

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

In the Matter of the Statement of Issues Against:

**RAJ RAKHOLIA,
Pharmacist License Applicant,**

Respondent

Agency Case No. 7216

In the Matter of the Accusation Against:

**RAJ LUNAGARIA, INC., dba WHITE CROSS PHARMACY,
RAVJI L. LUNAGARIA, OWNER,
Pharmacy Permit No. PHY 39991;**

**LASR ENTERPRISES, INC., dba WHITE CROSS PHARMACY #1,
RAVJI L. LUNAGARIA, RAJ RAKHOLIA, AND SAMEER K. RAKHOLIA,
OWNERS,
Pharmacy Permit No. PHY 50793;**

**LASR ENTERPRISES, INC., dba WHITE CROSS PHARMACY #1,
RAVJI L. LUNAGARIA, RAJ RAKHOLIA, AND SAMEER K. RAKHOLIA,
OWNERS,
Pharmacy Permit No. PHY 55765;**

**RSS PHARMACY ASSOCIATES, LLC, dba COLE'S VILLAGE
PHARMACY, RAVJI L. LUNAGARIA, SAMEER K. RAKHOLIA, AND
SAMIR A. PATEL, OWNERS,
Pharmacy Permit No. PHY 55630;**

**NILESHKUMAR BATUKBHAI VAGHANI,
Pharmacist License No. RPH 70111;**

**RAVJI L. LUNAGARIA,
Pharmacist License No. RPH 44144;**

**SAMEER K. RAKHOLIA,
Pharmacist License No. RPH 64946;**

**NIRALI MRUDANGK SHAH,
Pharmacist License No. RPH 73997;**

**SAMIR A. PATEL,
Pharmacist License No. RPH 70613;**

**SHANE L. JEROMINSKI,
Pharmacist License No. RPH 60543; and**

**RAJ RAKHOLIA,
Pharmacy Technician Registration No. TCH 64078,
Intern Pharmacist Registration No. INT 41728,**

Respondents

Agency Case No. 6336, 6773, and 6775

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 19, 2022.

It is so ORDERED on September 19, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
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Attorneys for Complainant

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

13
14 In the Matter of the Statement of Issues
Against:

15 **RAJ RAKHOLIA**

16 **Pharmacist License Applicant**

17 Respondent

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO RAJ
RAKHOLIA ONLY**

Case Number 7216

and

18
19 In the Matter of the Accusation Against:

20 **RAJ LUNAGARIA, INC.**
DBA WHITE CROSS PHARMACY
RAVJI L. LUNAGARIA, OWNER
21 **602 Main Street**
Brawley, CA 92227

22 **Pharmacy Permit Number PHY 39991**

23
24 **LASR ENTERPRISES, INC.,**
DBA WHITE CROSS PHARMACY #1
RAVJI L. LUNAGARIA, RAJ RAKHOLIA
25 **AND SAMEER K. RAKHOLIA, OWNERS**
21445 N. Sunrise Way, Ste. 100
26 **Palm Springs, CA 92262**

27 **Pharmacy Permit Number PHY 50793**

28 **LASR ENTERPRISES, INC.,**

1 **DBA WHITE CROSS PHARMACY #1**
2 **RAVJI L. LUNAGARIA, RAJ RAKHOLIA**
3 **AND SAMEER K. RAKHOLIA, OWNERS**
4 **1717 East Vista Chino, Ste. B2**
5 **Palm Springs, CA 92262**

6 **Pharmacy Permit Number PHY 55765**

7 **RSS PHARMACY ASSOCIATES, LLC**
8 **DBA COLE'S VILLAGE PHARMACY**
9 **RAVJI L. LUNAGARIA, SAMEER K.**
10 **RAKHOLIA AND SAMIR A. PATEL,**
11 **OWNERS**
12 **223 East 3rd Street**
13 **Corona, CA 92879**

14 **Pharmacy Permit Number PHY 55630**

15 **NILESHKUMAR BATUKBHAI**
16 **VAGHANI**
17 **19411 Norwich Dr.**
18 **Riverside, CA 92508**

19 **Pharmacist License Number RPH 70111**

20 **RAVJI L. LUNAGARIA**
21 **P.O. Box 17458**
22 **Anaheim, CA 92817**

23 **Pharmacist License Number RPH 44144**

24 **SAMEER K. RAKHOLIA**
25 **P.O. Box 861**
26 **Brawley, CA 92227**

27 **Pharmacist License Number RPH 64946**

28 **NIRALI MRUDANGK SHAH**
29 **26630 Barton Rd., #212**
30 **Redlands, CA 92373**

31 **Pharmacist License Number RPH 73997**

32 **SAMIR A. PATEL**
33 **6648 Paseo Fino Street**
34 **Eastvale, CA 92880**

35 **Pharmacist License Number RPH 70613**

36 **SHANE L. JEROMINSKI**
37 **83652 Himilaya Drive**
38 **Indio, CA 92203**

39 **Pharmacist License Number RPH 60543**

1 **RAJ RAKHOLIA**
2 **830 S. Peralta Hills Drive**
3 **Anaheim, CA 95207**

4 **Pharmacy Technician Registration Number**
5 **TCH 64078**

6 **Intern Pharmacist Registration Number**
7 **INT 41728**

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

10 **PARTIES**

11 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
12 (Board), Department of Consumer Affairs. She brought this action solely in her official capacity
13 and is represented in this matter by Rob Bonta, Attorney General of the State of California, by
14 Nicole R. Trama, Deputy Attorney General.

15 2. Raj Rakholia (Respondent) is represented in this proceeding by attorney Raja
16 Sekaran, of Nossaman LLP, at 50 California Street, 34th Floor, San Francisco, CA 94111.

17 3. On or about August 12, 2005, the Board issued Pharmacy Technician License
18 Number TCH 64078 Number to Respondent. The Pharmacy Technician License Number TCH
19 64078 expired on May 31, 2019, and was not renewed.

20 4. On or about November 8, 2017, the Board issued Intern Pharmacist Registration
21 Number INT 41728 to Respondent. The Intern Pharmacist Registration Number INT 41728 was
22 in full force and effect at all times relevant to the charges brought in Second Amended
23 Accusation Number 6336, 6773, and 6775, and will expire on May 31, 2022, unless renewed.

24 5. On or about May 12, 2021, the Board received an application for a Pharmacist
25 License from Respondent. On or about May 1, 2021, Respondent certified under penalty of
26 perjury to the truthfulness of all statements, answers, and representations in the application. The
27 Board denied the application on October 1, 2021.

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1 **JURISDICTION**

2 6. Second Amended Accusation Number 6336, 6773, and 6775 was filed before the
3 Board and is currently pending against Respondent. The Accusation and all other statutorily
4 required documents were properly served on Respondent on July 1, 2021. Respondent timely
5 filed his Notice of Defense contesting the Accusation. Subsequently, Second Amended
6 Accusation Number 6336, 6773, and 6775 was filed against Respondent. A copy of Second
7 Amended Accusation Number 6336, 6773, and 6775 is attached as exhibit A and incorporated
8 herein by reference.

9 7. First Amended Statement of Issues Number 7216 was filed before the Board, and is
10 currently pending against Respondent. The Statement of Issues and all other statutorily required
11 documents were properly served on Respondent on February 2, 2022. Subsequently, First
12 Amended Statement of Issues Number 7216 was filed against Respondent. A copy of First
13 Amended Statement of Issues Number 7216 is attached as exhibit B and incorporated herein by
14 reference.

15 **ADVISEMENT AND WAIVERS**

16 8. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Second Amended Accusation Number 6336, 6773, and 6775 and First
18 Amended Statement of Issues Number 7216. Respondent has also carefully read, fully discussed
19 with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

20 9. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Second Amended Accusation Number 6336, 6773,
22 and 6775 and First Amended Statement of Issues; the right to confront and cross-examine the
23 witnesses against him; the right to present evidence and to testify on his own behalf; the right to
24 the issuance of subpoenas to compel the attendance of witnesses and the production of
25 documents; the right to reconsideration and court review of an adverse decision; and all other
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

1 **CULPABILITY**

2 11. Respondent understands and agrees that the charges and allegations in Second
3 Amended Accusation Number 6336, 6773, and 6775, if proven at a hearing, constitute cause for
4 disciplining his Pharmacy Technician License and Pharmacist Intern Registration.

5 12. Respondent understands and agrees that the charges and allegations in First Amended
6 Statement of Issues Number 7216, if proven at a hearing, constitute cause for denying his
7 application for a Pharmacist License application.

8 13. For the purpose of resolving the Second Amended Accusation and First Amended
9 Statement of Issues without the expense and uncertainty of further proceedings, Respondent
10 admits the truth of the facts and allegations in the Fifteenth Cause for Discipline in the Second
11 Amended Accusation and the First Amended Statement of Issues.

12 14. Respondent understands that by signing this stipulation, he enables the Board to issue
13 an order accepting the surrender of his Pharmacy Technician License and Pharmacist Intern
14 Registration.

15 15. Respondent further agrees that his Pharmacist License is subject to denial and he
16 agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order
17 below.

18 **CONTINGENCY**

19 16. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
20 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
21 communicate directly with the Board regarding this stipulation and settlement, without notice to
22 or participation by Respondent or his counsel. By signing the stipulation, Respondent
23 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
24 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
25 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
26 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
27 and the Board shall not be disqualified from further action by having considered this matter.
28

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

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

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that upon satisfaction of statutory and regulatory requirements
15 for issuance thereof, a Pharmacist License shall be issued to Respondent Raj Rakholia and shall
16 simultaneously be publicly reprovved with the following terms:

17 (A) **No Ownership or Management of Licensed Premises.** For period of three (3)
18 years from the effective date of this Decision, Respondent shall not own, have any legal or
19 beneficial interest in, nor serve as a manager, administrator, member, officer, director,
20 trustee, associate, or partner of any business, firm, partnership, or corporation currently or
21 hereinafter licensed by the Board. Respondent shall sell or transfer any legal or beneficial
22 interest in any entity licensed by the Board within ninety (90) days following the date of
23 this agreement and shall immediately thereafter provide written proof thereof to the board.
24 Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof
25 shall be a violation of this agreement and constitutes cause to discipline Respondent's
26 Pharmacist license as well as the license of any entity licensed by the Board in which
27 Respondent holds such an interest.

