attached as Exhibit A and incorporated by reference. Accusation No. 7618 is attached
10 as Exhibit B and incorporated by reference.

11 **ADVISEMENT AND WAIVERS**

12 13. Respondents have carefully read, fully discussed with counsel, and understand the
13 charges and allegations in First Amended Accusation Nos. 7223, 7538 and 7539, First Amended
14 Statement of Issues No. 7210, First Amended Statement of Issues No. 7211, and Accusation No.
15 7618. Respondents have also carefully read, fully discussed with counsel, and understand this
16 Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order.

17 14. Respondents are fully aware of their legal rights in this matter, including the right to a
18 hearing on charges and allegations in the First Amended Accusation, both of the two First
19 Amended Statements of Issues, and the Accusation; the right to confront and cross-examine the
20 witnesses against them; the right to present evidence and to testify on their own behalf; the right
21 to the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 15. Respondents hereby voluntarily, knowingly, and intelligently waives and gives up
25 each and every right set forth above.

26 **CULPABILITY**

27 16. Respondents Garden Grove, AHCS Specialty Care I, and Mission Plaza, hereby
28 understand and agree that the charges in First Amended Accusation Nos. 7223, 7538 and 7539, if

1 proven at a hearing, constitute cause for imposing discipline on their respective Pharmacy
2 Permits. Respondents AHCS Specialty Care I and AHCS Specialty Care II hereby understand
3 and agree that the charges in Accusation No. 7618, if proven at a hearing, constitute cause for
4 imposing discipline on their respective Pharmacy Permits.

5 17. Respondents AHCS Specialty Care III and Mission Plaza 3 hereby understand and
6 agree that the charges in First Amended Statement of Issues No. 7210 and/or First Amended
7 Statement of Issues No. 7211, if proven at a hearing, constitute cause for denial of their
8 applications for Pharmacy Permits.

9 18. For the purpose of resolving these cases without the expense and uncertainty of
10 further proceedings, Respondents hereby agree that, at a hearing, Complainant could establish a
11 factual basis for the charges in First Amended Accusation Nos. 7223, 7538 and 7539, First
12 Amended Statement of Issues No. 7210, First Amended Statement of Issues No. 7211, and
13 Accusation No. 7618, that those charges constitute cause for discipline or denial, and that
14 Respondents hereby give up their right to contest those charges.

15 19. Respondents understand that by signing this stipulation they enable the Board to issue
16 an order accepting the surrender of their Pharmacy Permits and affirming prior denials of their
17 applications for further or additional licenses, without further process.

18 CONTINGENCY

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that (1) Pharmacy License No. PHY 51109, issued to Respondent Advantage Health Care HIV & Compounding Inc., dba Garden Grove Community Pharmacy; (2) Pharmacy License No. PHY 51550, issued to Advantage Healthcare Services, dba Mission Plaza Pharmacy; (3) Pharmacy License No. PHY 55932, issued to AHCS Specialty Care, LLC, dba AHCS Specialty Care; and (4) Pharmacy License No. PHY 58059, issued to Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care, are hereby surrendered and accepted by the Board. Those Respondents shall relinquish remaining premises wall licenses and renewal licenses within ten (10) days of the effective date of this decision.

1. The surrender of Pharmacy Permits by Respondents Garden Grove, Mission Plaza, AHCS Specialty Care I, and AHCS Specialty Care II, and the acceptance of the surrendered licenses by the Board, shall constitute the imposition of discipline against these Respondents. This decision constitutes a record of discipline and shall become part of each Respondent's license history with the Board. Respondents understand and agree that for purposes of Business and Professions Code section 4307, these surrenders shall be treated like revocations.

2. Respondents Garden Grove, Mission Plaza, AHCS Specialty Care I, and AHCS Specialty Care II, shall lose all rights and privileges as pharmacies in California as of the effective date of the Board's decision and order.

3. Respondents Garden Grove, Mission Plaza, AHCS Specialty Care I, and AHCS Specialty Care II, and their respective managers, administrators, owners, members, officers, directors, associates, partners, and any other person with management or control of these entities, are jointly and severally liable for costs of investigation and prosecution of \$40,000.00 incurred as to First Amended Accusation Case Nos. 7223, 7538, 7539 and Accusation Case No. 7618.

4. Respondents Garden Grove, Mission Plaza, AHCS Specialty Care I, and AHCS Specialty Care II, and any of their respective managers, administrators, owners, members, officers, directors, associates, partners, or any other person with management or control of these entities, may only seek a new or reinstated license from the Board by a new application for licensure. These entities and persons shall not be eligible to petition for reinstatement.

5. Respondents Garden Grove, Mission Plaza, AHCS Specialty Care I, and AHCS Specialty Care II, and any of their respective managers, administrators, owners, members, officers, directors, associates, partners, or any other person with management or control of these entities, may not reapply for any license from the Board for three (3) years from the effective date of this decision. All of these entities and persons hereby stipulate that should they apply for any license from the Board on or after the effective date of this decision, all allegations set forth in First Amended Accusation Nos. 7223, 7538 and 7539 and Accusation No. 7618 shall be deemed to be true, correct and admitted by these entities or persons when the Board determines whether to grant or deny any such application. Any such applicant shall satisfy all requirements applicable to any license applied for as of the date the application is submitted to the Board. Any such applicant shall be required to report these surrenders as prior disciplinary action.

6. Respondents Garden Grove, Mission Plaza, AHCS Specialty Care I, and AHCS Specialty Care II, and their respective managers, administrators, owners, members, officers, directors, associates, partners, or any other person with management or control of these entities, stipulate that before any of these persons or entities may apply for any license from the Board on

1 or after the effective date of this decision, the entire amount of \$40,000.00 owed to the Board
2 shall have been entirely repaid before any application may be submitted or considered.

3 7. Pursuant to Business and Professions Code section 4307, Respondents Bhanvadia and
4 Jhaveri shall be prohibited from serving as a manager, administrator, owner, member, officer,
5 director, associate, or partner of any entity licensed by the Board until all Pharmacy Permits
6 issued to entities of which they were owners or managers are reinstated or reissued.

7 **IT IS FURTHER HEREBY ORDERED** that the denials of the applications for pharmacy
8 licenses by Respondents AHCS Specialty Care III and Mission Plaza 3 are hereby affirmed and
9 made final, as of the effective date of this decision, and this will finally resolve First Amended
10 Statement of Issues No. 7210 and First Amended Statement of Issues Nos. 7211.

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ACCEPTANCE

I, Vimal Bhanvadia, officer, director, member and/or shareholder of Advantage Health Care HIV & Compounding Inc., dba Garden Grove Community Pharmacy; Advantage Healthcare Services, dba Mission Plaza Pharmacy; AHCS Specialty Care, LLC, dba AHCS Specialty Care; Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care; AHCS Specialty Care; and Advantage Healthcare Services-Mission Inc., dba Mission Plaza Pharmacy 3, am acting on those entities' behalf and in my individual capacity. I have carefully read the above Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order and have fully discussed it with my attorneys, including Armond Marcarian. I understand the stipulation and the effect it will have on the Pharmacy Permits issued to the above-named entities. On behalf of myself and of the above-listed entities as their authorized representative, I enter into this Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: _____

VIMAL BHANVADIA, for himself and for
ADVANTAGE HEALTH CARE HIV &
COMPOUNDING INC., DBA GARDEN
GROVE COMMUNITY PHARMACY;
AHCS SPECIALTY CARE, LLC, DBA
AHCS SPECIALTY CARE; ADVANTAGE
HEALTHCARE SERVICES, DBA MISSION
PLAZA PHARMACY; INNOVATIVE
HEALTHCARE CAPITAL, LLC AND
AHCS SPECIALTY CARE, LLC, DBA
AHCS SPECIALTY CARE; AHCS
SPECIALTY CARE, LLC; and
ADVANTAGE HEALTHCARE SERVICES-
MISSION INC., DBA MISSION PLAZA
PHARMACY 3

Respondents

///

///

///

///

ACCEPTANCE

I, Vimal Bhanvadia, officer, director, member and/or shareholder of Advantage Health Care HIV & Compounding Inc., dba Garden Grove Community Pharmacy; Advantage Healthcare Services, dba Mission Plaza Pharmacy; AHCS Specialty Care, LLC, dba AHCS Specialty Care; Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care; AHCS Specialty Care; and Advantage Healthcare Services-Mission Inc., dba Mission Plaza Pharmacy 3, am acting on those entities' behalf and in my individual capacity. I have carefully read the above Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order and have fully discussed it with my attorneys, including Armond Marcarian. I understand the stipulation and the effect it will have on the Pharmacy Permits issued to the above-named entities. On behalf of myself and of the above-listed entities as their authorized representative, I enter into this Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED:

March 17, 2025



VIMAL BHANVADIA, for himself and for
ADVANTAGE HEALTH CARE HIV &
COMPOUNDING INC., DBA GARDEN
GROVE COMMUNITY PHARMACY;
AHCS SPECIALTY CARE, LLC, DBA
AHCS SPECIALTY CARE; ADVANTAGE
HEALTHCARE SERVICES, DBA MISSION
PLAZA PHARMACY; INNOVATIVE
HEALTHCARE CAPITAL, LLC AND
AHCS SPECIALTY CARE, LLC, DBA
AHCS SPECIALTY CARE; AHCS
SPECIALTY CARE, LLC; and
ADVANTAGE HEALTHCARE SERVICES-
MISSION INC., DBA MISSION PLAZA
PHARMACY 3

Respondents

///

///

///

///

1 I, Nevil Prakash Jhaveri, member, officer and/or shareholder of AHCS Specialty Care,
2 LLC, dba AHCS Specialty Care; and Innovative Healthcare Capital, LLC and AHCS Specialty
3 Care, LLC, dba AHCS Specialty Care, am acting on those entities' behalf and in my individual
4 capacity. I have carefully read the above Stipulated Surrender of Licenses, Affirmance of
5 Denials, and Disciplinary Order and have fully discussed it with my attorneys, including Armond
6 Marcarian. I understand the stipulation and the effect it will have on the Pharmacy Permits issued
7 to the above-named entities. On behalf of myself and of the above-listed entities as their
8 authorized representative, I enter into this Stipulated Surrender of Licenses, Affirmance of
9 Denials, and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound
10 by the Decision and Order of the Board.

