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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 3324

12 **FARIBA DADKHO**
13 **1220 Elm Street**
Venice, CA 90291
14 **Pharmacist License No. RPH 50036**

PETITION TO REVOKE PROBATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs.

22 2. On or about April 1, 1998, the Board issued Pharmacist License Number RPH 50036
23 to Fariba Dadkho (Respondent). The Pharmacist License has been suspended since December 30,
24 2008 and will expire on June 30, 2009, unless renewed.

25 **PRIOR DISCIPLINE**

26 3. In a disciplinary action entitled "*In the Matter of Accusation Against Fariba*
27 *Dadkho*," Case No. 2997, the Board issued a decision, effective October 5, 2007, in which
28 Respondent's Pharmacist License was revoked. However, the revocation was stayed and

1 Respondent's license was placed on probation for a period of five (5) years with certain terms and
2 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

3 **JURISDICTION**

4 4. Business and Professions Code (Code) section 4300, subdivision (a) provides:

5 "Every license issued may be suspended or revoked."

6 5. Code section 4300, subdivision (d) provides:

7 "The board may initiate disciplinary proceedings to revoke or suspend any
8 probationary certificate of licensure for any violation of the terms and conditions of probation.

9 Upon satisfactory completion or probation, the board shall convert the probationary certificate to
10 a regular certificate, free of conditions."

11 **FIRST CAUSE TO REVOKE PROBATION**

12 **(Failure to File Quarterly Reports)**

13 6. At all times after the effective date of Respondent's probation, Condition 2 stated:

14
15 **"Reporting to the Board.** Respondent shall report to the Board quarterly.
16 The report shall be made either in person or in writing, as directed.
17 Respondent shall state under penalty of perjury whether there has been
18 compliance with all the terms and conditions of probation. If the final
19 probation report is not made as directed, probation shall be extended
20 automatically until such time as the final report is made and accepted by
21 the Board."

22 7. Respondent's probation is subject to revocation under Code section 4300, subdivision
23 (d), because she failed to comply with Probation Condition 2, referenced above. The facts and
24 circumstances regarding this violation are as follows:

25 A. Respondent failed to submit any quarterly reports.

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1 automatically extended until Respondent successfully completes her
2 treatment contract. Any person terminated from the program shall be
3 automatically suspended upon notice by the Board. Respondent may not
4 resume the practice of pharmacy until notified by the Board in writing.
The Board shall retain jurisdiction to institute action to terminate probation
for any violation of this term.”

5 11. Respondent’s probation is subject to revocation under Code section 4300, subdivision
6 (d), because she failed to comply with Probation Condition 16, referenced above. The facts and
7 circumstances regarding this violation are as follows:

- 8 A. On or about November 21, 2008, during a monthly Compliance Monitor review of
9 Respondent’s file at the Board’s PRP, MAXIMUS, the clinical case manager
10 noticed irregularities in Respondent’s 12-Step sign-in sheets. Respondent
11 admitted that she had a friend sign the sheets for her.
- 12 B. Respondent failed to practice under the supervision of her worksite monitor as
13 required.
- 14 C. MAXIMUS recommended Respondent to attend a 3-day clinical evaluation and
15 follow up with any program recommendations made by the counselors at Hazeldon
16 Springbrook. From December 1, 2008 to December 3, 2008, Respondent attended
17 the evaluation at Hazeldon Springbrook, but failed to contact MAXIMUS upon
18 discharge or attend a mandated Health Service Group meeting the following day
19 on December 4, 2008.
- 20 D. The counselor at Hazeldon Springbrook recommended a minimum 28-day
21 inpatient treatment program, based on Respondent’s lack of understanding of the
22 recovery process.
- 23 E. While at Hazeldon Springbrook, Respondent tested positive for cocaine
24 metabolites. Respondent’s son stated to the Hazeldon counselor that he observed
25 Respondent drink wine on occasions.
- 26 F. On or about December 15, 2008, Respondent notified her clinical case manager
27 that she had decided not to enter the inpatient treatment program as recommended
28 by Hazeldon Springbrook.

1 G. On or about December 15, 2008, MAXIMUS terminated Respondent from the
2 program as a "Public Risk."

3 H. On or about December 30, 2008, the Board notified Respondent of her immediate
4 suspension from practice.

5 **FOURTH CAUSE TO REVOKE PROBATION**

6 **(Failure to Abstain from Drugs and Alcohol)**

7 12. At all times after the effective date of Respondent's probation, Condition 18 stated:

8 **"Abstain from Drugs and Alcohol Use.** If Respondent is determined to
9 be in need of participating in the PRP, Respondent shall completely abstain
10 from the possession or use of alcohol, controlled substances, dangerous
11 drugs and their associated paraphernalia except when the drugs are lawfully
12 prescribed by a licensed practitioner as part of a documented medical
13 treatment. Upon request of the Board, Respondent shall provide
14 documentation from the licensed practitioner that the prescription was
15 legitimately issued and is a necessary part of the treatment of the
16 Respondent."

17 13. Respondent's probation is subject to revocation under Code section 4300, subdivision
18 (d), because she failed to comply with Probation Condition 18, referenced above. The facts and
19 circumstances regarding this violation are as follows:

- 20 A. From about December 1, 2008 to December 3, 2008, Respondent enrolled at a 3-day
21 clinical evaluation at Hazeldon Springbrook as recommended by MAXIMUS.
22 B. While at Hazeldon Springbrook, Respondent tested positive for cocaine metabolites.
23 C. Respondent's son stated to the Hazeldon counselor that he observed Respondent drink
24 wine on occasions.

25 **FIFTH CAUSE TO REVOKE PROBATION**

26 **(Failure to Perform Community Service)**

27 14. At all times after the effective date of Respondent's probation, Condition 19 stated:

28 **"Community Services Program.** Within 60 days of the effective date of
this decision, Respondent shall submit to the Board, for its prior approval, a
community service program in which Respondent shall provide free health-
care related services on a regular basis to a community or charitable facility

1 or agency for at least 100 hours to be completed within the first 36 months
2 of probation.”

3 15. Respondent's probation is subject to revocation under Code section 4300, subdivision
4 (d), because she failed to comply with Probation Condition 19, referenced above. The facts and
5 circumstances regarding this violation are as follows:

6 A. Respondent failed to submit to the Board for its approval a community service
7 program.

8 **PRAYER**

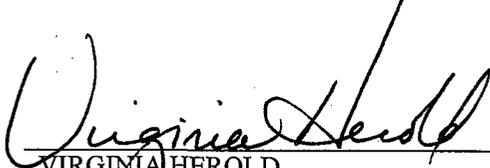
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2997
12 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No.
13 RPH 50036 issued to Fariba Dadkho;

14 2. Revoking or suspending Pharmacist License No. RPH 50036, issued to Fariba
15 Dadkho;

16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 8/17/09


19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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