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1 (B) **Ethics Course.** During the first two (2) years of licensure as a Pharmacist,
2 Respondent shall enroll and complete a course in ethics, at Respondent's expense, approved
3 in advance by the Board or its designee that complies with Title 16 California Code of
4 Regulations section 1773.5. Respondent shall provide proof of enrollment upon request.
5 Failure to timely enroll in an approved ethics course, to initiate and successfully complete
6 the course during the first two years of Pharmacist licensure, or to timely submit proof of
7 completion to the Board or its designee, shall constitute cause to discipline Respondent's
8 Pharmacist license.

9 (C) **Restrictions on Supervision and Oversight of Licensed Facilities.** For period of
10 three (3) years from the effective date of this Decision, Respondent shall not supervise any
11 intern pharmacist, be the pharmacist-in-charge, designated representative-in-charge,
12 responsible manager or other compliance supervisor, or serve as a consultant of any entity
13 licensed by the Board. Assumption of any such unauthorized supervision responsibilities
14 constitutes cause to discipline Respondent's Pharmacist license.

15 (D) **Further Disciplinary Proceedings.** Failure to timely comply with the terms of this
16 Decision shall give rise to disciplinary proceedings and shall constitute cause to discipline
17 Respondent's Pharmacist license.

18 IT IS FURTHER ORDERED that Intern Pharmacist Registration Number INT 41728 and
19 Pharmacy Technician License Number TCH 64078, issued to Respondent Raj Rakholia, are
20 surrendered, and accepted by the Board.

21 1. The surrender of Respondent's Intern Pharmacist Registration Number INT 41728
22 and Pharmacy Technician License Number TCH 64078 and the acceptance of the surrendered
23 licenses by the Board shall constitute the imposition of discipline against Respondent. This
24 stipulation constitutes a record of the discipline and shall become a part of Respondent's license
25 history with the Board.

26 2. Respondent shall lose all rights and privileges as an intern pharmacist and pharmacy
27 technician in California as of the effective date of the Board's Decision and Order.
28

1 3. Respondent shall cause to be delivered to the Board the intern pharmacist and
2 pharmacy technician pocket licenses and, if any were issued, wall certificates on or before the
3 effective date of the Decision and Order.

4 4. If he ever applies for licensure or petitions for reinstatement of the Intern Pharmacist
5 Registration Number INT 41728 or Pharmacy Technician License Number TCH 64078 in the
6 State of California, the Board shall treat it as a new application for licensure. Respondent must
7 comply with all the laws, regulations and procedures for licensure in effect at the time the
8 application or petition is filed, and all of the charges and allegations contained in Second
9 Amended Accusation Number 6336, 6773, and 6775 and First Amended Statement of Issues
10 Number 7216 shall be deemed to be true, correct and admitted by Respondent when the Board
11 determines whether to grant or deny the application or petition.

12 5. Respondent shall be prohibited from applying for or petitioning for reinstatement of
13 the Intern Pharmacist Registration Number INT 41728 or Pharmacy Technician License number
14 TCH 64078 for three (3) years from the effective date of the decision and order.

15 6. Nothing in this Order shall be construed to prohibit Respondent from taking
16 pharmacist licensing examinations as required for licensure as a pharmacist.

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Raja Sekaran, Esq. I understand the stipulation and the effect it
20 will have on my Pharmacist License, Intern Pharmacist Registration, and Pharmacy Technician
21 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
22 and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.
23

24 DATED: _____

25 **RAJ RAKHOLIA**
26 *Respondent*

1 3. Respondent shall cause to be delivered to the Board the intern pharmacist and
 2 pharmacy technician pocket licenses and, if any were issued, wall certificates on or before the
 3 effective date of the Decision and Order.

4 4. If he ever applies for licensure or petitions for reinstatement of the Intern Pharmacist
 5 Registration Number INT 41728 or Pharmacy Technician License Number TCH 64078 in the
 6 State of California, the Board shall treat it as a new application for licensure. Respondent must
 7 comply with all the laws, regulations and procedures for licensure in effect at the time the
 8 application or petition is filed, and all of the charges and allegations contained in Second
 9 Amended Accusation Number 6336, 6773, and 6775 and First Amended Statement of Issues
 10 Number 7216 shall be deemed to be true, correct and admitted by Respondent when the Board
 11 determines whether to grant or deny the application or petition.

12 5. Respondent shall be prohibited from applying for or petitioning for reinstatement of
 13 the Intern Pharmacist Registration Number INT 41728 or Pharmacy Technician License number
 14 TCH 64078 for three (3) years from the effective date of the decision and order.

15 6. Nothing in this Order shall be construed to prohibit Respondent from taking
 16 pharmacist licensing examinations as required for licensure as a pharmacist.

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 19 discussed it with my attorney, Raja Sekaran, Esq. I understand the stipulation and the effect it
 20 will have on my Pharmacist License, Intern Pharmacist Registration, and Pharmacy Technician
 21 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,
 22 and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

23
 24 DATED: 08/12/2022 *Raj Rakholia*
 25 RAJ RAKHOLIA
 26 Respondent

27
 28

1 I have read and fully discussed with Respondent Raj Rakholia the terms and conditions and
2 other matters contained in this Stipulated Settlement and Disciplinary Order. I approve its form
3 and content.

4 DATED: _____
5 RAJ SEKARAN
6 *Attorney for Respondent*

7 **ENDORSEMENT**

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

10 DATED: _____

11 Respectfully submitted,
12 ROB BONTA
13 Attorney General of California
14 GREGORY J. SALUTE
15 Supervising Deputy Attorney General

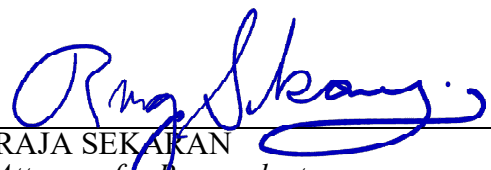
16 NICOLE R. TRAMA
17 Deputy Attorney General
18 *Attorneys for Complainant*

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I have read and fully discussed with Respondent Raj Rakholia the terms and conditions and other matters contained in this Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: August 16, 2022


RAJA SEKAFAN
Attorney for Respondent

ENDORSEMENT

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

DATED: 8/18/2022

Respectfully submitted,
ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

Nicole R. Trama
NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Second Amended Accusation Case Number 6336, 6773, and 6775

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
600 West Broadway, Suite 1800
5 San Diego, CA 92101
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6 San Diego, CA 92186-5266
Telephone: (619) 738-9419
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

13 **RAJ LUNAGARIA, INC.**
DBA WHITE CROSS PHARMACY
14 **RAVJI L. LUNAGARIA, OWNER**
602 Main Street
15 **Brawley, CA 92227**

16 **Pharmacy Permit No. PHY 39991**

17 **LASR ENTERPRISES, INC.,**
DBA WHITE CROSS PHARMACY #1
18 **RAVJI L. LUNAGARIA, RAJ RAKHOLIA**
AND SAMEER K. RAKHOLIA, OWNERS
19 **21445 N. Sunrise Way, Ste. 100**
20 **Palm Springs, CA 92262**

21 **Pharmacy Permit No. PHY 50793**

22 **LASR ENTERPRISES, INC.,**
DBA WHITE CROSS PHARMACY #1
23 **RAVJI L. LUNAGARIA, RAJ RAKHOLIA**
AND SAMEER K. RAKHOLIA, OWNERS
24 **1717 East Vista Chino, Ste. B2**
Palm Springs, CA 92262

25 **Pharmacy Permit No. PHY 55765**
26
27
28

Case Nos. 6336, 6773 and 6775

SECOND AMENDED ACCUSATION

1 **RSS PHARMACY ASSOCIATES, LLC**
2 **DBA COLE'S VILLAGE PHARMACY**
3 **RAVJI L. LUNAGARIA, SAMEER K.**
4 **RAKHOLIA AND SAMIR A. PATEL,**
5 **OWNERS**
6 **223 East 3rd Street**
7 **Corona, CA 92879**

8 **Pharmacy Permit No. PHY 55630**

9 **NILESHKUMAR BATUKBHAI**
10 **VAGHANI**
11 **19411 Norwich Dr.**
12 **Riverside, CA 92508**

13 **Pharmacist License No. RPH 70111**

14 **RAVJI L. LUNAGARIA**
15 **P.O. Box 17458**
16 **Anaheim, CA 92817**

17 **Pharmacist License No. RPH 44144**

18 **SAMEER K. RAKHOLIA**
19 **P.O. Box 861**
20 **Brawley, CA 92227**

21 **Pharmacist License No. RPH 64946**

22 **NIRALI MRUDANGK SHAH**
23 **26630 Barton Rd., #212**
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SHANE L. JEROMINSKI
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Pharmacist License No. RPH 60543

RAJ RAKHOLIA
830 S. Peralta Hills Drive
Anaheim, CA 95207

Pharmacy Technician Registration No.
TCH 64078

1
2 **Intern Pharmacist Registration No. INT
41728**

3 Respondents.

4 Complainant alleges:

6 **PARTIES**

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

10 2. On or about April 27, 1994, the Board issued Pharmacy Permit Number PHY 39991
11 to Raj Lunagaria, Inc., dba White Cross Pharmacy. Ravji L. Lunagaria is the sole shareholder of
12 Raj Lunagaria, Inc. The Pharmacy Permit was in full force and effect at all times relevant to the
13 charges brought herein and will expire on April 1, 2023, unless renewed (White Cross).

14 3. On or about April 5, 2012, the Board issued Pharmacy Permit Number PHY 50793 to
15 LASR Enterprises, Inc., dba White Cross Pharmacy #1. Ravji L. Lunagaria was an officer and a
16 shareholder of 60% of the outstanding shares. Raj Rakholia was an officer and a shareholder of
17 20% of the outstanding shares. Sameer K. Rakholia was an officer and a shareholder of 20% of
18 the outstanding shares. On or about August 11, 2017, the Board cancelled this permit.

19 4. On or about August 11, 2017, the Board issued Pharmacy Permit Number PHY
20 55765 to LASR Enterprises, Inc., dba White Cross Pharmacy #1 for its new location. Pharmacy
21 Permit Numbers PHY 50793 and PHY 55765 were in full force and effect at all times relevant to
22 the charges brought herein. Pharmacy Permit No. PHY 55765 will expire on August 1, 2022,
23 unless renewed (White Cross Pharmacy #1). On or about December 31, 2017, Raj Rakholia
24 divested his shares and Sameer K. Rakholia became an owner of 40% of the outstanding shares of
25 White Cross Pharmacy #1.