11 DATED: _____

NEVIL PRAKASH JHAVERI, for himself
and for AHCS SPECIALTY CARE, LLC,
dba AHCS SPECIALTY CARE; and
INNOVATIVE HEALTHCARE CAPITAL,
LLC AND AHCS SPECIALTY CARE, LLC,
dba AHCS SPECIALTY CARE
Respondents

17 I have read and fully discussed with Respondents Advantage Health Care HIV &
18 Compounding Inc., dba Garden Grove Community Pharmacy; Advantage Healthcare Services,
19 dba Mission Plaza Pharmacy; AHCS Specialty Care, LLC, dba AHCS Specialty Care; Innovative
20 Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care; AHCS
21 Specialty Care, LLC; Advantage Healthcare Services-Mission Inc., dba Mission Plaza Pharmacy
22 3; Vimal Bhanvadia; and Nevil Prakash Jhaveri, the terms contained in this Stipulated Surrender
23 of Licenses, Affirmance of Denials, and Disciplinary Order. I approve its form and content.

24 DATED: _____

ARMOND MARCARIAN
Attorney for Respondents

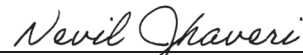
26 ///

27 ///

28 ///

1 I, Nevil Prakash Jhaveri, member, officer and/or shareholder of AHCS Specialty Care,
2 LLC, dba AHCS Specialty Care; and Innovative Healthcare Capital, LLC and AHCS Specialty
3 Care, LLC, dba AHCS Specialty Care, am acting on those entities' behalf and in my individual
4 capacity. I have carefully read the above Stipulated Surrender of Licenses, Affirmance of
5 Denials, and Disciplinary Order and have fully discussed it with my attorneys, including Armond
6 Marcarian. I understand the stipulation and the effect it will have on the Pharmacy Permits issued
7 to the above-named entities. On behalf of myself and of the above-listed entities as their
8 authorized representative, I enter into this Stipulated Surrender of Licenses, Affirmance of
9 Denials, and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound
10 by the Decision and Order of the Board.

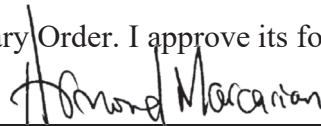
11 DATED: 3/17/25



12 NEVIL PRAKASH JHAVERI, for himself
13 and for AHCS SPECIALTY CARE, LLC,
14 dba AHCS SPECIALTY CARE; and
15 INNOVATIVE HEALTHCARE CAPITAL,
16 LLC AND AHCS SPECIALTY CARE, LLC,
17 dba AHCS SPECIALTY CARE
18 Respondents

17 I have read and fully discussed with Respondents Advantage Health Care HIV &
18 Compounding Inc., dba Garden Grove Community Pharmacy; Advantage Healthcare Services,
19 dba Mission Plaza Pharmacy; AHCS Specialty Care, LLC, dba AHCS Specialty Care; Innovative
20 Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care; AHCS
21 Specialty Care, LLC; Advantage Healthcare Services-Mission Inc., dba Mission Plaza Pharmacy
22 3; Vimal Bhanvadia; and Nevil Prakash Jhaveri, the terms contained in this Stipulated Surrender
23 of Licenses, Affirmance of Denials, and Disciplinary Order. I approve its form and content.

24 DATED: March 17, 2025



25 ARMOND MARCARIAN
26 Attorney for Respondents

27 ///

28 ///

///

ENDORSEMENT

The foregoing Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
JOSHUA A. ROOM
Supervising Deputy Attorney General

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

SD2021802480
84935444.docx

ENDORSEMENT

The foregoing Stipulated Surrender of Licenses, Affirmance of Denials, and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: ___ March 21, 2025 _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
JOSHUA A. ROOM
Supervising Deputy Attorney General


DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

SD2021802480
84935444.docx

Exhibit A

First Amended Accusation Nos. 7223, 7538, and 7539

Accusation No. 7618

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case Nos. 7223, 7538 and 7539

14 **ADVANTAGE HEALTH CARE HIV &**
15 **COMPOUNDING INC.,**
16 **DBA GARDEN GROVE COMMUNITY**
17 **PHARMACY, VIMAL BHANVADIA AND**
18 **SHEKHA DASHRATH PATEL,**
19 **OFFICERS AND SHAREHOLDERS**
20 **12665 Garden Grove Blvd., Ste. 108**
21 **Garden Grove, CA 92843**

FIRST AMENDED ACCUSATION

22 **Pharmacy Permit No. PHY 51109,**

23 **AHCS SPECIALTY CARE, LLC AND**
24 **INNOVATIVE HEALTHCARE CAPITAL,**
25 **LLC, DBA AHCS SPECIALTY CARE,**
26 **VIMAL BHANVADIA, SHEKHA**
27 **DASHRATH PATEL AND KANJAL**
28 **GHANSHYAM PATEL, OFFICERS**
AND/OR SHAREHOLDERS
12832 Valley View Street, Suite A
Garden Grove, CA 92845

Pharmacy Permit No. PHY 55932,

**ADVANTAGE HEALTH CARE
SERVICES, DBA MISSION PLAZA
PHARMACY, KINJAL GHANSHYAM
PATEL, VIMAL BHANVADIA AND
SHEKHA DASHRATH PATEL,
OFFICERS AND SHAREHOLDERS
26800 Crown Valley Parkway #185
Mission Viejo, CA 92691**

Pharmacy Permit No. PHY 51550,

**KINJAL GHANSHYAM PATEL
4631 Teller Avenue #110
Newport Beach, CA 92660**

Pharmacist License No. RPH 61294,

**SHITAL J. PATEL
7302 Spruce Circle
La Palma, CA 90623**

Pharmacist License No. RPH 50125,

and

**SHEKHA DASHRATH PATEL
12665 Garden Grove Blvd., Ste. 108
Garden Grove, CA 92843**

Pharmacist License No. RPH 60337,

Respondents.

In the Matter of the Statement of Issues
Against:

AHCS SPECIALTY CARE, LLC

Applicant for Pharmacy Permit

Respondent.

In the Matter of the Statement of Issues
Against:

**ADVANTAGE HEALTH CARE
SERVICES-MISSION INC., DBA
MISSION PLAZA PHARMACY 3**

Applicant for Pharmacy Permit

Respondent.

Case No. 7210

**FIRST AMENDED STATEMENT OF
ISSUES**

Case No. 7211

**FIRST AMENDED STATEMENT OF
ISSUES**

PARTIES

1. Anne Sodergren (Complainant) brings the First Amended Accusation and First Amended Statements of Issues solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

2. On or about November 19, 2012, the Board issued Pharmacy Permit Number PHY 51109 to Respondent Advantage Health Care HIV & Compounding Inc., dba Garden Grove Community Pharmacy, and identified Respondent Vimal Bhanvadia as the president and twenty percent shareholder of Advantage Health Care HIV & Compounding, Inc. and Respondent Shekha Dashrath Patel as the Vice-President, Pharmacist-in-Charge and twenty percent shareholder of Respondent Advantage Health Care HIV & Compounding, Inc. (Respondent Garden Grove Community Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and expired on December 1, 2020. It was cancelled on March 8, 2022.

3. On or about August 13, 2013, the Board issued Pharmacy Permit Number PHY 51550 to Respondent Advantage Health Care Services, doing business as Mission Plaza Pharmacy and identified Respondent Vimal Bhanvadia as the president and seventeen percent shareholder of Advantage Health Care Services, Respondent Shekha Dashrath Patel as the sixteen percent shareholder of Advantage Health Care Services and Respondent Kinjal Ghanshyam Patel as the Pharmacist-in-Charge and sixteen percent shareholder of Advantage Health Care Services (Mission Plaza Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and was cancelled on March 8, 2022.

4. On or about December 19, 2017, the Board issued Pharmacy Permit Number PHY 55932 to Respondent AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, doing business as AHCS Specialty Care and identified Respondent Vimal Bhanvadia as a member and forty-three percent shareholder of AHCS Specialty Care, LLC, and Innovative Healthcare Capital, LLC, Respondent Shekha Dashrath Patel as a member and seven percent shareholder of AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, Respondent Kinjal Ghanshyam Patel as a member and seven percent shareholder of AHCS Specialty Care, LLC and

1 Innovative Healthcare Capital, LLC and Shital J. Patel as the Pharmacist-in-Charge of AHCS
2 Specialty Care (AHCS Specialty Care). The Pharmacy Permit was in full force and effect at all
3 times relevant to the charges brought herein, expired on December 1, 2020 and was cancelled on
4 December 3, 2020.

