

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PHARMACY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

AMIR RAFI, R.Ph.
License No. 53-02-040108,
Respondent.

File No. 53-20-000419

ORDER OF SUMMARY SUSPENSION

The Department filed an Administrative Complaint against Respondent, as provided by the Public Health Code, MCL 333.1101 *et seq*; the rules promulgated under the Code; and the Administrative Procedures Act, MCL 24.201 *et seq*.

MCL 333.16233(5) requires that the Department find that the public health, safety, or welfare require emergency action, if a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum of two years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; and

Based on MCL 333.16233(5) and Respondent's conviction, as set forth in the Administrative Complaint, the Department finds that the public health, safety, or welfare requires emergency action.

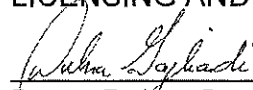
Therefore, IT IS ORDERED that Respondent's license to practice as a pharmacist in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this Order is served.

MCL 333.7311(6) provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15 of the Code

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this Order by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 02/18/2020



By: Debra Gagliardi, Director
Bureau of Professional Licensing

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Debra Gagliardi, Director, Bureau of Professional Licensing, complains against Respondent as follows:

1. The Michigan Board of Pharmacy is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is licensed to practice as a pharmacist in the state of Michigan and holds a controlled substance license.

3. Pursuant to MCL 333.16233(5):

If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action

and, in accordance with section 92 of the administrative procedures act of 1969, MCL 24.292, shall summarily suspend the licensee's license or the registrant's registration.

4. At all relevant times, Respondent was a pharmacist at Precare Pharmacy (facility) in Redford Township, Michigan.

5. From on or about January 2015 through on or about March 2018, Respondent engaged in a conspiracy whereby patients were taken by recruiters to select physicians who would prescribe the patients medically unnecessary schedule 2 controlled substances, often without ever seeing the patient. Next, the recruiters would transport the patients to select pharmacies where pharmacists, including Respondent, would fill these medically unnecessary prescriptions in exchange for cash payment from the recruiters. Finally, the recruiters would then sell the drugs on the street for a significant profit. The physicians and pharmacists in this scheme, including Respondent, were co-conspirators with the recruiters. Respondent issued approximately 11,130 unit doses of schedule 2 controlled substances in furtherance on the conspiracy.

6. On December 12, 2019, in the United States District Court - Eastern District of Michigan, Respondent was convicted of one felony count Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances, in case number 0645 2:18CR20351(2). Respondent was sentenced to serve 18 months in the custody of the United States Bureau of Prisons (time served), followed by transfer of custody to

Immigration and Customs Enforcement, and ordered to pay an assessment of \$100.00.

A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

COUNT I

Respondent's conduct, as set forth above, evidences a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to or supervision of employees or other individuals, whether or not injury results, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conviction for Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances, as set forth above, constitutes a conviction of a felony, in violation of MCL 333.16221(b)(v).

COUNT IV

Respondent's conduct demonstrates Respondent's lack of a "propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner," MCL 338.41(1), and, accordingly, a lack of "good moral character," in violation of MCL 333.16221(b)(vi).

COUNT V

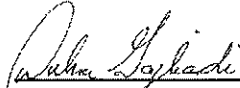
Respondent's conduct, as set forth above, evidences selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16233(5), the Department states that the public health, safety, or welfare requires emergency action and, accordingly, Respondent's license to practice as a pharmacist shall be summarily suspended, pending a hearing and final determination of this matter.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this Complaint. If Respondent fails to answer, the Department shall transmit this Complaint directly to the Board's Disciplinary Subcommittee to impose a sanction, pursuant to MCL 333.16231(9).

Dated: 02/18/2020



Debra Gagliardi, Director
Bureau of Professional Licensing

Attachment
cw