26 5. On or about August 16, 2017, the Board issued Pharmacy Permit Number PHY
27 55630 to RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy (Cole's Village
28 Pharmacy) with Ravji L. Lunagaria, Sameer K. Rakholia and Samir A. Patel identified as the

1 members. The Pharmacy Permit was in full force and effect at all times relevant to the charges
2 brought herein and will expire on August 1, 2022, unless renewed.

3 6. On or about March 8, 1991, the Board issued Pharmacist License Number RPH
4 44144 to Ravji L. Lunagaria (Lunagaria). The Pharmacist License was in full force and effect at
5 all times relevant to the charges brought herein and will expire on July 31, 2022, unless renewed.

6 7. On or about October 27, 2010, the Board issued Pharmacist License Number RPH
7 64946 to Sameer K. Rakholia (Sameer Rakholia). The Pharmacist License was in full force and
8 effect at all times relevant to the charges brought herein and will expire on June 30, 2022, unless
9 renewed.

10 8. On or about August 12, 2005, the Board issued Pharmacy Technician Registration
11 Number TCH 64078 to Raj Rakholia (Raj Rakholia). The Pharmacy Technician Registration was
12 in full force and effect at all times relevant to the charges brought herein, expired on May 31,
13 2019 and was cancelled.

14 9. On or about November 8, 2017, the Board issued Intern Pharmacist Registration
15 Number INT 41728 to Raj Rakholia. The Intern Pharmacist Registration was in full force and
16 effect at all times relevant to the charges brought herein and will expire on May 31, 2022, unless
17 renewed.

18 10. On or about April 28, 2014, the Board issued Pharmacist License Number RPH
19 70613 to Samir A. Patel (Patel). The Pharmacist License was in full force and effect at all times
20 relevant to the charges brought herein and will expire on September 30, 2023, unless renewed.

21 11. On or about October 18, 2013, the Board issued Pharmacist License Number RPH
22 70111 to Nileshkumar Batukbhai Vaghani (Vaghani). The Pharmacist License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on November 30,
24 2022, unless renewed.

25 12. On or about November 6, 2015, the Board issued Pharmacist License Number RPH
26 73997 to Nirali Mrudangk Shah (Shah). The Pharmacist License was in full force and effect at all
27 times relevant to the charges brought herein and will expire on August 31, 2023, unless renewed.
28

1 13. On or about December 7, 2007, the Board issued Pharmacist License Number RPH
2 60543 to Shane Lee Jerominski (Jerominski). The Pharmacist License was in full force and effect
3 at all times relevant to the charges brought herein and will expire on January 31, 2023, unless
4 renewed.

5 **JURISDICTION**

6 14. The Second First Amended Accusation is brought before the Board under the
7 authority of the following laws. All section references are to the Business and Professions Code
8 unless otherwise indicated.

9 15. Section 4011 of the Code provides that the Board shall administer and enforce both
10 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
11 Act [Health & Safety Code, § 11000 et seq.].

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

14 17. Section 4300.1 of the Code states:

15 The expiration, cancellation, forfeiture, or suspension of a board-issued license
16 by operation of law or by order or decision of the board or a court of law, the
17 placement of a license on a retired status, or the voluntary surrender of a license by a
18 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.

19 **STATUTORY AND REGULATORY PROVISIONS**

20 18. Section 810 of the Code states in part:

21 (a) It shall constitute unprofessional conduct and grounds for disciplinary
22 action, including suspension or revocation of a license or certificate, for a health
23 care professional to do any of the following in connection with his or her
professional activities:

24 (1) Knowingly present or cause to be presented any false or fraudulent claim
25 for the payment of a loss under a contract of insurance.

26 (2) Knowingly prepare, make, or subscribe any writing, with intent to present
27 or use the same, or to allow it to be presented or used in support of any false or
28 fraudulent claim.

1 (b) It shall constitute cause for revocation or suspension of a license or
2 certificate for a health care professional to engage in any conduct prohibited under
3 Section 1871.4 of the Insurance Code or Section 549 or 550 of the Penal Code.

4

5 19. Section 4063 of the Code states:

6 No prescription for any dangerous drug or dangerous device may be refilled
7 except upon authorization of the prescriber. The authorization may be given
8 orally or at the time of giving the original prescription. No prescription for any
9 dangerous drug that is a controlled substance may be designated refillable as
10 needed.

11 20. Section 4076 of the Code states in part:

12 (a) A pharmacist shall not dispense any prescription except in a container that
13 meets the requirements of state and federal law and is correctly labeled with all of
14 the following:

15 (1) Except when the prescriber or the certified nurse-midwife who functions
16 pursuant to a standardized procedure or protocol described in Section 2746.51 , the
17 nurse practitioner who functions pursuant to a standardized procedure described in
18 Section 2836.1 or protocol, the physician assistant who functions pursuant to
19 Section 3502.1 , the naturopathic doctor who functions pursuant to a standardized
20 procedure or protocol described in Section 3640.5 , or the pharmacist who
21 functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1 ,
22 4052.2 , or 4052.6 orders otherwise, either the manufacturer's trade name of the
23 drug or the generic name and the name of the manufacturer. Commonly used
24 abbreviations may be used. Preparations containing two or more active
25 ingredients may be identified by the manufacturer's trade name or the commonly
26 used name or the principal active ingredients.

27

28 21. Section 4022 of the Code states:

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

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

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

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

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22. Section 4081 of the Code states in pertinent part:

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

(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.

23. Section 4101(a) of the Code states:

A pharmacist may take charge of and act as the pharmacist-in-charge of a pharmacy upon application by the pharmacy and approval by the board. A pharmacist-in-charge who ceases to act as the pharmacist-in-charge of the pharmacy shall notify the board in writing within 30 days of the date of that change in status.

24. Section 4105, subdivision (a) of the Code states:

All records or other documentation of the acquisition and disposition of dangerous drugs and devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

25. Section 4113, subdivision (c) of the Code states:

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.

26. Section 4201, subdivisions (f) and (j) of the Code state:

(f) Notwithstanding any other law, the pharmacy license shall authorize the holder to conduct a pharmacy. The license shall be renewed annually and shall not be transferable.

(j) For licenses referred to in subdivisions (f), (g), (h), and (i), any change in the proposed beneficial ownership interest shall be reported to the board within 30 days thereafter upon a form to be furnished by the board.

1 27. Section 4301 of the Code states in pertinent part:

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

5 ...

6 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
7 deceit, or corruption, whether the act is committed in the course of relations as a
8 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

9 (g) Knowingly making or signing any certificate or other document that falsely
10 represents the existence or nonexistence of a state of facts.

11 ...

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

14 ...

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

20 ...

21 28. Section 4306.5 states:

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

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

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

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

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

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29. Section 4307, subdivision (a) of the Code states that:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, 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, partner, or any other person with management or control 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, partner, or any other person with management or control of a licensee as follows:

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

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

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. Health and Safety Code section 111330 states:

Any drug or device is misbranded if its labeling is false or misleading in any particular.

33. Health and Safety Code section 111395, subdivision (c) states:

Any drug is misbranded in any of the following cases:

...

(c) The contents of the original package have been, wholly or partly, removed and replaced with other material in the package.

34. Health and Safety Code section 111440 states:

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

REGULATORY PROVISIONS

35. Section 1304.11, subdivision (b) of title 21, Code of Federal Regulations states:

Initial Inventory date. Every person required to keep records shall take an inventory of all stocks of controlled substances on hand on the date he/she first engages in the manufacture, distribution, or dispensing of controlled substances, in accordance with paragraph (e) of this section as applicable. In the event a person commences business with no controlled substances on hand, he/she shall record this fact as the initial inventory.

36. Section 1317.40, subdivision (a) of title 21, Code of Federal Regulations states:

Manufacturers, distributors, reverse distributors, narcotic treatment programs, hospitals/clinics with an on-site pharmacy, and retail pharmacies that desire to be collectors shall modify their registration to obtain authorization to be a collector in accordance with §1301.52(f) of this chapter. Authorization to be a collector is subject to renewal. If a registrant that is authorized to collect ceases activities as a collector, such registrant shall notify the Administration in accordance with §1301.52(f) of this chapter.

37. Section 1305.05, subdivision (a) of title 21, Code of Federal Regulations states:

A registrant may authorize one or more individuals, whether or not located at his or her registered location, to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for each such individual, if the power of attorney is retained in the files, with executed Forms 222 where applicable, for the same period as any order bearing the signature of the attorney. The power of attorney must be available for inspection together with other order records.

38. Section 1311.30, subdivision (a) of title 21, Code of Federal Regulations states:

Only the certificate holder may access or use his or digital certificate and private key.

39. Section 1707.1 of title 16, California Code of Regulations states in part:

(a) A pharmacy shall maintain medication profiles on all patients who have prescriptions filled in that pharmacy except when the pharmacist has reasonable belief that the patient will not continue to obtain prescription medications from that pharmacy.

(1) A patient medication record shall be maintained in an automated data processing or manual record mode such that the following information is readily retrievable during the pharmacy's normal operating hours.

(A) The patient's full name and address, telephone number, date of birth (or age) and gender;

1 (B) For each prescription dispensed by the pharmacy:

2 1. The name, strength, dosage form, route of administration, if other than oral,
3 quantity and directions for use of any drug dispensed;

4 2. The prescriber's name and where appropriate, license number, DEA
5 registration number or other unique identifier;

6 3. The date on which a drug was dispensed or refilled;

7 4. The prescription number for each prescription; and

8 5. The information required by section 1717.

9

10 40. Section 1707.2 of title 16, California Code of Regulations states in part:

11 (a) A pharmacist shall provide oral consultation to his or her patient or the
12 patient's agent in all settings:

13 (1) upon request;

14 (2) whenever the pharmacist deems it warranted in the exercise of his or her
15 professional judgment;

16 (3) whenever the prescription drug has not previously been dispensed to a
17 patient; or

18 (4) whenever a prescription drug not previously dispensed to a patient in the
19 same dosage form, strength or with the same written directions, is dispensed by the
20 pharmacy.