5 5. On or about October 10, 2007, the Board of Pharmacy issued Pharmacist License
6 Number RPH 60337 to Respondent Shekha Dashrath Patel. The Pharmacist License was in full
7 force and effect at all times relevant to the charges brought herein and will expire on September
8 30, 2023, unless renewed.

9 6. On or about August 6, 2008, the Board of Pharmacy issued Pharmacist License
10 Number RPH 61294 to Respondent Kinjal Ghanshyam Patel. The Pharmacist License was in full
11 force and effect at all times relevant to the charges brought herein and will expire on August 30,
12 2024, unless renewed.

13 7. On or about June 29, 1998, the Board of Pharmacy issued Pharmacist License
14 Number RPH 50125 to Respondent Shital J. Patel. The Pharmacist License was in full force and
15 effect at all times relevant to the charges brought herein and will expire on December 31, 2023,
16 unless renewed.

17 8. On or about January 22, 2021, the Board received an application for a pharmacy
18 permit from Respondent Advantage Health Care Services-Mission, Inc., dba Mission Plaza
19 Pharmacy 3 with Respondent Vimal Bhanvadia identified as a fifteen percent shareholder and
20 officer and Respondent Shekha Dashrath Patel identified as a fourteen percent shareholder and
21 director. On or about October 8 and 13, 2020, Respondent Shekha Dashrath Patel and
22 Respondent Vimal Bhanvadia certified under penalty of perjury to the truthfulness of all
23 statements, answers, and representations in the application. On or about September 30, 2021, the
24 Board denied Respondent Advantage Health Care Services-Mission, Inc.'s application.

25 9. On or about February 16, 2021, the Board received an application for a pharmacy
26 permit from Respondent AHCS Specialty Care, LLC, with Respondent Vimal Bhanvadia
27 identified as a manager of AHCS Specialty Care, LLC. On or about October 23, 2020,
28 Respondent Vimal Bhanvadia certified under penalty of perjury to the truthfulness of all

statements, answers, and representations in the application. On or about September 30, 2021, the Board denied Respondent AHCS Specialty Care, LLC's application.

JURISDICTION

10. The First Amended Accusation and First Amended Statements of Issues are brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

11. Code section 4011 provides that the Board shall administer and enforce both the Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act (Health & Safety Code, § 11000 *et seq.*).

12. Code section 4300, subdivision (a) provides that every license issued by the Board may be suspended or revoked.

13. Code section 4300, subdivision (c) states:

The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. . .

14. Code section 4300.1 states:

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

15. Code section 4307, subdivision (a) states:

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

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

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

3 **INTRODUCTION**

4 16. This case is about the purchasing of adulterated drugs from suspicious entities or
5 persons and the dispensing of them which violates both federal and state law. Namely, such
6 actions violate state Pharmacy Law (*i.e.*, Business & Professions Code section 4169, subdivision
7 (a)), state drug laws (*i.e.*, Health & Safety Code section 111295), and federal law ([Drug Supply
8 Chain Security Act], *i.e.*, 21 U.S.C. § 331, subd. (t), 21 U.S.C. § 360eee-1, subds. (a),
9 (d)(1)(A)(i), (d)(3) and (d)(4)(i)).

10 17. Respondents failed to exercise due diligence when purchasing expensive HIV drugs
11 vulnerable to diversion and counterfeiting from entities or individuals posing as the legitimate
12 wholesalers or out of state distributors, Premier Rx Wholesale, LLC and PI Services, LLC.
13 Respondents ignored several red flags when purchasing these drugs from the persons or entities
14 posing as Premier Rx Wholesale, LLC and faux PI Services, LLC which include the fact that they
15 were not distributors authorized by the manufacturers to distribute their drugs, the addresses and
16 other contact information for the faux Premier Rx Wholesale, LLC and faux PI Supply Services,
17 LLC did not match the addresses and other contact information listed on the Board's website for
18 the legitimate wholesalers doing business with those same names, the drugs listed on the packing
19 lists enclosed with the drugs were different than the drugs listed on the invoices, many of the
20 drugs purchased from the faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC
21 were heavily discounted, not all the drugs purchased from the faux Premier Rx Wholesale, LLC
22 and faux PI Supply Services, LLC were received by Respondents, and the pedigrees received
23 from faux Premier Rx Wholesale, LLC and faux PI Services, LLC appeared to be incomplete or
24 questionable.

25 18. Drugs entering the drug supply chain through illegitimate means, can pose a threat to
26 public safety, particularly if they are counterfeit, stolen or contaminated. Indeed, Respondent
27 Garden Grove Community Pharmacy purchased a drug, Biktarvy, which contained rocks inside
28 its sealed bottle from the faux Premier Rx Wholesale, LLC and dispensed that drug (*i.e.*, the

1 rocks) to a patient. Respondents' actions compromised the integrity of the drug supply chain and
2 potentially harmed fragile and vulnerable patients relying on the efficacy of drugs used to treat
3 AIDS and HIV.

4 **STATUTORY PROVISIONS**

5 19. Code section 4022 states:

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

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

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

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

16 20. Code section 4043 states:

17 'Wholesaler' means and includes a person who acts as a wholesale merchant,
18 broker, jobber customs broker, reverse distributor, agent, or a nonresident wholesaler,
19 who sells for resale, or negotiates for distribution, or takes possession of, any drug or
20 device included in Section 4022. Unless otherwise authorized by law, a wholesaler
21 may not store, warehouse, or authorize the storage or warehousing of drugs with any
22 person or at any location not licensed by the board.

23 21. Code section 4059.5, subdivision (a) states:

24 Except as otherwise provided in this chapter, dangerous drugs or dangerous
25 devices may only be ordered by an entity licensed by the board and shall be delivered
26 to the licensed premises and signed for and received by a pharmacist. Where a
27 licensee is permitted to operate through a designated representative, or in the case of a
28 reverse distributor, a designated representative-reverse distributor, that individual
shall sign for and receive the delivery.

22 22. Code section 4113, subdivision (c) states:

23 The pharmacist-in-charge shall be responsible for a pharmacy's compliance
24 with all state and federal laws and regulations pertaining to the practice of pharmacy.

25 ///

26 ///

27 ///

1 23. Code section 4160, subdivision (a) states:

2 A person shall not act as a wholesaler or third-party logistics provider of any
3 dangerous drug or dangerous device unless he or she has obtained a license from the
4 board.

5 24. Code section 4169, subdivisions (a)(1) and (a)(2) state:

6 (a) A person or entity shall not do any of the following:

7 (1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or
8 dangerous devices at wholesale with a person or entity that is not licensed with the
9 board as a wholesaler, third-party logistics provider, or pharmacy.

10 (2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or
11 reasonably should have known were adulterated, as set forth in Article 2
12 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the
13 Health and Safety Code.

14 ...

15 25. Code section 4300, subdivision (c) of the Code states, in pertinent part:

16 The board may refuse a license to any applicant guilty of unprofessional
17 conduct. The board may, in its sole discretion, issue a probationary license to any
18 applicant for a license who is guilty of unprofessional conduct and who has met all
19 other requirements for licensure.

20 26. Code section 4301 states in pertinent part:

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

25 ...

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

28 ...

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

34 ...

35 27. Code section 4302 states:

36 The board may deny, suspend, or revoke any license where conditions exist in
37 relation to any person holding 10 percent or more of the ownership interest or where

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.

28. Code section 4306.5, subdivision (a) states:

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

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.

29. Health and Safety Code section 111250 states:

Any drug or device is adulterated if it consists, in whole or in part, of any filthy, putrid, or decomposed substance.

30. Health and Safety Code section 111255 states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

31. Health and Safety Code section 111295 states:

It is unlawful for any person to manufacture, sell, deliver, hold or offer for sale any drug or device that is adulterated.

32. 21 U.S.C. § 331, subdivision (t) [Food, Drug & Cosmetic Act] states:

The following acts and the causing thereof are prohibited:

The importation of a drug in violation of section 381(d)(1) of this title, the sale, purchase, or trade of a drug or drug sample or the offer to sell, purchase, or trade a drug or drug sample in violation of section 353(c) of this title, the sale, purchase, or trade of a coupon, the offer to sell, purchase, or trade such a coupon, or the counterfeiting of such a coupon in violation of section 353(c)(2) of this title, the distribution of a drug sample in violation of section 353(d) of this title or the failure to otherwise comply with the requirements of section 353(d) of this title, the distribution of drugs in violation of section 353(e) of this title, failure to comply with the requirements under section 360eee-1 of this title, the failure to comply with the requirements under section 360eee-3 of this title, as applicable, or the failure to otherwise comply with the requirements of section 353(e) of this title.

33. 21 United States Code section 360eee, subdivision (2)(B), (2)(13), (2)(21), (2)(23)(A) and (2)(24) [Drug Supply Chain Security Act, section 582] state:

(2)(B) The term “authorized” means---in the case of a wholesale distributor, having a valid license under State law or section 360eee-2 of this title, in accordance with section 360eee-1(a)(6) of this title, and complying with the licensure reporting requirements under section 353(e) of this title.

