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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 Accusation Against:  
11  
12 **TAMAR GILDA NALBANDBASHIAN**  
16620 Leggett St.  
13 North Hills, CA 91343  
Pharmacy Technician Registration  
14 No. TCH 67784

Case No. 3392

**ACCUSATION**

Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 28, 2006, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 67784 to Tamar Gilda Nalbandbashian (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on November 30, 2009, unless renewed.

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1 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
2 labeled with the name and address of the supplier or producer.

3 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a  
4 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
5 devices."

6 6. Section 487 of the Penal Code states, in pertinent part:

7 "Grand theft is theft committed in any of the following cases: (a) When the money, labor, or  
8 real or personal property taken is of a value exceeding four hundred dollars (\$400), except as  
9 provided in subdivision (b)."

10 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
11 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
12 disciplinary action during the period within which the license may be renewed, restored, reissued  
13 or reinstated.

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

#### 18 **CONTROLLED SUBSTANCES/ DANGEROUS DRUGS**

19 9. Hydrocodone/ Acetaminophen (APAP) (generic for Vicodin, Norco and/or Lorcet) is  
20 a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4)  
21 and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

22 10. Alprazolam (generic for Xanax) is a Schedule IV controlled substance as designated  
23 by Health and Safety Code section 11057(d)(1) and is categorized as a dangerous drug pursuant  
24 to Business and Professions Code section 4022.

25 11. Escitalopram (generic for Lexapro) is categorized as a dangerous drug pursuant to  
26 Business and Professions Code section 4022.

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1 12. Section 11164 of the Health and Safety Code states:

2 "Except as provided in Section 11167, no person shall prescribe a controlled substance, nor  
3 shall any person fill, compound, or dispense a prescription for a controlled substance, unless it  
4 complies with the requirements of this section."

5 13. Section 11170 of the Health and Safety Code states:

6 "No person shall prescribe, administer, or furnish a controlled substance for himself."

7 14. Section 11171 of the Health and Safety Code states:

8 "No person shall prescribe, administer, or furnish a controlled substance except under the  
9 conditions and in the manner provided by this division."

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Substantially Related Conviction)**

12 15. Respondent is subject to disciplinary action under section 4301, subdivision (1) in that  
13 she was convicted of a crime substantially related to the qualifications, functions and duties of a  
14 licensee as follows:

15 16. On or about July 15, 2008, in the Superior Court of California, County of  
16 Los Angeles, in the case entitled, *People of the State of California v. Tamar Gilda*  
17 *Nalbandbashian* (Super Ct. Los Angeles County, 2008, No. LA058946), Respondent was  
18 convicted on her plea of nolo contendere of violating Penal Code section 487, subdivision (a)  
19 (grand theft), a felony.

20 17. The circumstances of the crime are that in or around March 2008, Respondent was  
21 employed as a pharmacy technician at Longs Drug Pharmacy ("Longs"). At that time, she had  
22 been employed at the pharmacy since 2006. On or about March 14, 2008, the Longs Loss  
23 Prevention Department discovered that Respondent had been stealing hydrocodone. The theft  
24 had been captured on video surveillance.

25 18. On or about April 4, 2008, the Los Angeles County Sheriff's Department set up a  
26 surveillance of the pharmacy and radio communication in the Longs parking lot. A Longs Loss  
27 Prevention Agent placed "electronic article surveillance" (EAS) tags inside eight 500 count 325

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1 milligram (mg) hydrocodone pill bottles. The tags were designed to trigger the store's security  
2 alarm system if someone were to steal one of the bottles.

3 19. Respondent came into work on April 4, 2008. During the later part of Respondent's  
4 shift, one of the Long's Loss Prevention agents observed Respondent remove a hydrocodone  
5 bottle that contained an EAS tag and place it inside a "tote" used to restock supply shelves.  
6 Between 3:00 p.m. and the end of her shift at 6:00 p.m., Respondent was observed moving the  
7 restocking tote into different aisles for no apparent reason and turning her back to the camera.  
8 Just prior to the end of her shift, Respondent was observed removing her work smock and folding  
9 it. Respondent then walked out of the store holding the folded smock.