21 (b)(1) When the patient or patient's agent is not present (including, but not
22 limited to, a prescription drug that was shipped by mail or delivery), a pharmacy
23 shall ensure that:

24 (A) the patient receives written notice of his or her right to request
25 consultation;

26 (B) the patient receives written notice of the hours of availability and the
27 telephone number from which the patient may obtain oral consultation from a
28 pharmacist who has ready access to the patient's record; and

(C) a pharmacist shall be available (i) to speak to the patient or patient's agent
during any regular hours of operation, within an average of ten (10) minutes or
less, unless a return call is scheduled to occur within one business hour, (ii) for no
less than six days per week, and (iii) for a minimum of 40 hours per week.

1 (2) A pharmacist is not required by this subsection to provide oral consultation
2 to an inpatient of a health care facility licensed pursuant to section 1250 of the
3 Health and Safety Code, or to an inmate of an adult correctional facility or a
4 juvenile detention facility, except upon the patient's discharge. A pharmacist is not
5 obligated to consult about discharge medications if a health facility licensed
6 pursuant to subdivision (a) or (b) of Health and Safety Code Section 1250 has
7 implemented a written policy about discharge medications which meets the
8 requirements of Business and Professions Code Section 4074.

9 (c) When oral consultation is provided, it shall include at least the following:

10 (1) directions for use and storage and the importance of compliance with
11 directions; and

12 (2) precautions and relevant warnings, including common severe side or
13 adverse effects or interactions that may be encountered.

14 (d) Whenever a pharmacist deems it warranted in the exercise of his or her
15 professional judgment, oral consultation shall also include:

16 (1) the name and description of the medication;

17 (2) the route of administration, dosage form, dosage, and duration of drug
18 therapy;

19 (3) any special directions for use and storage;

20 (4) precautions for preparation and administration by the patient, including
21 techniques for self-monitoring drug therapy;

22 (5) prescription refill information;

23 (6) therapeutic contraindications, avoidance of common severe side or adverse
24 effects or known interactions, including serious potential interactions with known
25 nonprescription medications and therapeutic contraindications and the action
26 required if such side or adverse effects or interactions or therapeutic
27 contraindications are present or occur;

28 (7) action to be taken in the event of a missed dose.

(e) Notwithstanding the requirements set forth in subsection (a) and (b), a
pharmacist is not required to provide oral consultation when a patient or the
patient's agent refuses such consultation.

41. Section 1714, subdivisions (b) and (d) of title 16, California Code of Regulations
states:

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

1 area to accommodate the safe practice of pharmacy.

2 (d) Each pharmacist while on duty shall be responsible for the security of the
3 prescription department, including provisions for effective control against theft or
4 diversion of drugs and devices, and records for such drugs and devices. Possession of
5 a key to the pharmacy where dangerous drugs and controlled substances are stored
6 shall be restricted to a pharmacist.

7 42. Section 1715.6 of title 16, California Code of Regulations states:

8 The owner shall report to the Board within thirty (30) days of discovery of any
9 loss of the controlled substances, including their amounts and strengths.

10 43. Section 1716, of title 16, California Code of Regulations states:

11 Pharmacists shall not deviate from the requirements of a prescription except
12 upon the prior consent of the prescriber or to select the drug product in accordance
13 with Section 4073 of the Business and Professions Code.

14 Nothing in this regulation is intended to prohibit a pharmacist from exercising
15 commonly-accepted pharmaceutical practice in the compounding or dispensing of
16 a prescription.

17 44. Section 1761, subdivision (a) of title 16, California Code of Regulations states:

18 No pharmacist shall compound or dispense any prescription which contains
19 any significant error, omission, irregularity, uncertainty, ambiguity or alteration.
20 Upon receipt of any such prescription, the pharmacist shall contact the prescriber
21 to obtain the information needed to validate the prescription.

22

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

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

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

46. Section 1776.1(g)(2) of title 16, California Code of Regulations states:

As part of its drug take-back services, a pharmacy shall not: Accept or possess
prescription drugs from skilled nursing facilities, residential care homes, health care
practitioners or any other entity.

COSTS

47. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **DRUGS**

4 48. Abilify Maintena, the brand name for aripiprazole injection, an antipsychotic
5 medication, is a dangerous drug pursuant to Business and Professions Code section 4022.

6 49. Advair Diskus, the brand name for fluticasone/salmeterol inhaler, is a dangerous drug
7 pursuant to Business and Professions Code section 4022.

8 50. Eliquis, the brand name for apixaban, is a dangerous drug pursuant to Business and
9 Professions Code section 4022.

10 51. Hyzaar, the brand name for the generic losartan/hydrochlorothiazide, is a dangerous
11 drug pursuant to Business and Professions Code section 4022.

12 52. Invega Sustenna the brand name for paliperidone palmitate injection, an antipsychotic
13 medication, is a dangerous drug pursuant to Business and Professions Code section 4022.

14 53. Lidocaine PAK, the brand name for lidocaine ointment, is a dangerous drug pursuant
15 to Business and Professions Code section 4022.

16 54. Norco, the brand name for hydrocodone/acetaminophen, is a Schedule II controlled
17 substance pursuant to Health and Safety Code section 11055, and is a dangerous drug pursuant to
18 Business and Professions Code section 4022.

19 55. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
20 section 11054(b)(M) and a dangerous drug pursuant to Business and Professions Code section
21 4022. This is a drug of high abuse and diversion potential.

22 56. Promethazine with codeine is a Schedule V controlled substance pursuant to Health
23 and Safety Code section 111058(c)(1) and is a dangerous drug pursuant to Business and
24 Professions Code section 4022. This is a drug of high abuse and diversion potential.

25 57. Risperdal Consta, the brand name for risperidone injection, an antipsychotic
26 medication, is a dangerous drug pursuant to Business and Professions Code section 4022.

27 58. Symbicort, the brand name for budesonide/formoterol inhaler, is a dangerous drug
28 pursuant to Business and Professions Code section 4022.

1 59. Tacrolimus is a dangerous drug pursuant to Business and Professions Code section
2 4022.

3 **FACTUAL ALLEGATIONS**

4 60. Lunagaría, Raj Rakholia, and Sameer Rakholia were shareholders or members of the
5 corporations that owned White Cross Pharmacy, White Cross Pharmacy #1 and Cole's Village
6 Pharmacy. The Board conducted investigations of these pharmacies that revealed the following
7 facts, unprofessional conduct and violations of law.

8 **White Cross Pharmacy:**

9 61. From March 24, 2014 to June 15, 2017, Vaghani was the Pharmacist-in-Charge at
10 White Cross Pharmacy, a specialty pharmacy located in Brawley, California. On June 20, 2017,
11 Jerominski became the Pharmacist-in-Charge of White Cross Pharmacy.

12 62. During an inspection of White Cross Pharmacy on about May 17, 2017, the Board
13 Inspector observed the automated dispensing machine was labeled as containing Losartan
14 Pot./HCTZ 100/12.5 mg (also known as Hyzaar) tablets with an expiration date of February 2017.
15 Vaghani later informed the Inspector that the label for the medication was incorrect, and that the
16 expiration date was actually August 2017.

17 63. White Cross and Vaghani did not maintain an accurate and complete medication
18 profile for patient MF containing all of her prescriptions. Specifically, the profile contained no
19 information about prescription number 2262780.

20 64. From August 18 through October 19, 2019, White Cross and Vaghani forged twenty-
21 one prescriptions for lidocaine 5% ointment and dispensed them to nineteen patients.

22 65. An audit of brand and generic Norco 10/325mg for the time period of May 3, 2019 to
23 October 15, 2021, resulted in an overage of 54 tablets of hydrocodone/acetaminophen 10/325mg.
24 The overage demonstrated that White Cross Pharmacy and Jerominski failed to maintain a current
25 inventory.

26 66. White Cross Pharmacy's policies and procedures indicated that prescriptions not
27 picked up in 14 days would be reversed and returned to stock. However, from December 31,
28 2019 to December 31, 2021, there were 436 prescriptions filled and placed in the will-call section

1 waiting to be picked up for longer than 14 days (and therefore not reversed and returned to stock).
2 Of these 436 prescriptions, over 70% of them had been there longer than 365 days. Of these 436
3 prescriptions, there were also 6 prescriptions that had not been picked up, but White Cross
4 Pharmacy still subsequently refilled those 6 prescriptions. White Cross Pharmacy had received
5 over \$25,000 from insurance companies for these 436 prescriptions. It was only after a Board of
6 Pharmacy inspection and inquiry on this issue that White Cross Pharmacy reversed these
7 prescriptions.

8 67. Between July 2021 and October 2021, White Cross Pharmacy filled and dispensed 5
9 prescriptions for patient CR with the Mylan-manufactured fluticasone/salmeterol
10 250/50mcg inhaler, but labeled them with the GSK-manufactured Advair 250/50mcg brand name
11 inhaler.

12 **Cole's Village Pharmacy:**

13 68. From August 16, 2017 to July 11, 2018, Patel was the Pharmacist-in-Charge and a
14 shareholder of Cole's Village Pharmacy, a specialty pharmacy located in Corona, California.

15 69. On December 25, 2017, there was an unlawful, forcible entry into Cole's Village
16 Pharmacy. Individuals stole six bottles (2,838 mls) of promethazine with codeine from Cole's
17 Village Pharmacy's inventory of drugs. The owners and the pharmacist-in-charge did not report
18 this loss of promethazine with codeine to the Board of Pharmacy within thirty days.

19 70. From August 16, 2017 to July 11, 2018, Cole's Village Pharmacy had an overage of
20 167 tablets of the dangerous drug tacrolimus in its dangerous drug inventory and records.

21 **White Cross Pharmacy #1:**

22 71. From April 5, 2012 to August 15, 2017, Sameer Rakholia was the Pharmacist-in-
23 Charge of White Cross Pharmacy #1, a specialty pharmacy located in Palm Springs, California.
24 From August 11, 2017 to December 8, 2017 and May 25, 2018 to September 4, 2018, and after
25 the pharmacy changed locations and received a new permit number (PHY 55765), Sameer
26 Rakholia was the Pharmacist-in-Charge. From December 8, 2017 to May 25, 2018, Respondent
27 Shah was the Pharmacist-in-Charge.
28

1 72. On December 31, 2017, Raj Rakholia divested his shares of White Cross Pharmacy
2 #1, but none of the owners notified the Board of the change in beneficial ownership interest.