...

(2)(13) The term “product” means a prescription drug in a finished dosage form for administration to a patient without substantial further manufacturing (such as capsules, tablets, and lyophilized products before reconstitution), but for purposes of section 360eee-1 of this title, does not include blood or blood components intended for transfusion, radioactive drugs or radioactive biological products (as defined in section 600.3(ee) of title 21, Code of Federal Regulations) that are regulated by the Nuclear Regulatory Commission or by a State pursuant to an agreement with such Commission under section 2021 of Title 42, imaging drugs, an intravenous product described in clause (xiv), (xv), or (xvi) of paragraph (24)(B), any medical gas (as defined in section 360ddd of this title), homeopathic drugs marketed in accordance with applicable guidance under this chapter, or a drug compounded in compliance with section 353a or 353b of this title.

(2)(21) The term “suspect product” means a product for which there is reason to believe that such product—(A) is potentially counterfeit, diverted, or stolen; (B) is potentially intentionally adulterated such that the product would result in serious adverse health consequences or death to humans; (C) is potentially the subject of a fraudulent transaction; or (D) appears otherwise unfit for distribution such that the product would result in serious adverse health consequences or death to humans.

...

(2)(23)(A) The term “trading partner” means—a manufacturer, repackager, wholesale distributor, or dispenser from whom a manufacturer, repackager, wholesale distributor, or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor, or dispenser transfers direct ownership of a product.

...

(2)(24) The term “transaction” means the transfer of product between persons in which a change of ownership occurs.

...

34. 21 United States Code section 360eee-1, subdivisions (a), (d)(1)(A)(i), (d)(3) and (d)(4)(i) [Drug Supply Chain Security Act, section 582] state:

(a) Each manufacturer, repackager, wholesale distributor, and dispenser shall comply with the requirements set forth in this section with respect to the role of such manufacturer, repackager, wholesale distributor, or dispenser in a transaction involving product. If an entity meets the definition of more than one of the entities listed in the preceding sentence, such entity shall comply with all applicable requirements in this section, but shall not be required to duplicate requirements.

....

(d)(1)(A)(i) Beginning July 1, 2015, a dispenser—(i) shall not accept ownership

of a product, unless the previous owner prior to, or at the time of, the transaction, provides transaction history, transaction information, and a transaction statement.

(d)(3) Beginning not later than January 1, 2015, the trading partners of a dispenser may be only authorized trading partners.

(d)(4)(i) Beginning not later than January 1, 2015, a dispenser shall have systems in place to enable the dispenser to comply with the following requirements: Upon making a determination that a product in possession or control of the dispenser is a suspect product, or upon receiving a request for verification from the Secretary that has made a determination that a product within the possession or control of a dispenser is a suspect product, a dispenser shall (I) quarantine such product within the possession or control of the dispenser from product intended for distribution until such product is cleared or dispositioned; and (II) promptly conduct an investigation in coordination with its trading partners, as applicable to determine whether the product is an illegitimate product.

COST RECOVERY

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

DRUGS

36. Atripla is an expensive drug used to treat Human Immunodeficiency Virus (HIV) and a dangerous drug as defined by Business and Professions Code section 4022. Because of its high dollar value, it often is the subject of diversion and counterfeiting efforts.

37. Biktarvy is an expensive drug used to treat Human Immunodeficiency Virus (HIV) and a dangerous drug as defined by Business and Professions Code section 4022. Because of its high dollar value, it often is the subject of diversion and counterfeiting efforts.

38. Descovy is an expensive drug used to treat Human Immunodeficiency Virus (HIV) and a dangerous drug as defined by Business and Professions Code section 4022. Because of its high dollar value, it often is the subject of diversion and counterfeiting efforts.

39. Genvoya is an expensive drug used to treat HIV and a dangerous drug as defined by Business and Professions Code section 4022. Because of its high dollar value, it often is the subject of diversion and counterfeiting efforts.

///

40. Truvada is an expensive drug used to treat HIV and a dangerous drug as defined by Business and Professions Code section 4022. Because of its high dollar value, it often is the subject of diversion and counterfeiting efforts.

41. Triumeq is an expensive drug used to treat HIV and is a dangerous drug as defined by Business and Professions Code section 4022. Because of its high dollar value, it often is the subject of diversion and counterfeiting efforts.

FACTUAL ALLEGATIONS

42. Respondents Garden Grove Community Pharmacy, AHCS Specialty Care and Mission Plaza Pharmacy were open door, retail community pharmacies located in Garden Grove or Mission Viejo, California, until their licenses were cancelled. They dispensed high value medications administered for the treatment of human immunodeficiency virus infection and acquired immune deficiency syndrome (HIV) to patients throughout California.

43. Respondent Garden Grove Community Pharmacy's Pharmacist-in-Charge was Respondent Shekha Patel. She and Respondent Vimal Bhanvadia were shareholders or officers of the corporation that owned Respondent Garden Grove Community Pharmacy. Respondent Vimal Bhanvadia managed finances and created accounts with wholesalers for Respondent Garden Grove Community Pharmacy

44. Respondent Mission Plaza Pharmacy's Pharmacist-in-Charge was Respondent Kinjal Patel. He, Respondent Shekha Patel, and Respondent Vimal Bhanvadia were shareholders of the corporation that owned Respondent Mission Plaza Pharmacy.

45. Respondent AHCS Specialty Care’s Pharmacist-in-Charge was Respondent Shital Patel. Respondent Shekha Patel and Respondent Vimal Bhanvadia were members of the limited liability companies that owned AHCS Specialty Care.

46. Premier Rx Wholesale, LLC was a legitimate wholesaler which held an out of state distributor license with the Board. Respondents Garden Grove Community Pharmacy, AHCS Specialty Care and Mission Plaza Pharmacy did not purchase drugs from this legitimate, licensed wholesaler. Rather, Respondents purchased drugs from individuals or entities posing as the legitimate wholesaler, Premier Rx Wholesale, LLC (faux Premier Rx Wholesale, LLC).

1 47. PI Services, LLC was a legitimate wholesaler, which held an out of state distributor
2 license with the Board. Respondents Garden Grove Community Pharmacy, AHCS Specialty
3 Care and Mission Plaza Pharmacy did not purchase drugs from this legitimate, licensed
4 wholesaler. Rather, Respondents purchased drugs from individuals or entities posing as the
5 legitimate wholesaler, PI Services, LLC (faux PI Services, LLC).

6 *Respondent Garden Grove Community Pharmacy Drug Purchases:*

7 48. Respondent Garden Grove Community Pharmacy claimed to have “extensive
8 protocols in place to verify [its] secondary wholesalers, including verification on the BOP
9 website, which is conducted quarterly to ensure that the drug products we purchase are
10 unadulterated.”

11 49. Yet, on or about March 8, 2019, Respondent Garden Grove Community Pharmacy
12 did not require faux Premier Rx Wholesale, LLC to submit an application, nor did Garden Grove
13 Community Pharmacy verify all of the information listed for faux Premier Rx Wholesale, LLC on
14 the Board’s website, and on the out of state distributor license, including confirming the physical
15 address, telephone number and email address for faux Premier Rx Wholesale, LLC and resolving
16 any discrepancies between the information provided by faux Premier Rx Wholesale, LLC and the
17 information on the Board’s website and the out of state distributor license.

18 50. Similarly, Respondent Garden Grove Community Pharmacy did not verify all of the
19 information listed for faux PI Services, LLC on the Board’s website, and the out of state
20 distributor license, including confirming the physical address, telephone number and email
21 address for faux PI Services, LLC and resolving any discrepancies between the information
22 provided by faux PI Services, LLC and the information on the Board’s website and the out of
23 state distributor’s license.

24 51. From March 22, 2019 to May 26, 2020, Respondent Garden Grove Community
25 Pharmacy purchased 9,170 medication packages of the HIV drugs, Genvoya, Biktarvy, Truvada,
26 Triumeq and other medication packages from faux Premier Rx Wholesale, LLC. These purchases
27 comprised almost half of Garden Grove Community Pharmacy’s HIV drug inventory. Almost all
28 of these drugs were dispensed to patients.

1 52. From February 18, 2020 to May 28, 2020, Respondent Garden Grove Community
2 Pharmacy purchased 1921 medication packages of the HIV drugs including Atripla, Biktarvy and
3 Descovy from faux PI Services, LLC. All of these drugs were dispensed to patients.

4 53. Respondent Garden Grove Community Pharmacy purchased a drug, Biktarvy, which
5 contained rocks inside a sealed bottle from faux Premier Rx Wholesale, LLC and dispensed it to a
6 patient.