10 20. After Respondent left the store, the store manager recovered the hydrocodone bottle  
11 that Respondent had originally placed in the restocking tote. The bottle was empty and it had  
12 been placed in the trash.

13 21. As Respondent approached her car, a Sheriff's deputy approached her and identified  
14 himself. As Respondent turned to face the deputy, she placed her smock on the front seat of her  
15 car. The deputy told Respondent that he was conducting a theft investigation and asked  
16 Respondent if she had any pills on her person or in her car. Respondent replied that she had pills  
17 in her pockets and gave the deputy permission to search her vehicle. The deputy then retrieved  
18 Respondent's smock from the front seat of the car and recovered from the smock two large  
19 prescription bottles containing what appeared to be hydrocodone. The deputy found one of the  
20 EAS tags inside one of the bottles.<sup>1</sup> With the help of a female Loss Prevention agent, the deputy  
21 searched Respondent's person and recovered numerous pills from her pants pockets. A Long's  
22 pharmacist later identified the pills as Hydrocodone, Alprazolam and Lexapro.

23 22. Respondent also admitted to the deputy that she had stolen additional pills before  
24 lunch and that they were inside of her car. The deputy recovered a large "zip loc" bag containing  
25 two different types of pills from the center console. The pills were later identified as  
26 Hydrocodone and Alprazolam.

27 <sup>1</sup> Though Respondent walked out of the store with the bottle containing an EAS tag, the  
28 tag apparently failed to go off when Respondent exited the store.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Commission of an Act Involving Moral Turpitude, Dishonesty, Fraud Deceit and/or**  
3 **Corruption)**

4 23. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
5 Code in that she committed an act involving moral turpitude, dishonesty, fraud, deceit and/or  
6 corruption in the course of relations as a licensee as set forth in paragraphs 15-22 above.  
7 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
8 paragraphs 15-22, as though set forth fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

11 24. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
12 Code in that she violated statutes of this state regulating controlled substances and drugs as set  
13 forth in paragraphs 15-22 above. Complainant refers to, and by this reference incorporates, the  
14 allegations set forth above in paragraphs 15-22, as though set forth fully.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Furnishing Drugs Without a Prescription)**

17 25. Respondent is subject to disciplinary action under section 4060 of the Code in that  
18 she furnished drugs without a prescription as set forth in paragraphs 15-22 above. Complainant  
19 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 15-22,  
20 as though set forth fully.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Furnishing Drugs to Self)**

23 26. Respondent is subject to disciplinary action under section 11170 of the Health &  
24 Safety Code in that she furnished drugs to herself as set forth in paragraphs 15-22 above.  
25 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
26 paragraphs 15-22, as though set forth fully.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Unauthorized Furnishing of a Controlled Substance)**

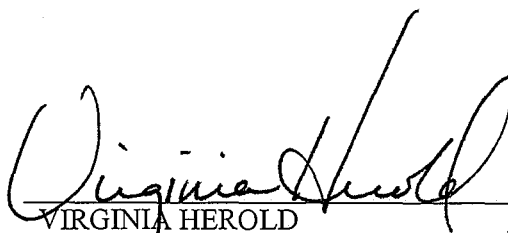
3 27. Respondent is subject to disciplinary action under section 11171 of the Health &  
4 Safety Code in that she furnished controlled substances without authorization as set forth in  
5 paragraphs 15-22 above. Complainant refers to, and by this reference incorporates, the  
6 allegations set forth above in paragraphs 15-22, as though set forth fully.

7 **PRAYER**

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 67784,  
11 issued to Tamar Gilda Nalbandbashian.
- 12 2. Ordering Tamar Gilda Nalbandbashian to pay the Board of Pharmacy the reasonable  
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
14 Code section 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 1/11/10

  
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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