3 73. White Cross Pharmacy #1 accepted returns of controlled substances and dangerous
4 drugs from facilities and health care practitioners and re-dispensed those drugs to patients.

5 74. White Cross Pharmacy #1 accepted returns of dangerous drugs from patients and
6 non-patients and placed the drugs in manufacturer bottles that the drugs did not originate. For
7 example, a box of Abilify Maintena 300mg injection was found in the pharmacy that was picked
8 up by the patient on December 8, 2017 and billed to Medicare.

9 75. Pharmacy staff comingled tablets or capsules with different lot numbers and
10 expiration dates in manufacturer bottles and placed more tablets or capsules in the manufacturer
11 bottles than those bottles originally contained (overfills).

12 76. Manufacturer drug samples and returned drugs were found in the pharmacy's active
13 drug stock used to dispense drugs.

14 77. Although it accepted returns of controlled substances, White Cross Pharmacy #1 did
15 not possess a registration as a collector with the DEA and was not authorized to accept returns of
16 controlled substances.

17 78. From 2015 to 2017, White Cross Pharmacy #1 dispensed duplicate prescriptions for
18 the same patients, listing the same prescriber for an electronic and a telephone prescription,
19 without contacting the prescriber to determine if both prescriptions were valid. The telephone
20 prescriptions that White Cross Pharmacy #1 were not valid prescriptions and were not authorized
21 by the prescriber. In addition, White Cross Pharmacy #1 dispensed refills not authorized by the
22 prescriber. For example, prescription number 83935 for Atripla was authorized by Dr. P. for a
23 total of 120-day supply or for a quantity of #30 with 3 refills. However, White Cross Pharmacy
24 #1 dispensed prescription number 83935 for Atripla on February 20, 2017, May 1, 2017, July 25,
25 2017, October 16, 2017 and November 13, 2017. Therefore, a total of 330 tablets were dispensed
26 where only 120 day supply was authorized.

27 79. Respondents' proof of service logs had signatures of patients but when interviewed,
28 the patients denied signing for deliveries.

1 80. From April 23, 2018 to March 1, 2019, White Cross Pharmacy #1 had overages of
2 the following dangerous drugs in its drug inventory and records: 65 Abilify Maintena 400mg, 13
3 Invega Sustenna 234mg and 3 Risperdal Consta 50mg. From January 1, 2017 to August 10,
4 2017, White Cross Pharmacy #1 had overages of the following dangerous drugs in its drug
5 inventory and records: 8 Invega Sustenna 234mg, 19 Risperdal Consta 50mg and 12 Abilify
6 Maintena 400mg. From August 11, 2017 to April 23, 2018, White Cross Pharmacy #1 had
7 overages of the following dangerous drugs in its inventory and records: 7 Risperdal Consta 50mg
8 and 61 Abilify Maintena 400mg.

9 81. Pharmacy staff did not take an initial inventory of the stock on hand of controlled
10 substances on the date of the change in the pharmacy's location even though required by the
11 federal Controlled Substances Act.

12 82. From January 1, 2015 to December 31, 2017, White Cross Pharmacy #1 lost 11,848
13 tablets of oxycodone 30mg, a drug of high abuse and diversion potential.

14 83. White Cross Pharmacy #1's security measures to safeguard controlled substances
15 were non-existent or lax. Pharmacy staff shared a digital certificate and key when ordering
16 oxycodone and other Schedule II controlled substances. Pharmacy technicians and other staff
17 ordered and received controlled substances. Pharmacy staff stored filled controlled substance
18 prescriptions in the waiting bin or "will call" area with other prescriptions. There was no executed
19 power of attorney for ordering Schedule II controlled substances. Pharmacy staff left the
20 controlled substance cabinet open when pharmacists were busy. There was no perpetual
21 inventory log system in place for Schedule II controlled substances prior to October of 2017.
22 They did not perform a back count of inventory and verify after each controlled substance fill.
23 Pharmacy staff did not establish a separate file for documentation of controlled substance fills.

24 84. On or about May 25, 2018, Shah ceased acting as the pharmacist-in-charge of White
25 Cross Pharmacy #1 but did not notify the Board in writing that she had ceased acting as the
26 pharmacist-in-charge.

27
28

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Held and Offered for Sale Misbranded Drugs against**
3 **White Cross Pharmacy and Vaghani)**

4 85. Respondents White Cross Pharmacy and Vaghani are subject to disciplinary action
5 under Code section 4301, subdivision (j) and (o) for violating Health and Safety Code section
6 111440, in that they held, or offered for sale Hyzaar, that was misbranded within the meaning of
7 Health & Safety Code section 111330, as set forth above.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dispensing Prescriptions That Contained a Significant Irregularity,**
10 **Uncertainty, or Ambiguity against White Cross Pharmacy and Vaghani)**

11 86. Respondents White Cross Pharmacy and Vaghani are subject to disciplinary action
12 under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16,
13 section 1761, in that those Respondents dispensed prescriptions that contained significant
14 irregularities, uncertainties, or ambiguities, as set forth above.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Failure to Maintain Medication Profile against Respondents**
17 **White Cross Pharmacy and Vaghani)**

18 87. Respondents White Cross Pharmacy and Vaghani are subject to disciplinary action
19 under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16,
20 section 1707.1, subdivision (a)(1)(B), in that those Respondents failed to maintain patient MF's
21 patient profile after filling and dispensing prescription number Rx #2262780 for lidocaine 5%, as
22 set forth above.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Dishonest Acts against White Cross Pharmacy and Vaghani)**

25 88. Respondents White Cross Pharmacy and Vaghani are subject to disciplinary action
26 under Code section 4301, subdivision (f) in that those Respondents committed dishonest acts by
27 creating false prescriptions and filling and dispensing those prescriptions unauthorized by the
28 prescriber, as set forth above.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Making Documents that Falsely Represents Facts against**
3 **White Cross Pharmacy and Vaghani)**

4 89. Respondents White Cross Pharmacy and Vaghani are subject to disciplinary action
5 under Code section 4301, subdivision (g) in that those Respondents made documents that falsely
6 represented the existence of a state of facts by creating false prescriptions for lidocaine 5%
7 ointment which were not authorized by the prescriber, as set forth above.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Failure to Correctly Label Prescriptions against**
10 **White Cross Pharmacy and Jerominski)**

11 90. Respondents White Cross Pharmacy and Jerominski are subject to disciplinary action
12 under Code section 4301, subdivision (o) for violation of Code section 4076, subdivision (a)(1) in
13 that Respondents dispensed five fills of a prescription for patient CR for fluticasone/salmeterol
14 250/50mcg inhaler but labeled the drugs as Advair 250/50mcg., as set forth above.

15 **SEVENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Maintain Current Inventory against**
17 **White Cross Pharmacy and Jerominski)**

18 91. Respondents White Cross Pharmacy and Jerominski are subject to disciplinary action
19 under Code section 4301, subdivision (o) for violating Code section 4081, subdivision (a) and
20 title 16, California Code of Regulations, section 1718, in that they did not maintain a current
21 inventory of the controlled substance, hydrocodone/acetaminophen 10/325mg, as set forth above.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Acts Involving Dishonesty, Fraud, Deceit or Corruption against**
24 **White Cross Pharmacy and Jerominski)**

25 92. Respondents White Cross Pharmacy and Jerominski are subject to disciplinary action
26 under Code section 4301, subdivision (f) in that those Respondents committed acts involving
27 dishonesty, fraud, deceit or corruption when they failed to reverse adjudicated prescriptions in a
28

1 timely basis which had not been picked up and were left in the will-call area for significant
2 periods of time, as set forth above.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Current Inventory against**
5 **Cole’s Village Pharmacy, and Patel)**

6 93. Respondents Cole’s Village Pharmacy and Patel are subject to disciplinary action
7 under Code section 4301, subdivision (o), for violating Code section 4081, subdivision (a) and
8 title 16, California Code of Regulations, section 1718, in that they did not maintain a current
9 inventory of the dangerous drug, tacrolimus, as set forth above.

10 **TENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Report Drug Losses against Patel, Lunagaria and Sameer Rakholia)**

12 94. Respondents Patel, Lunagaria and Sameer Rakholia are subject to disciplinary action
13 under Code section 4301, subdivision (o), for violating title 16, California Code of Regulations,
14 section 1715.6, in that they did not report the losses of promethazine with codeine to the Board,
15 as set forth above.

16 **ELEVENTH CAUSE FOR DISCIPLINE**

17 **(Held or Offered for Sale Misbranded Drugs against White Cross Pharmacy #1,**
18 **Sameer Rakholia and Shah)**

19 95. Respondent White Cross Pharmacy #1 and Shah are subject to disciplinary action
20 under Code sections 4301, subdivisions (j) and (o), for violating Health and Safety Code section
21 111440, in that they held or offered for sale dangerous drugs that were misbranded within the
22 meaning of Health and Safety Code sections 111330 and 111395, subdivision (c), as set forth
23 above.

24 **TWELFTH CAUSE FOR DISCIPLINE**

25 **(Accepted Returns of Dangerous Drugs against White Cross Pharmacy #1, Sameer**
26 **Rakholia and Shah)**

27 96. Respondent White Cross Pharmacy #1 and Shah are subject to disciplinary action
28 under Code sections 4301, subdivisions (j) and (o), for violating California Code of Regulations,

1 title 16, section 1776.1, subdivision (g)(2), in that they accepted or possessed prescription drugs
2 from skilled nursing facilities, residential care homes, health care practitioners or any other entity,
3 as set forth above.

4 **THIRTEENTH CAUSE FOR DISCIPLINE**

5 **(Received Returns of Controlled Substances against White Cross Pharmacy #1, Sameer
6 Rakholia and Shah)**

7 97. Respondent White Cross Pharmacy #1 and Shah are subject to disciplinary action
8 under Code section 4301, subdivision (j), for violating Code of Federal Regulations, title 21,
9 sections 1317.40, subdivision (a), in that they received returns of controlled substances even
10 though they were not registered as a collector with the Drug Enforcement Administration, as set
11 forth above.