7 54. Respondent Garden Grove Community Pharmacy ignored the following
8 circumstances which increased the likelihood that it was purchasing suspect drug products from
9 faux Premier Rx Wholesale, LLC and faux PI Services, LLC. These circumstances included: (1)
10 Respondent Garden Grove Community Pharmacy purchased from sources which were new to it;
11 (2) Respondent Garden Grove Community Pharmacy purchased high dollar value HIV drugs that
12 have a history of being counterfeited or diverted; (3) Faux Premier Rx Wholesale, LLC and faux
13 PI Supply Services, LLC were not distributors authorized by manufacturers to distribute its HIV
14 drugs; (4) the addresses and other contact information for faux Premier Rx Wholesale LLC and
15 faux PI Supply Services, LLC did not match the addresses and other contact information listed on
16 the Board's website and the out of state distributor licenses; (5) the drugs listed on the packing
17 lists enclosed with the drugs were different than the drugs listed on the invoices; (6) many of the
18 drugs purchased from faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC were
19 heavily discounted; (7) Respondent Garden Grove Community Pharmacy did not receive all
20 drugs purchased from faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC; and
21 (8) the pedigrees received from faux Premier Rx Wholesale, LLC and faux PI Services, LLC
22 appeared to be incomplete or questionable.

23 55. Respondent Garden Grove Community Pharmacy paid \$19,531,015.26 to faux
24 Premier Rx Wholesale, LLC. Respondent Garden Grove Community Pharmacy paid for these
25 purchases via checks signed by Respondent Vimal Bhanvadia or Respondent Shekha Patel.
26 Respondent Garden Grove Community Pharmacy also paid faux Premier Rx Wholesale, LLC for
27 drugs never shipped or received by Respondent Garden Grove Community Pharmacy.

28 ///

1 56. Respondent Garden Grove Community Pharmacy paid \$4,165,233.00 to faux PI
2 Services, LLC. Respondent Garden Grove Community Pharmacy paid for these purchases via
3 checks signed by Respondent Vimal Bhanvadia. Respondent Garden Grove Community
4 Pharmacy also paid faux PI Services, LLC for drugs never shipped or received by Respondent
5 Garden Grove Community Pharmacy.

6 57. Respondent Garden Grove Community Pharmacy received invoices and pedigrees¹
7 for these drugs from faux Premier Rx Wholesale, LLC and faux PI Services, LLC. The invoices
8 and pedigrees listed a different physical and email address for faux Premier Rx Wholesale, LLC
9 and faux PI Services, LLC, than were listed on the Board's website and the out of state distributor
10 licenses. Additionally, the invoices listed a telephone number for another entity, Wealth Transfer
11 Services Credit Repair in Florida, as the telephone number for faux Premier Rx Wholesale, LLC.

12 58. On December 9, 2019, Respondent Garden Grove Community Pharmacy asked faux
13 Premier Rx Wholesale, LLC to confirm its physical address because the address for the legitimate
14 Premier Rx Wholesale, LLC listed on the Board's website was different than the address listed on
15 the faux Premier Rx Wholesale, LLC invoices. Faux Premier Rx Wholesale LLC did not provide
16 an explanation for the discrepancy and instead, merely re-sent a copy of the legitimate Premier
17 Rx Wholesale, LLC's license. Despite those discrepancies, Respondent Garden Grove
18 Community Pharmacy continued to purchase drugs from faux Premier Rx Wholesale, LLC.

19 59. On May 27, 2020, the manufacturer of a HIV medication drug, Biktarvy, informed
20 Respondent Garden Grove Community Pharmacy that it may have purchased counterfeit or
21 diverted drugs from an unauthorized distributor, faux Premier Rx Wholesale, LLC and requested
22 that Respondent Garden Grove Community Pharmacy quarantine bottles of Biktarvy purchased
23 from faux Premier Rx Wholesale, LLC.

24 60. In June 2020, Respondent Garden Grove Community Pharmacy continued to
25 purchase drugs from faux Premier Rx Wholesale, LLC and expressed its desire to "reengage"
26 with faux Premier Rx, Wholesale LLC to purchase more drugs. After receiving notice that the
27

28 ¹ A drug pedigree is a statement of origin that identifies each prior sale, purchase, or trade
of a drug, including the date of those transactions and the names and addresses of all parties.

1 Board was investigating Respondent Garden Grove Community Pharmacy for its dispensing of
2 the bottle of Biktarvy which contained rocks, Respondent Garden Grove Community Pharmacy
3 finally informed faux Premier Rx Wholesale, LLC that it would no longer purchase drugs from
4 faux Premier Rx Wholesale, LLC, noting “there are concerns around product integrity with
5 Premier’s supply chain. As previously discussed, patient safety is our number one priority and
6 therefore we will be suspending purchases from Premier until further notice. Our primary
7 responsibility is to mitigate any risk to our patients and ensure compliance with BOP
8 regulations.”

9 61. On July 15, 2020, the Board issued a notice of non-compliance with Pharmacy Law
10 to Respondent Garden Grove Community Pharmacy for purchasing drugs from an unlicensed
11 wholesaler, faux Premier Rx Wholesale, LLC.

12 62. On July 20, 2020, Respondent Garden Grove Community Pharmacy augmented its
13 procedures for purchasing drugs from secondary wholesalers, to include a requirement to
14 quarantine drugs purchased from wholesalers whose address on invoices and pedigrees did not
15 match the addresses on their license and the Board’s website.

16 63. On September 3, 2020, the manufacturer of Biktarvy notified Respondent Garden
17 Grove Community Pharmacy that its investigation into the potentially counterfeit or diverted
18 drugs sold by faux Premier Rx Wholesale, LLC was on-going. The manufacturer advised
19 Respondent Garden Grove Community Pharmacy that drugs sold by faux Premier Rx Wholesale,
20 LLC were “sourced from non-[manufacturer] authorized distributors which increases the risks
21 that these bottles are suspect or illegitimate. If you chose to dispense the [potentially counterfeit
22 or diverted drugs], be aware of the serious risks, both to patients’ health and to Garden Grove’s
23 ability to operate as a pharmacy, associated with selling counterfeit medications.”

24 64. Despite knowing it had purchased a drug, Biktarvy, containing rocks, Respondent
25 Garden Grove Community Pharmacy continued to dispense drugs purchased from faux Premier
26 Rx Wholesale, LLC to patients until December 30, 2020.

27 ///

28 ///

Respondent Mission Plaza Pharmacy Drug Purchases:

65. Respondent Mission Plaza Pharmacy had a policy for verifying products received against the purchase records and verifying the pedigree and invoice information.

66. Yet, Respondent Mission Plaza Pharmacy did not verify all of the information listed for faux Premier Rx Wholesale, LLC and faux PI Services, LLC on the Board's website and the out of state distributor licenses, including confirming the physical address, telephone number and email address for faux Premier Rx Wholesale, LLC and faux PI Services, LLC, and resolving any discrepancies between the information provided by faux Premier Rx Wholesale, LLC, and faux PI Services, LLC, and resolving any discrepancies between the information provided by faux Premier Rx Wholesale, LLC, and faux PI Services, LLC and the information on the Board's website and the out of state licenses.

67. From May 9, 2019 to May 26, 2020, Respondent Mission Plaza Pharmacy purchased 2,482 medication packages of HIV drugs from faux Premier Rx Wholesale, LLC. All of these drugs were dispensed to patients.

68. From February 18, 2020 to June 1, 2020, Respondent Mission Plaza Pharmacy purchased 1,183 medication packages of HIV drugs from faux PI Services, LLC. All of these drugs were dispensed to patients.

69. Respondent Mission Plaza Pharmacy paid \$5,615,862.80 for the purchase of drugs to faux Premier Rx Wholesale, LLC and it paid \$2,254,545.00 for the purchase of drugs to faux PI Services, LLC. Respondent Mission Plaza Pharmacy paid for many of these purchases via checks signed by Respondent Kinjal Patel. Respondent Mission Plaza also paid faux Premier Rx Wholesale, LLC and faux PI Services, LLC for drugs never shipped or received by Respondent Mission Plaza Pharmacy.

70. Respondent Mission Plaza Pharmacy received invoices and pedigrees for these drugs from faux Premier Rx Wholesale, LLC and PI Services, LLC. The invoices and pedigrees listed a different physical and email address for faux Premier Rx Wholesale LLC and faux PI Services, LLC, than were listed on the Board's website and the out of state distributor's licenses.

///

1 71. Respondent Mission Plaza Pharmacy ignored the following circumstances which
2 increased the likelihood that it was purchasing suspect drug products from faux Premier Rx
3 Wholesale, LLC and faux PI Services, LLC. These circumstances included the fact that: (1)
4 Respondent Mission Plaza Pharmacy purchased from a source new to it; (2) Respondent Mission
5 Plaza Pharmacy purchased high dollar value HIV drugs that have a history being counterfeited or
6 diverted; (3) Faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC were not
7 distributors authorized by manufacturers to distribute their HIV drugs; (4) the addresses and other
8 contact information for faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC did
9 not match the addresses and other contact information listed on the Board's website and the out of
10 state distributor licenses; (5) the drugs listed on the packing lists enclosed with the drugs were
11 different than the drugs listed on the invoices; (6) many of the drugs purchased from faux Premier
12 Rx Wholesale, LLC and faux PI Supply Services, LLC were heavily discounted; (7) Respondent
13 Mission Plaza Pharmacy did not receive all drugs purchased from those entities; and (8) the
14 pedigrees received from faux Premier Rx Wholesale, LLC and faux PI Services, LLC appeared to
15 be incomplete or questionable.

16 *Respondent AHCS Specialty Care Drug Purchases:*

17 72. Respondent AHCS Specialty Care had a policy for verifying drugs received against
18 the purchase records and verifying the pedigree and invoice information.