12 **FOURTEENTH CAUSE FOR DISCIPLINE**

13 **(Held or Offered for Sale Adulterated Drugs against
14 White Cross Pharmacy #1, Shah and Sameer Rakholia)**

15 98. Respondents White Cross Pharmacy #1, Shah and Sameer Rakholia are subject to
16 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and
17 Safety Code section 111295, in that they held or offered for sale dangerous drugs, that were
18 adulterated within the meaning of Health and Safety Code section 111255, as set forth above.

19 **FIFTEENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Report Change in Beneficial Ownership Interest against
21 Sameer Rakholia, Raj Rakholia and Lunagarria)**

22 99. Respondents Sameer Rakholia, Raj Rakholia and Lunagarria are subject to
23 disciplinary action under Code section 4301, subdivision (o), for violating 4201, subdivision (j),
24 in that they failed to report within thirty days a change in the proposed beneficial ownership
25 interest of White Cross Pharmacy #1, as set forth above.

1 **SIXTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Security of Drugs against**
3 **White Cross Pharmacy #1 and Sameer Rakholia)**

4 100. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to
5 disciplinary action under Code section 4301, subdivision (o), for violating California Code of
6 Regulations, title 16, section 1714, subdivisions (b) and (d), in that they failed to maintain the
7 security of oxycodone 30mg, as set forth above.

8 **SEVENTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Maintain Current Inventory against White Cross Pharmacy #1,**
10 **Shah and Sameer Rakholia)**

11 101. Respondents White Cross Pharmacy #1, Shah and Sameer Rakholia are subject to
12 disciplinary action under Code section 4301, subdivision (o), for violating Code section 4081,
13 subdivision (a), as defined by title 16, California Code of Regulations, section 1718 and 4105,
14 subdivision (a), in that they did not maintain a current inventory of oxycodone 30mg, Invega
15 Sustenna 234mg, Risperdal Consta 50mg and Abilify Maintena 400mg, as set forth above.

16 **EIGHTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Execute Power of Attorney for Ordering Schedule II Controlled Substances**
18 **against White Cross Pharmacy #1, Sameer Rakholia and Shah)**

19 102. Respondents White Cross Pharmacy #1, Sameer Rakholia and Shah are subject to
20 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Code of
21 Federal Regulations, title 21, section 1305.05, subdivision (a), in that they failed to execute a
22 power of attorney for ordering Schedule II controlled substances, as set forth above.

23 **NINETEENTH CAUSE FOR DISCIPLINE**

24 **(Failure to Use Individual Credentials for Ordering Controlled Substances against White**
25 **Cross Pharmacy #1, Sameer Rakholia and Shah)**

26 103. Respondents White Cross Pharmacy #1, Sameer Rakholia and Shah are subject to
27 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Code of
28

1 Federal Regulations, title 21, section 1311.30, subdivision (a), in that they did not possess an
2 individual certificate and private key to order controlled substances, as set forth above.

3 **TWENTIETH CAUSE FOR DISCIPLINE**

4 **(Failure to Perform Initial Inventory against White Cross Pharmacy #1 and Sameer
5 Rakholia)**

6 104. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to
7 disciplinary action under Code section 4301, subdivision (o), for violating Code of Federal
8 Regulations, title 21, section 1304.11, subdivision (b), in that they did not perform an initial
9 controlled substance inventory upon commencing business at the new location, as set forth above.

10 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

11 **(Erroneous and Uncertain Prescriptions against White Cross Pharmacy #1 and Sameer
12 Rakholia)**

13 105. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to discipline
14 under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16,
15 section 1761, subdivision (a) for failing to contact the prescriber on prescriptions that were
16 erroneous or uncertain, as set forth above.

17 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

18 **(Unauthorized Refills against White Cross Pharmacy #1 and Sameer Rakholia)**

19 106. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to discipline
20 under Code section 4301, subdivision (o), for violating Code section 4063 for dispensing refills
21 not authorized by the prescriber, as set forth above.

22 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

23 **(Variation from Prescription against White Cross Pharmacy #1 and Sameer Rakholia)**

24 107. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to discipline
25 under Code section 4301, subdivision (o), for violating California Code of Regulations, title 16,
26 section 1716, for deviating from the requirements of a prescription by dispensing a quantity that
27 was different than what was prescribed, as set forth above.

28

1 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

2 **(Commission of an Act Involving Dishonesty, Fraud, Deceit, or Corruption against White**
3 **Cross Pharmacy #1 and Sameer Rakholia)**

4 108. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to discipline
5 under Code section 4301, subdivision (f), for commission of an act involving dishonesty, fraud,
6 deceit or corruption for creating fraudulent prescriptions, as set forth above.

7 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

8 **(Making a Document that Falsely Represents the Existence of a State of Facts against White**
9 **Cross Pharmacy #1 and Sameer Rakholia)**

10 109. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to discipline
11 under Code section 4301, subdivision (g), for making documents that falsely represent the
12 existence of a state of facts in that Respondents' created prescriptions not authorized by
13 prescribers and had signature logs from patients who denied signing for deliveries, as set forth
14 above.

15 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

16 **(Making a Document that Falsely Represents the Existence of a State of Facts against White**
17 **Cross Pharmacy #1 and Sameer Rakholia)**

18 110. Respondents White Cross Pharmacy #1 and Sameer Rakholia are subject to discipline
19 under Code section 4301, subdivision (g), for making documents that falsely represent the
20 existence of a state of facts in that Respondents' created prescriptions not authorized by
21 prescribers and had signature logs from patients who denied signing for deliveries, as set forth
22 above.

23 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

24 **(Failure to Exercise or Implement Best Professional Judgment with Regard to Dispensing**
25 **Drugs against Sameer Rakholia)**

26 111. Respondent Sameer Rakkholia is subject to discipline under Code section 4301, for
27 violating Code section 4306.5 in that he failed to exercise or implement his best professional
28 judgment with regard to dispensing drugs when he dispensed duplicate prescriptions for the same

1 patients listing the same prescriber for an electronic and telephone prescription without contacting
2 the prescriber to determine if both were valid, dispensed prescriptions for quantities exceeding
3 what was prescribed, created fraudulent prescriptions not authorized by the prescriber or their
4 agents, and dispensed prescription refills too early resulting in excessive doses being dispensed,
5 as set forth above.

6 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

7 **(Failure to Report Ceasing to Act as Pharmacist-in-Charge against Shah)**

8 112. Respondent Shah is subject to disciplinary action under Code section 4301(o), for
9 violating Code section 4101, subdivision (a), in that she did not report to the Board that she
10 ceased acting as the pharmacist-in-charge of Respondent White Cross Pharmacy #1 in writing
11 within thirty days of the date of that change in status, as set forth above.

12 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

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

14 113. Respondents are subject to disciplinary action under Code section 4301 for
15 unprofessional conduct in that they engaged in the activities set forth above.

16 **DISCIPLINE CONSIDERATIONS**

17 114. To determine the degree of discipline, if any, Complainant alleges that on or about
18 August 29, 2016, the Board of Pharmacy issued Citation Number CI 2016 71475 to Vaghani, and
19 ordered him to pay a \$3,000.00 fine. The Citation was based on violations of the following
20 statutes and regulations: California Code of Regulations, title 16, section 1716 (variation from
21 prescription); Civil Code section 56.10(a) (unauthorized disclosure of medical information);
22 California Code of Regulations, title 16, section 1711(d) (failure to complete a quality assurance
23 review); Business and Professions Code section 4077(a) (dispensing dangerous drugs in
24 incorrectly labeled container.) Vaghani paid the Citation in full, it is now final, and is
25 incorporated by reference as if fully set forth.

26 115. To determine the degree of discipline, if any, Complainant alleges that on or about
27 August 29, 2016, the Board of Pharmacy issued Citation Number CI 2014 65940 to White Cross
28 Pharmacy, and ordered payment of a \$2,500.00 fine. The Citation was based on violations of the

1 following statutes and regulations: California Code of Regulations, title 16, section 1716
2 (variation from prescription); Civil Code section 56.10(a) (unauthorized disclosure of medical
3 information); California Code of Regulations, title 16, section 1711(d) (failure to complete a
4 quality assurance review); Business and Professions Code section 4077(a) (dispensing dangerous
5 drugs in incorrectly labeled container.) White Cross Pharmacy paid the Citation in full, it is now
6 final, and is incorporated by reference as if fully set forth.

7 116. To determine the degree of discipline, if any, Complainant alleges that on or about
8 November 19, 2018, the Board of Pharmacy issued a Letter of Admonishment CI 2018 82005 to
9 Lunagaria. The Letter of Admonishment was based on violation of the following statutes and
10 regulations: Business and Professions Code section 4315 and Health and Safety Code section
11 11165(d). Lunagaria failed to comply in that specifically on June 19, 2018, he was Pharmacist-in-
12 Charge of White Cross Pharmacy #2, which first signed up to enable CURES transmissions on
13 July 2, 2018 but had filled a prescription for a testosterone cypionate 200mg/ml injection on June
14 19, 2018. Failure to report to CURES on at least a weekly basis is a violation of Health and Safety
15 Code section 11165(d). Lunagaria did not contest the Letter of Admonishment, and it became
16 final on December 19, 2018.

17 117. To determine the degree of discipline, if any, Complainant alleges that on or about
18 November 19, 2018, the Board of Pharmacy issued a Letter of Admonishment CI 2018 82004 to
19 Sameer Rakholia. The Letter of Admonishment was based on violation of the following statutes
20 and regulations: Business and Professions Code section 4315 and Health and Safety Code section
21 11165(d). Sameer Rakholia failed to comply, in that specifically on May 16, 2018, he was the
22 Pharmacist-in-Charge of White Cross Pharmacy #1 (License No. PHY 55765), which first signed
23 up to enable CURES transmissions on July 2, 2018 but had filled a prescription for a testosterone
24 cypionate 200mg/ml injection on May 16, 2018. Failure to report to CURES on at least a weekly
25 basis is a violation of Health and Safety Code section 11165(d). Sameer Rakholia did not contest
26 the Letter of Admonishment, and it became final on December 19, 2018.