19 73. Yet, Respondent AHCS Specialty Care did not verify all of the information listed for
20 faux Premier Rx Wholesale, LLC and faux PI Services, LLC on the Board's website and the out
21 of state distributor licenses, including confirming the physical address, telephone number and
22 email address for faux Premier Rx Wholesale, LLC and faux PI Services, LLC and resolving any
23 discrepancies between the information provided by faux Premier Rx Wholesale, LLC and faux PI
24 Services, LLC and resolving any discrepancies between the information provided by faux PI
25 Services, LLC and the information on the Board's website and the out of state distributor's
26 licenses.

27 ///

28 ///

1 74. From May 9, 2019 to May 26, 2020, Respondent AHCS Specialty Care purchased
2 3,311 medication packages of HIV drugs from faux Premier Rx Wholesale, LLC. All of those
3 drugs were dispensed to patients.

4 75. From February 18, 2020 to May 28, 2020, Respondent AHCS Specialty Care
5 purchased 318 medication packages of HIV drugs from faux PI Services, LLC. All of those
6 drugs were dispensed to patients.

7 76. Respondent AHCS Specialty Care paid \$5,854,547.39 for the purchase of drugs to
8 faux Premier Rx Wholesale, LLC. It paid \$560,323.00 for the purchase of drugs to faux PI
9 Services, LLC. Respondent AHCS Specialty Care paid for these purchases via checks signed by
10 Respondent Vimal Bhanvadia. Respondent AHCS Specialty Care also paid faux Premier Rx
11 Wholesale, LLC and faux PI Services, LLC for drugs never shipped or received by Respondent
12 AHCS Specialty Care.

13 77. Respondent AHCS Specialty Care received invoices and pedigrees for these drugs
14 from faux Premier Rx Wholesale, LLC and faux PI Services, LLC. The invoices and pedigrees
15 listed a different physical and email address for faux Premier Rx Wholesale, LLC and faux PI
16 Services, LLC, than were listed on the Board's website and the out of state distributor's licenses.

17 78. Respondent AHCS Specialty Care ignored the following circumstances which
18 increased the likelihood that it was purchasing suspect drug products from faux Premier Rx
19 Wholesale, LLC and faux PI Services, LLC. These circumstances included the fact that: (1)
20 Respondent AHCS Specialty Care purchased from sources new to it; (2) Respondent AHCS
21 Specialty Care purchasing high dollar value HIV drugs that have a history of being counterfeited
22 or diverted; (3) Faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC were not
23 distributors authorized by manufacturers to distribute their HIV drugs; (4) the addresses and other
24 contact information for faux Premier Rx Wholesale, LLC and faux PI Supply Services, LLC did
25 not match the addresses and other contact information listed on the Board's website and the out of
26 state distributor licenses; (5) the drugs listed on the packing lists enclosed with the drugs were
27 different than the drugs listed on the invoices; (6) many of the drugs purchased from faux Premier
28 Rx Wholesale, LLC and faux PI Supply Services, LLC were heavily discounted; (7) Respondent

AHCS Specialty Care did not receive all drugs purchased from those entities; and (8) the pedigrees received from faux Premier Rx Wholesale, LLC and faux PI Services, LLC appeared to be incomplete or questionable.

79. Neither Respondents Garden Grove Community Pharmacy, AHCS Specialty Care nor Mission Plaza Pharmacy quarantined all of the drugs purchased from faux Premier Rx Wholesale, LLC and faux PI Services, LLC nor did they promptly investigate their purchases to determine if the drug products were adulterated or otherwise an illegitimate product.

FIRST CAUSE FOR DISCIPLINE

(Purchased and/or Warehoused Dangerous Drugs

From Unlicensed Wholesalers Against Respondents)

80. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4169, subdivision (a)(1), because they purchased and/or warehoused drugs from unlicensed individuals or organizations, as described above in paragraphs 42 through 79.

SECOND CAUSE FOR DISCIPLINE

(Held or Offered for Sale Adulterated Drugs Against Respondents)

81. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code sections 111250 and 111295 and Code section 4169, subdivision (a)(2), in that they held or offered for sale dangerous drugs that were adulterated within the meaning of Health and Safety Code section 111255, as described above, in paragraphs 42 through 79.

THIRD CAUSE FOR DISCIPLINE

(Sold or Delivered Adulterated Drugs Against Respondents)

82. Respondents are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and Safety Code section 111295 and Code section 4169, subdivisions (a)(2), in that they sold or delivered dangerous drugs that were adulterated within the meaning of Health and Safety Code sections 11250 and/or 111255, as described above, in paragraphs 42 through 79.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Drug Supply Chain Security Act Against Respondents)**

3 83. Respondents are subject to disciplinary action under Code section 4301, subdivisions
4 (j) and (o), for violating 21 United States Code sections 331, subdivision (t) and 360eee-1,
5 subdivisions (d)(1)(A)(i), (d)(3) and(d)(4)(i), in that they failed to engage in transactions with
6 authorized trading partners, accepted ownership of drugs without valid transaction information
7 and transaction history (pedigrees) and failed to quarantine and promptly investigate suspect
8 product, within the meaning of section 360eee, as described above, in paragraphs 42 through 79.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Inappropriate Exercise of Education, Training or Experience**

11 **Against Respondents Shekha Dashrath Patel, Shital Patel and Kinjal Ghanshyam Patel)**

12 84. Respondents Shekha Dashrath Patel, Shital Patel and Kinjal Ghanshyam Patel are
13 subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating
14 Business and Professions Code section 4306.5, subdivision (a), because they inappropriately
15 exercised their education, training, or experience as a pharmacist when acquiring and dispensing
16 dangerous drugs, as described above, in paragraphs 42 through 79.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct against All Respondents)**

19 85. Respondents are subject to disciplinary action under Code section 4301 for
20 unprofessional conduct because they engaged in the activities described above, in paragraphs 42
21 through 79.

22 **DISCIPLINE CONSIDERATIONS**

23 86. To determine the degree of discipline, if any, to be imposed on Respondents
24 Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community Pharmacy and
25 Shekha Dashrath Patel, Complainant alleges:

26 a. On or about May 11, 2021, the Board issued Citation and Fine No. CI 2019 88503 to
27 Respondent Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community
28 Pharmacy for violating Business and Professions Code section 4169, subdivision (a), purchasing

thirty-six dangerous drugs from two unlicensed wholesalers and Health & Safety Code sections 111250 and 111295 for dispensing an adulterated drug. That Citation is now final.

b. On May 11, 2021, the Board issued Citation No. CI 2020 91188 to Respondent Shekha Dashrath Patel for violating Business & Professions Code section 4169, subdivision (a), purchasing thirty-six dangerous drugs from two unlicensed wholesalers. That Citation is now final.

87. To determine the degree of discipline, if any, to be imposed on Respondents Advantage Health Care Services, dba Mission Plaza Pharmacy and Kinjal Ghanshyam Patel, Complainant alleges:

a. On or about July 28, 2020, the Board issued Citation No. CI 2018 83685 to Respondent Advantage Health Services, dba Mission Plaza Pharmacy for violating California Code of Regulations, title 16, section 1793.7, subdivision (b)(e), failing to properly monitor pharmacy technician activities. That Citation is now final.

b. On or about October 29, 2020, the Board issued Citation and Fine No. CI 2018 82811 to Respondent Advantage Health Services, dba Mission Plaza Pharmacy for violating Business and Professions Code section 4301, subdivision (f), Health & Safety Code section 11170, title 16, California Code of Regulations section 1761, subdivisions (a) and (b) and title 21 Code of Federal Regulations, section 1306.04, subdivision (b), dispensing prescriptions with significant errors or omissions and dispensing controlled substance prescriptions known not to be issued for a legitimate medical purpose, engaging in dishonest acts and dispensing controlled substances for unspecified patients or “office use.” That Citation is now final.

c. On or about October 29, 2020, the Board issued Citation and Fine and Order of Abatement No. CI 2020 89458 to Respondent Kanjal Ghanshyam Patel for violating Business & Professions Code section 4301, subdivision (f) and title 16, California Code of Regulations section 1761, subdivisions (a) and (b), for engaging in dishonest acts and dispensing controlled substances for unspecified patients or “office use.” That Citation is now final.

///

///

OTHER MATTERS

88. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 51109 issued to Respondent Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community Pharmacy, it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51109 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

89. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 51550 issued to Respondent Advantage Health Care Services, dba Mission Plaza Pharmacy, it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51550 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

90. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 55932 issued to Respondent AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS Specialty Care, it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55932 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

91. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 51109 issued to Respondents Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community Pharmacy, Pharmacy Permit No. 55932 issued to AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS Specialty Care and/or Pharmacy Permit No. PHY 51550 issued to Mission Plaza Pharmacy while Respondent Vimal Bhanvadia has been a manager, owner, officer or director and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked.

92. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 51550 issued to Respondents Advantage Health Care Services, dba Mission Plaza Pharmacy and/or Pharmacy Permit No. PHY 55932 issued to AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS Specialty Care while Respondent Kinjal Ghanshyam Patel has been a manager, owner, officer or director and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked.

93. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 51109 issued to Respondents Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community Pharmacy, Pharmacy Permit No. PHY 55932 issued to AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS Specialty Care and/or Pharmacy Permit No. PHY 51550 issued to Advantage Health Care Services, dba Mission Plaza Pharmacy while Respondent Shekha Dashrath Patel has been a manager, administrator, owner, member, officer or director and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked.

94. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 55932 issued to Respondent AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS Specialty Care while Respondent Shital J. Patel has been a manager, administrator, owner, member, officer or director and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked.

///

1 95. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
2 RPH 60337 issued to Respondent Shekha Dashrath Patel, she shall be prohibited from serving as
3 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
4 five years if the Pharmacist License is placed on probation or until the Pharmacist License is
5 reinstated, if it is revoked.

6 96. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
7 RPH 61294 issued to Respondent Kinjal Ghanshyam Patel, he shall be prohibited from serving as
8 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
9 five years if the Pharmacist License is placed on probation or until the Pharmacist License is
10 reinstated, if it is revoked.

11 97. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
12 RPH 50125 issued to Respondent Shital J. Patel, he shall be prohibited from serving as a
13 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
14 five years if the Pharmacist License is placed on probation or until the Pharmacist License is
15 reinstated, if it is revoked.

16 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

17 **ADVANTAGE HEALTH CARE SERVICES-MISSION, INC., DBA MISSION PLAZA**

18 **PHARMACY 3**

19 **CAUSE FOR DENIAL**

20 **(Various)**

21 98. Respondent Advantage Health Care Services-Mission, Inc., dba Mission Plaza
22 Pharmacy 3's application is subject to denial under Code sections 4300, subdivision (c), 4301,
23 subdivisions (j) and (o) and 4302 for violating the statutes referenced in the First Amended
24 Accusation, which are incorporated herein by reference.

25 ///

26 ///

27 ///

28 ///

1 **FIRST AMENDED STATEMENT OF ISSUES AGAINST**

2 **AHCS SPECIALTY CARE, LLC**

3 **CAUSE FOR DENIAL**

4 **(Various)**

5 99. Respondent AHCS Specialty Care, LLC's application is subject to denial under Code
6 sections 4300, subdivision (c), 4301, subdivisions (j) and (o) and 4302 for violating the statutes
7 and regulations referenced in the First Amended Accusation, which are incorporated herein by
8 reference.

9 **PRAYER**

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

12 1. Revoking or suspending Pharmacy License Number PHY 51109 issued to
13 Respondent Advantage Health Care HIV & Compounding, Inc., dba Garden Grove Community
14 Pharmacy;

15 2. Revoking or suspending Pharmacy License Number PHY 51550 issued to
16 Respondent Advantage Health Care Services, dba Mission Plaza Pharmacy;

17 3. Revoking or suspending Pharmacy License Number PHY 55932 issued to
18 Respondent AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS
19 Specialty Care;

20 4. Revoking or suspending Pharmacist License Number RPH 60337 issued to
21 Respondent Shekha Dashrath Patel;

22 5. Revoking or suspending Pharmacist License Number RPH 61294 issued to
23 Respondent Kinjal Ghanshyam Patel;

24 6. Revoking or suspending Pharmacist License Number RPH 61294 issued to
25 Respondent Shital J. Patel;

26 7. Prohibiting Respondent Advantage Health Care HIV & Compounding, Inc., dba
27 Garden Grove Community Pharmacy from serving as a manager, administrator, owner, member,
28

officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51109 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

8. Prohibiting Respondent Advantage Health Care Services, dba Mission Plaza Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51550 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

9. Prohibiting Respondent AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS Specialty Care from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55932 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

10. Prohibiting Respondent Shekha Dashrath Patel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 51109, 55932 or 51550 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;

11. Prohibiting Respondent Vimal Bhanvadia from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 51109, 55932 and 51550 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;

12. Prohibiting Respondent Kinjal Ghanshyam Patel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 51550 and 55932 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;

13. Prohibiting Respondent Shital J. Patel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55932 is placed on probation or until the Pharmacy Permit is reinstated, if they are revoked;

///

1 14. Prohibiting Respondent Shekha Dashrath Patel from serving as a manager,
2 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
3 Pharmacist License Number RPH 60337 is placed on probation or until the Pharmacist License is
4 reinstated, if it is revoked;

5 15. Prohibiting Respondent Kinjal Ghanshyam Patel from serving as a manager,
6 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
7 Pharmacist License Number RPH 61294 is placed on probation or until the Pharmacist License is
8 reinstated, if it is revoked;

9 16. Prohibiting Respondent Shital J. Patel from serving as a manager, administrator,
10 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
11 License Number RPH 50125 is placed on probation or until the Pharmacist License is reinstated,
12 if it is revoked;

13 17. Ordering Respondents Advantage Health Care HIV & Compounding, Inc., dba
14 Garden Grove Community Pharmacy, Advantage Health Care Services, dba Mission Plaza
15 Pharmacy, AHCS Specialty Care, LLC and Innovative Healthcare Capital, LLC, dba AHCS
16 Specialty Care, Kinjal Ghanshyam Patel, Shital J. Patel and Shekha Dashrath Patel to pay the
17 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
18 pursuant to Business and Professions Code section 125.3;

19 18. Denying the Application of Respondent Advantage Health Care Services-Mission,
20 Inc., dba Mission Plaza Pharmacy 3 for a pharmacy permit;

21 19. Denying the Application of Respondent AHCS Specialty Care, LLC for a pharmacy
22 permit; and,

23 20. Taking such other and further action as deemed necessary and proper.

24 DATED: 9/14/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.09.14 08:07:45 -07'00'

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

25
26
27
28 SD2021802480/83934256.docx

Exhibit B

Accusation Case No. 7618

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

14 In the Matter of the Accusation Against:

Case No. 7618

15 **AHCS SPECIALTY CARE, LLC, DBA**
16 **AHCS SPECIALTY CARE, NEVIL**
17 **PRAKASH JHAVERI, MEMBER**
12832 Valley View St., Ste. A
Garden Grove, CA 92845

ACCUSATION

18 **Pharmacy Permit No. PHY 55932,**
19 **INNOVATIVE HEALTHCARE CAPITAL,**
20 **LLC AND AHCS SPECIALTY CARE,**
21 **LLC, DBA AHCS SPECIALTY CARE,**
22 **NEVIL PRAKASH JHAVERI, MEMBER**
12832 Valley View St., Ste. A
Garden Grove, CA 92845

23 **Pharmacy Permit No. PHY 58059,**

24 **ANIL KANWAR**
5639 E. Elsinore Ave
Orange, CA 92869

25 **Pharmacist License No. RPH 81880,**

26 **and**
27
28

SHITAL J. PATEL
7302 Spruce Circle
La Palma, CA 90623

Pharmacist License No. RPH 50125

Respondents.

PARTIES

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

2. On or about December 19, 2017, the Board issued Pharmacy Permit Number PHY 55932 to AHCS Specialty Care, LLC, doing business as AHCS Specialty Care. Respondent Nevil Prakash Javeri was identified as a Member of AHCS Specialty Care, LLC and Shital J. Patel was identified as the Pharmacist-in-Charge from December 19, 2017 to December 3, 2020 (Respondent AHCS Specialty Care (PHY Permit Number 55932)). The Pharmacy License was cancelled on December 3, 2020.

3. On or about December 1, 2020, the Board issued Pharmacy Permit Number PHY 58059 to Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care. Respondent Nevil Prakash Javeri was identified as a Member. Shital J. Patel was identified as the Pharmacist-in-Charge from December 1, 2020 to May 17, 2021 and Anil Kanwar was identified as the Pharmacist-in-Charge since May 17, 2021 (Respondent AHCS Specialty Care (Permit Number PHY 58059)). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and was canceled on November 9, 2023. Respondent AHCS Specialty Care (Permit Number PHY 58059) and Respondent AHCS Specialty Care (Permit Number 55932) are collectively referred to as Respondent AHCS Specialty Care.

4. On or about January 10, 2020, the Board of Pharmacy issued Pharmacist License Number RPH 81880 to Anil Kanwar (Respondent Anil Kanwar). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2025, unless renewed.

///

5. On or about June 29, 1998, the Board of Pharmacy issued Pharmacist License Number RPH 50125 to Shital J. Patel (Respondent Shital Patel). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2025, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board of Pharmacy (Board), under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Code section 4011 provides that the Board shall administer and enforce both the Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act (Health & Safety Code, § 11000 *et seq.*).

8. Code section 4300, subdivision (a) provides that every license issued by the Board may be suspended or revoked.

9. Code section 4300.1 states:

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

10. Code section 4307, subdivision (a) states:

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

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

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

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

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

(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.

12. Section 4081, subdivisions (a) and (b) of the Code states in pertinent part:

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

...

The 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.

(a) A pharmacy may furnish dangerous drugs only to the following:

...

(e) For purposes of this section, “common control” means the power to direct or cause the direction of the management and policies of another person whether by ownership, by voting rights, by contract, or by other means.

15. Code section 4169, subdivisions (a)(1) and (a)(2) state:

(a) A person or entity shall not do any of the following:

...

(5) Fail to maintain records of the acquisition and disposition of dangerous drugs or dangerous devices for at least three years.

16. Code section 4301 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(j) The violation of any of the statutes of this state, or 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 any other state or federal regulatory agency.

...