27 118. To determine the degree of discipline, if any, Complainant alleges that on or about
28 July 26, 2021, the Board of Pharmacy issued Citation Number CI 2020 92011 to Shane Lee

1 Jerominski. The Citation was based on violations of the following statutes and regulations:
2 California Code of Regulations, title 16, section 1714, subdivision (b) (maintain facilities);
3 Business and Professions Code section 4169, subdivision (a)(2) (selling misbranded drugs);
4 Health and Safety Code sections 111440 and 111420 (selling misbranded drugs). Specifically, on
5 July 29, 2020, Jerominski as the PIC of White Cross Pharmacy, purchased Biktarvy lot number
6 CCXKVA from Safe Chain Solutions with a fraudulent Transaction Information pedigree and
7 which was dispensed as prescription RX #2441472 to a patient although no Biktarvy was
8 provided or contained. Jerominski did not appeal the Citation and it is now final.

9 **OTHER MATTERS**

10 119. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
11 PHY 39991 issued to Raj Lunagaria, Inc., dba White Cross Pharmacy, Raj Lunagaria, Inc., dba
12 White Cross Pharmacy shall be prohibited from serving as a manager, administrator, owner,
13 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
14 Number PHY 39991 is placed on probation or until Pharmacy Permit Number PHY 39991 is
15 reinstated if it is revoked.

16 120. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
17 PHY 50793 issued to LASR Enterprises, Inc., dba White Cross Pharmacy #1, LASR Enterprises,
18 Inc., dba White Cross Pharmacy #1 shall be prohibited from serving as a manager, administrator,
19 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
20 Permit Number PHY 50793 is placed on probation or until Pharmacy Permit Number PHY 50793
21 is reinstated if it is revoked.

22 121. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
23 PHY 55765 issued to LASR Enterprises, Inc., dba White Cross Pharmacy #1, LASR Enterprises,
24 Inc., dba White Cross Pharmacy #1, shall be prohibited from serving as a manager, administrator,
25 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
26 Permit Number PHY 55765 is placed on probation or until Pharmacy Permit Number PHY 55765
27 is reinstated if it is revoked.

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1 122. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
2 PHY 55630 issued to RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy, RSS
3 Pharmacy Associates, LLC, dba Cole's Village Pharmacy shall be prohibited from serving as a
4 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
5 five years if Pharmacy Permit Number PHY 55630 is placed on probation or until Pharmacy
6 Permit Number PHY 55630 is reinstated if it is revoked.

7 123. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
8 Numbers PHY 50793 and/or PHY 55765 issued to LASR Enterprises, Inc., dba White Cross
9 Pharmacy #1 while Ravji L. Lunagaria has been an officer and owner and had knowledge of or
10 knowingly participated in any conduct for which the licensee was disciplined, Ravji L. Lunagaria
11 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
12 associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 50793 and/or
13 PHY 55765 are placed on probation or until Pharmacy Permit Numbers PHY 50793 and/or PHY
14 55765 are reinstated if they are revoked.

15 124. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
16 Numbers PHY 50793 and/or PHY 55765 issued to LASR Enterprises, Inc., dba White Cross
17 Pharmacy #1 while Raj Rakholia has been an officer and owner and had knowledge of or
18 knowingly participated in any conduct for which the licensee was disciplined, Raj Rakholia shall
19 be prohibited from serving as a manager, administrator, owner, member, officer, director,
20 associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 50793 and/or
21 PHY 55765 are placed on probation or until Pharmacy Permit Numbers PHY 50793 and/or PHY
22 55765 are reinstated if they are revoked.

23 125. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
24 Numbers PHY 50793 and/or PHY 55765 issued to LASR Enterprises, Inc., dba White Cross
25 Pharmacy #1 while Sameer K. Rakholia has been an officer and owner and had knowledge of or
26 knowingly participated in any conduct for which the licensee was disciplined, Sameer K.
27 Rakholia shall be prohibited from serving as a manager, administrator, owner, member, officer,
28 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY

1 50793 and PHY 55765 are placed on probation or until Pharmacy Permit Numbers PHY 50793
2 and PHY 55765 are reinstated if they are revoked.

3 126. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
4 Number PHY 55630 issued to RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy
5 while Samir A. Patel has been an officer and owner and had knowledge of or knowingly
6 participated in any conduct for which the licensee was disciplined, Samir A. Patel shall be
7 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
8 or partner of a licensee for five years if Pharmacy Permit Number PHY 55630 is placed on
9 probation or until Pharmacy Permit Number PHY 55630 is reinstated if it is revoked.

10 127. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
11 Number PHY 55630 issued to RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy
12 while Ravji L. Lunagaria has been an officer and owner and had knowledge of or knowingly
13 participated in any conduct for which the licensee was disciplined, Ravji L. Lunagaria shall be
14 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
15 or partner of a licensee for five years if Pharmacy Permit Number PHY 55630 is placed on
16 probation or until Pharmacy Permit Number PHY 55630 is reinstated if it is revoked.

17 128. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
18 Number PHY 55630 issued to RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy
19 while Sameer K. Rakholia has been an officer and owner and had knowledge of or knowingly
20 participated in any conduct for which the licensee was disciplined, Sameer K. Rakholia shall be
21 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
22 or partner of a licensee for five years if Pharmacy Permit Number PHY 55630 is placed on
23 probation or until Pharmacy Permit Number PHY 55630 is reinstated if it is revoked.

24 129. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
25 Number RPH 70111 issued to Nileshkumar Batukbhai Vaghani, Nileshkumar Batukbhai Vaghani
26 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
27 associate, or partner of a licensee for five years if Pharmacist License Number RPH 70111 is
28 placed on probation or until Pharmacist License Number RPH 70111 is reinstated if it is revoked.

1 130. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
2 Number RPH 44144 issued to Ravji L. Lunagaria, Ravji L. Lunagaria shall be prohibited from
3 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
4 licensee for five years if Pharmacist License Number RPH 44144 is placed on probation or until
5 Pharmacist License Number RPH 44144 is reinstated if it is revoked.

6 131. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
7 Number RPH 64946 issued to Sameer K. Rakholia, Sameer K. Rakholia shall be prohibited from
8 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
9 licensee for five years if Pharmacist License Number RPH 64946 is placed on probation or until
10 Pharmacist License Number RPH 64946 is reinstated if it is revoked.

11 132. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
12 Number RPH 70613 issued to Samir A. Patel, Samir A. Patel shall be prohibited from serving as
13 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
14 five years if Pharmacist License Number RPH 70613 is placed on probation or until Pharmacist
15 License Number RPH 70613 is reinstated if it is revoked.

16 133. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
17 Number RPH 73997 issued to Nirali Mrudangk Shah, Nirali Mrudangk Shah shall be prohibited
18 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
19 of a licensee for five years if Pharmacist License Number RPH 73997 is placed on probation or
20 until Pharmacist License Number RPH 73997 is reinstated if it is revoked.

21 134. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
22 Registration Number TCH 64078 or Intern Pharmacist Registration Number INT 41728 issued to
23 Raj Rakholia, Raj Rakholia shall be prohibited from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
25 Registration Number TCH 64078 or Intern Pharmacist Registration Number INT 41728 are
26 placed on probation or until Pharmacy Technician Registration Number TCH 64078 or Intern
27 Pharmacist Registration Number INT 41728 are reinstated if it is revoked.

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1 135. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
2 Number RPH 60543 issued to Shane Jerominski, Shane Jerominski shall be prohibited from
3 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
4 licensee for five years if Pharmacist License Number RPH 60543 is placed on probation or until
5 Pharmacist License Number RPH 60543 is reinstated if it is revoked.

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Permit Number PHY 39991, issued to Raj
10 Lunagaría, Inc., dba White Cross Pharmacy;
- 11 2. Revoking or suspending Pharmacy Permit Number PHY 50793, issued to LASR
12 Enterprises, Inc., dba White Cross Pharmacy #1;
- 13 3. Revoking or suspending Pharmacy Permit Number PHY 55765, issued to LASR
14 Enterprises, Inc., dba White Cross Pharmacy #1;
- 15 4. Revoking or suspending Pharmacy Permit Number PHY 55630, issued to RSS
16 Pharmacy Associates, LLC, dba Cole's Village Pharmacy;
- 17 5. Revoking or suspending Pharmacist License Number RPH 70111, issued to
18 Nileshkumar Batukbhai Vaghani;
- 19 6. Revoking or suspending Pharmacist License Number RPH 44144, issued to Ravji L.
20 Lunagaría;
- 21 7. Revoking or suspending Pharmacist License Number RPH 64946, issued to Sameer
22 K. Rakholia;
- 23 8. Revoking or suspending Pharmacist License Number RPH 70613, issued to Samir A.
24 Patel;
- 25 9. Revoking or suspending Pharmacist License Number RPH 73997, issued to Nirali
26 Mrudangk Shah;
- 27 10. Revoking or suspending Pharmacy Technician Registration Number TCH 64078,
28 issued to Raj Rakholia;

1 11. Revoking or suspending Intern Pharmacist Registration Number INT 41728, issued to
2 Raj Rakholia;

3 12. Revoking or suspending Pharmacist License Number RPH 60543 issued to Shane
4 Jerominski;

5 13. Prohibiting White Cross Pharmacy from serving as a manager, administrator, owner,
6 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
7 Number PHY 39991 is placed on probation or until Pharmacy Permit Number PHY 39991 is
8 reinstated if Pharmacy Permit Number PHY 39991 issued to Raj Lunagaria, Inc., dba White
9 Cross Pharmacy, is revoked;

10 14. Prohibiting LASR Enterprises, Inc., dba White Cross Pharmacy #1 from serving as a
11 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
12 five years if Pharmacy Permit Number PHY 50793 is placed on probation or until Pharmacy
13 Permit Number PHY 50793 is reinstated if Pharmacy Permit Number PHY 50793 issued to
14 LASR Enterprises, Inc., dba White Cross Pharmacy #1, is revoked;

15 15. Prohibiting LASR Enterprises, Inc., dba White Cross Pharmacy #1 from serving as a
16 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
17 five years if Pharmacy Permit Number PHY 55765 is placed on probation or until Pharmacy
18 Permit Number PHY 55765 is reinstated if Pharmacy Permit Number PHY 55765 issued to
19 LASR Enterprises, Inc., dba White Cross Pharmacy #1, is revoked;

20 16. Prohibiting RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy from
21 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
22 licensee for five years if Pharmacy Permit Number PHY 55630 is placed on probation or until
23 Pharmacy Permit Number PHY 55630 is reinstated if Pharmacy Permit Number PHY 55630
24 issued to RSS Pharmacy Associates, LLC, dba Cole's Village Pharmacy is revoked;

25 17. Prohibiting Ravji L. Lunagaria from serving as a manager, administrator, owner,
26 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
27 Numbers PHY 50793 and/or PHY 55765 are placed on probation or until Pharmacy Permit
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1 Numbers PHY 50793 and/or 55765 are reinstated if Pharmacy Permit Numbers PHY 50793
2 and/or PHY 55765 issued to LASR Enterprises, Inc., dba White Cross Pharmacy #1 are revoked.