REGULATORY PROVISIONS

17. Section 1718 of title 16, California Code of Regulations states:

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

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least three years.

///

///

///

///

///

1 **COST RECOVERY**

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

6 **DRUGS**

7 19. Abilify is an expensive, antipsychotic drug and a dangerous drug as defined by
8 Business and Professions Code section 4022.

9 20. Invega is an expensive, antipsychotic drug and a dangerous drug as defined by
10 Business and Professions Code section 4022.

11 21. Wellbutrin is an expensive, antidepressant drug and a dangerous drug as defined by
12 Business and Professions Code section 4022.

13 **FACTUAL ALLEGATIONS**

14 22. Respondent AHCS Specialty Care (Permit Number PHY 55932) was an open door,
15 retail community pharmacy located in Garden Grove California, until its license was cancelled on
16 December 1, 2020 due to a change in ownership. On December 1, 2020, Respondent AHCS
17 Specialty Care (Pharmacy Permit Number PHY 58059) resumed pharmacy operations at the same
18 location.

19 23. Respondent AHCS Specialty Care dispensed high value medications, including
20 Abilify Maintenna and Ivega Sustenna which were administered for the treatment of
21 psychological disorders to parolees, patients in state mental health clinics and people living on
22 skid row throughout California.

23 24. From January 1, 2019 through January 18, 2022, Respondent AHCS Specialty Care
24 purchased, transferred and warehoused Abilify Maintenna syringes and Ivega Sustenna syringes
25 (approximate aggregate wholesale value of \$13,874,488.40), to and from Berry and Sweeney
26 Pharmacy (Permit Number PHY 53432), AHCS Specialty Care Pharmacy #3 (Permit Number
27 PHY 58145), Mission Plaza Pharmacy #2 (Permit Number PHY 58058), Mission Plaza Pharmacy
28 (Permit Number PHY 51550) and/or AHCS Specialty Care Pharmacy #2 (Permit Number 57671).

25. Respondent purchased, transferred and warehoused the Abilify Maintenna syringes and Invega Sustenna syringes by taking advantage of manufacturer rebates offered to them. In total, Respondents transferred in approximately 3,273 units with a wholesale value of \$7,135,790.39 and transferred out approximately 2,585 units with a wholesale value of \$6,738,698.01 of either Ability Maintenna syringes/vials or Invega Sustenna syringes to the participating pharmacies. Respondents contended they could do so in order to alleviate a temporary drug shortage or to a pharmacy under common control/ownership, yet the drugs were not on short supply at the time and the pharmacies participating in the scheme were not under common control or ownership.

26. In fact, the operations of Respondent AHCS Specialty Pharmacy and the five other pharmacies identified in paragraph 24 were “left up to the discretion of [each] pharmacy’s staff and [were] based on the specific needs of each operation.”

27. Respondent AHCS Specialty Care did not maintain all records of the acquisition and disposition of dangerous drugs.

28. From January 1, 2019 through January 18, 2022, the following overages existed in Respondent AHCS Specialty Care's drug inventory: (1) 46 Abilify Maintenna ER 400mg syringes; (2) 68 Invega Sustenna 234mg/1.5ml syringes; and (3) 1,320 tablets of Wellbutrin XL 150mg.

FIRST CAUSE FOR DISCIPLINE

(Failure to Maintain Records of Acquisition and Disposition of Dangerous Drugs)

29. Respondents are subject to disciplinary action under Code sections 4301, subdivision (j) and (o), for violating Code sections 4081, subdivision (a) and 4169, subdivision (a)(5) and the owners are liable under Code section 4081, subdivision (b), because they did not maintain acquisition and disposition records of dangerous drugs open for inspection by authorized officers of the law and preserve them for at least three years from the date of making, as set forth in paragraphs 22 through 28 above, which are incorporated herein by reference.

///

///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Current Inventory of Dangerous Drugs)**

3 30. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
4 (j) and (o), for violating Code section 4081, subdivision (a) and 4169, subdivision (a)(5) and title
5 16, California Code of Regulations, section 1718 and the owners are liable under Code section
6 4081, subdivision (b), in that they did not maintain a current inventory of drugs, as set forth in
7 paragraphs 22 through 28 above, which are incorporated herein by reference.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Furnishing of Dangerous Drugs to Pharmacies)**

10 31. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
11 (j) and (o), for violating Code section 4126.5, subdivision (a)(7), in that they furnished dangerous
12 drugs to and purchased dangerous drugs from pharmacies not under common control as defined
13 by Code section 4126.5, subdivision (e) and as set forth in paragraphs 22 through 28 above,
14 which are incorporated herein by reference.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 32. Respondents are subject to disciplinary action under Code section 4301 for
18 unprofessional conduct because they engaged in the activities described above in paragraphs 22
19 through 28, which are incorporated herein by reference.

20 **DISCIPLINE CONSIDERATIONS**

21 33. To determine the degree of discipline, if any, to be imposed on Respondent
22 Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care
23 and Respondent Anil Kanwar, Complainant alleges on or about May 9, 2023, the Board issued
24 Citation and Fine No. CI 2021 93376 to Respondent Innovative Healthcare Capital, LLC and
25 AHCS Specialty Care, LLC, dba AHCS Specialty Care and Citation No. CI 2022 100195 to
26 Respondent Anil Kanwar for making the unauthorized disclosure of medical information and
27 obstructing a patient in obtaining his prescriptions which are violations of Civil Code section
28

1 56.10, subdivision (a), California Code of Regulations, title 16, section 1764, and Business and
2 Professions Code section 733, subdivision (a). The Citations are now final.

3 **OTHER MATTERS**

4 34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
5 55932 issued to Respondent AHCS Specialty Care, LLC, dba AHCS Specialty Care, it shall be
6 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
7 or partner of a licensee for five years if Pharmacy Permit Number PHY 55932 is placed on
8 probation or until the Pharmacy Permit is reinstated if it is revoked.

9 35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
10 58059 issued to Respondent Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC,
11 dba AHCS Specialty Care, it shall be prohibited 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 58059 is placed on probation or until the Pharmacy Permit is reinstated if it is
14 revoked.

15 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
16 55932 issued to Respondent AHCS Specialty Care, LLC, dba AHCS Specialty Care and/or
17 Pharmacy Permit No. 58059 issued to Innovative Healthcare Capital, LLC and AHCS Specialty
18 Care, LLC, dba AHCS Specialty Care while Respondent Shital J. Patel has been a manager,
19 administrator, owner, member, officer or director and had knowledge of or knowingly
20 participated in any conduct for which the licensees were disciplined, he shall be prohibited from
21 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
22 licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy
23 Permits are reinstated, if they are revoked.

24 37. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
25 55932 issued to Respondent AHCS Specialty Care, LLC, dba AHCS Specialty Care and/or
26 Pharmacy Permit No. 58059 issued to Innovative Healthcare Capital, LLC and AHCS Specialty
27 Care, LLC, dba AHCS Specialty Care while Respondent Nevil Prakash Jhaveri has been a
28 manager, administrator, owner, member, officer or director and had knowledge of or knowingly

1 participated in any conduct for which the licensees were disciplined, he shall be prohibited from
2 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
3 licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy
4 Permits are reinstated, if they are revoked.

5 38. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
6 58059 issued to Respondent Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC,
7 dba AHCS Specialty Care while Respondent Anil Kanwar has been a manager, administrator,
8 owner, member, officer or director and had knowledge of or knowingly participated in any
9 conduct for which the licensees were disciplined, he shall be prohibited from serving as a
10 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
11 five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is
12 reinstated, if it is revoked.

13 39. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
14 RPH 50125 issued to Respondent Shital J. Patel, he shall be prohibited from serving as a
15 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
16 five years if the Pharmacist License is placed on probation or until the Pharmacist License is
17 reinstated, if it is revoked.

18 40. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
19 RPH 81880 issued to Respondent Anil Kanwar, he shall be prohibited from serving as a manager,
20 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
21 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is
22 revoked.

23 **PRAYER**

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

26 1. Revoking Pharmacy License Number PHY 55932, issued to AHCS Specialty Care,
27 LLC, dba AHCS Specialty Care;

28 ///

2. Revoking Pharmacy Permit Number PHY 58059, issued to Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care;
3. Revoking or suspending Pharmacist License Number RPH 81880, issued to Anil Kanwar;
4. Revoking or suspending Pharmacist License Number RPH 50125, issued to Shital J. Patel;
5. Prohibiting Respondent AHCS Specialty Care, LLC, dba AHCS Specialty Care from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55932 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked
6. Prohibiting Respondent to Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 58059 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked
7. Prohibiting Respondent Neil Prakash Jhaveri from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 55932 or 58059 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;
8. Prohibiting Respondent Shital J. Patel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 55932 or 58059 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;
9. Prohibiting Respondent Anil Kanwar from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 58059 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;
10. Prohibiting Respondent Anil Kanwar from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist

License Number RPH 81880 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

11. Prohibiting Respondent Shital J. Patel from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 50125 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

12. Ordering AHCS Specialty Care, LLC, dba AHCS Specialty Care, Innovative Healthcare Capital, LLC and AHCS Specialty Care, LLC, dba AHCS Specialty Care, Anil Kanwar and Shital J. Patel to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: 7/11/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.07.11
08:57:06 -07'00'

SD2023803581
84491250.docx