3 18. Prohibiting Raj Rakholia from serving as a manager, administrator, owner, member,
4 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers
5 PHY 50793 and/or PHY 55765 placed on probation or until Pharmacy Permit Number PHY
6 50793 and/or PHY 55765 are reinstated if Pharmacy Permit Numbers PHY 50793 and/or PHY
7 55765 issued to LASR Enterprises, Inc., dba White Cross Pharmacy #1 are revoked.

8 19. Prohibiting Sameer K. Rakholia from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
10 Numbers PHY 50793 and/or PHY 55765 are placed on probation or until Pharmacy Permit
11 Numbers PHY 50793 and/or PHY 55765 are reinstated if Pharmacy Permit Numbers PHY 50793
12 and/or PHY 55765 issued to LASR Enterprises, Inc., dba White Cross Pharmacy #1 are revoked.

13 20. Prohibiting Samir A. Patel from serving as a manager, administrator, owner, member,
14 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
15 PHY 55630 is placed on probation or until Pharmacy Permit Number PHY 55630 is reinstated if
16 Pharmacy Permit Number 55630 issued to RSS Pharmacy Associates, LLC, dba Cole's Village
17 Pharmacy is revoked.

18 21. Prohibiting Ravji L. Lunagaria from serving as a manager, administrator, owner,
19 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
20 Number PHY 55630 is placed on probation or until Pharmacy Permit Number PHY 55630 is
21 reinstated if Pharmacy Permit Number 55630 issued to RSS Pharmacy Associates, LLC, dba
22 Cole's Village Pharmacy is revoked.

23 22. Prohibiting Sameer K. Rakholia from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
25 Number PHY 55630 is placed on probation or until Pharmacy Permit Number PHY 55630 is
26 reinstated if Pharmacy Permit Number 55630 issued to RSS Pharmacy Associates, LLC, dba
27 Cole's Village Pharmacy is revoked.

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1 23. Prohibiting Nileshkumar Batukbhai Vaghani 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 70111 is placed on probation or until Pharmacist License
4 Number RPH 70111 is reinstated if Pharmacist License Number RPH 70111 issued to
5 Nileshkumar Batukbhai Vaghani is revoked;

6 24. Prohibiting Ravji L. Lunagaria from serving as a manager, administrator, owner,
7 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
8 Number RPH 44144 is placed on probation or until Pharmacist License Number RPH 44144 is
9 reinstated if Pharmacist License Number RPH 44144 issued to Ravji L. Lunagaria is revoked;

10 25. Prohibiting Sameer K. Rakholia from serving as a manager, administrator, owner,
11 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
12 Number RPH 64946 is placed on probation or until Pharmacist License Number RPH 64946 is
13 reinstated if Pharmacist License Number RPH 64946 issued to Sameer K. Rakholia is revoked;

14 26. Prohibiting Samir A. Patel from serving as a manager, administrator, owner, member,
15 officer, director, associate, or partner of a licensee for five years if Pharmacist License Number
16 RPH 70613 is placed on probation or until Pharmacist License Number RPH 70613 is reinstated
17 if Pharmacist License Number RPH 70613 issued to Samir A. Patel is revoked;

18 27. Prohibiting Nirali Mrudangk Shah from serving as a manager, administrator, owner,
19 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
20 Number RPH 73997 is placed on probation or until Pharmacist License Number RPH 73997 is
21 reinstated if Pharmacist License Number RPH 73997 issued to Nirali Mrudangk Shah is revoked;

22 28. Prohibiting Raj Rakholia from serving as a manager, administrator, owner, member,
23 officer, director, associate, or partner of a licensee for five years if Pharmacist License Number
24 RPH 70111 is placed on probation or until Pharmacy Technician License Number TCH 64078 is
25 reinstated if Pharmacy Technician License Number TCH 64078 or Intern Registration Number
26 INT 41728 issued to Raj Rakholia are revoked;

27 29. Prohibiting Shane Jerominski from serving as a manager, administrator, owner,
28 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License

1 Number RPH 60543 is placed on probation or until Pharmacist License Number RPH 60543 is
2 reinstated if Pharmacist License Number RPH 60543 issued to Shane Jerominski is revoked;

3 30. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
4 investigation and enforcement of this case, pursuant to Business and Professions Code section
5 125.3; and,

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

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DATED: 5/19/2022 _____

Signature on File

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

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EXHIBIT B
First Amended Statement of Issues Number 7216

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8 *Attorneys for Complainant*

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

13 In the Matter of the Statement of Issues
14 Against:

Case No. 7216

15 **RAJ RAKHOLIA**

STATEMENT OF ISSUES

16 **Pharmacist License Applicant**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about May 12, 2021, the Board received an application for a Pharmacist
24 License from Raj Rakholia (Respondent). On or about May 1, 2021, Raj Rakholia certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on October 1, 2021.

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JURISDICTION

3. This Statement of Issues is 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.

4. Code section 4011 provides that the board shall administer and enforce this chapter and the Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code).

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

(c) 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. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

...

(7) Compliance with laws and regulations governing the practice of pharmacy.

STATUTORY PROVISIONS

6. 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 issued by mistake. Unprofessional conduct includes, but is not limited to, any of the following:

...

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

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7. Code section 4302 states:

The board may deny, suspend, or revoke any license where conditions exist in 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.

8. Code section 4307 states:

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

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

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

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

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

FACTUAL ALLEGATIONS

1
2 9. On August 12, 2005, the Board issued Pharmacy Technician License Number TCH
3 64078 to Respondent. The Pharmacy Technician License expired on May 31, 2019, and was not
4 renewed. On November 8, 2017, the Board issued Intern Pharmacist Registration Number INT
5 41728 to Respondent. The Intern Pharmacist Registration expires on May 31, 2022.

6 10. From August 11, 2017 to December 31, 2017, Respondent was an officer (secretary)
7 and 20% shareholder of White Cross Pharmacy #1 (PHY 50793) located at 21445 N. Sunrise
8 Way, Ste. 100 in Palm Springs, California, 92262, and White Cross Pharmacy #1 (PHY 55765)
9 located at 1717 East Vista Chino, Ste. B, in Palm Springs, California, 92262. On or about
10 December 31, 2017, Respondent divested his shares of White Cross Pharmacy (PHY 55765);
11 however, neither Respondent nor the other owners notified the Board of the change in the
12 beneficial ownership interest.

13 11. In addition, the Board discovered multiple violations of Pharmacy Law against White
14 Cross Pharmacy as follows:

15 a. White Cross Pharmacy’s automated dispensing machine had a label indicating the
16 machine was filled with Losartan/Hydrochlorothiazide 100/12.5 mg tablets on May 17, 2017;
17 however, the medication had a “use by” date of “Feb. 2017.”

18 b. White Cross Pharmacy failed to maintain a patient’s medication profile. In addition,
19 between August 18, 2016 and October 19, 2016, multiple prescriptions for Lidocaine 5%
20 ointment were created for patients without authorization from prescribers.

21 c. In 2017, White Cross Pharmacy did not conduct an initial inventory of controlled
22 substances when the pharmacy moved to a new location.

23 d. White Cross Pharmacy maintained drug stock bottles that were overfilled with tablets
24 or capsules of dangerous drugs or contained more than the drug manufacturer’s quantity
25 identified on the labels. Tablets or capsules were comingled with different lot numbers and
26 expiration dates in the manufacturer drug stock bottles.

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1 e. White Cross Pharmacy was not registered with the DEA to provide prescription drug
2 take-back services and did not notify the Board within 30-days of establishing a drug collection
3 program.

4 f. From January 1, 2017 to August 10, 2017, White Cross Pharmacy had overages of the
5 following drugs: Risperdal Consta 50 mg (19 units); Abilify Maintena 400 mg (12 units); and
6 Invega Sustenna 234 mg (8 units).

7 g. From August 11, 2017 to April 23, 2018, White Cross had overages of the following
8 drugs: Risperdal Consta 50 mg (9 units); Abilify Maintena 400 mg (61 units).

9 h. From January 1, 2015 to December 21, 2017, White Cross lost 11,848 tablets of
10 Oxycodone 30 mg.

11 i. Respondent and others shared a digital certificate and key when ordering Oxycodone
12 and other controlled substances. Pharmacists were not the only staff who ordered and received
13 controlled substances. Respondent and others stored (filled) controlled substance prescriptions in
14 the waiting bin or “will call” area with other prescriptions. There was no executed power of
15 attorney for ordering Schedule II controlled substances. Controlled substances were stored in an
16 open cabinet when pharmacists were busy. There was no perpetual inventory log system in place
17 for Schedule II controlled substances prior to October or December 2017. A back count of
18 inventory and verification of filled controlled substances were not performed and a separate file
19 for documentation of the filled controlled substances was not established.

20 12. Based on those violations, on July 1, 2021, the Board filed First Amended Accusation
21 Numbers 6336, 6773 and 6775 against Respondent’s Intern Pharmacist Registration, Pharmacy
22 Technician License, and White Cross Pharmacy’s permit, among others. First Amended
23 Accusation Numbers 6336, 6773 and 6775 is currently pending before the Board as is attached
24 hereto as Exhibit A.

25 **CAUSE FOR DENIAL**

26 13. Respondent’s application is subject to denial under Code sections 4300, subdivision
27 (c), for unprofessional conduct, and 4301, subdivision (o), for violating section 4302 for
28 conditions that would constitute grounds for disciplinary action against a licensee as set forth in

1 paragraphs 9 through 12 above, as alleged in First Amended Accusation Numbers 6336, 6773 and
2 6775, attached hereto as Exhibit A and incorporated herein by reference.

3 **PRAYER**

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

- 6 1. Denying the application of Raj Rakholia for a Pharmacist License; and,
7 2. Taking such other and further action as deemed necessary and proper.

8
9 DATED: 2/1/2022

Signature on File

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

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