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

12 In the Matter of the Accusation Against:

Case No. 3934

13 **ANA HIT EBROYAN**  
14 **7119 Varna Avenue**  
15 **North Hollywood, CA 91605**  
16 **Pharmacy Technician Registration No. TCH**  
17 **15182**

**A C C U S A T I O N**

Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about February 21, 1995, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 15182 to Anahit Ebroyan (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on February 28, 2013, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.

1           4.     Section 4300 of the Code provides, in pertinent part, that every license issued by the  
2 board is subject to discipline including, suspension or revocation.

3           5.     Section 4301 of the Code states:

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

8                     ....

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

12                     ....

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

15                     ....

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

20           6.     Section 4022 of the Code states:

21                     “Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use,  
22 except veterinary drugs that are labeled as such, and includes the following:

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

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

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

          7.     Section 4059(a) of the Code states:

          “A person may not furnish any dangerous drug, except upon the prescription of a physician,  
dentist, podiatrist, optometrist, or veterinarian.”

1 8. California Code of Regulations, title 16, section 1770, states:

2 “For the purpose of denial, suspension, or revocation of a personal or facility license  
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
6 licensee or registrant to perform the functions authorized by his license or registration in a manner  
7 consistent with the public health, safety, or welfare.”

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

12 **DANGEROUS DRUGS**

13 10. A. “Prevpac” is the brand name for a combination product containing  
14 Lansoprazole, Clarithromycin, and amoxicillin and is used to treat and prevent the return of ulcers  
15 caused by a certain type of bacteria. It is categorized as a “dangerous drug” pursuant to Business  
16 and Professions Code section 4022.

17 B. “Truvada” is an anti-HIV drug in the nucleoside reverse transcriptase inhibitor  
18 family given in combination with other anti-HIV drugs. It is categorized as a “dangerous drug”  
19 pursuant to Business and Professions Code section 4022.

20 C. “Seroquel” is the brand name for Quetiapine, an antipsychotic drug. It is  
21 categorized as a “dangerous drug” pursuant to Business and Professions Code section 4022.

22 D. “Viread” is an antiviral medication used to treat HIV in patients with Aids. It is  
23 categorized as a “dangerous drug” pursuant to Business and Professions Code section 4022.

24 E. “Xeloda” is an orally-administered chemo-therapeutic agent used in the  
25 treatment of metastatic breast and colorectal cancers. It is categorized as a “dangerous drug”  
26 pursuant to Business and Professions Code section 4022.

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28 ///

1 F. "Januvia" is a dipeptidyl peptidase-4 inhibitor used to lower blood sugar levels  
2 in patients with type 2 diabetes. It is categorized as a "dangerous drug" pursuant to Business and  
3 Professions Code section 4022.

4 G. "Invega" is the brand name for Paliperidone, an antipsychotic medication used  
5 to treat schizophrenia. It is categorized as a "dangerous drug" pursuant to Business and  
6 Professions Code section 4022.

7 H. "Aricept" is a cholinestebase inhibitor used to treat dementia associated with  
8 Alzheimer's disease. It is categorized as a "dangerous drug" pursuant to Business and  
9 Professions Code Section 4022.

10 I. "Zyprexa" is the brand name for Olanzapine, an antipsychotic for the treatment  
11 of schizophrenia and bipolar disorder. It is categorized as a "dangerous drug" pursuant to  
12 Business and Professions Code section 4022.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Obtained Controlled Substances by Fraud or Deceit)**

15 11. Respondent is subject to disciplinary action under sections 4300 and 4301  
16 subdivisions (f), (j), and (o) of the Code, on the grounds of unprofessional conduct, for violating  
17 Health and Safety Code section 11173, subdivision (a), in that, on or about March 19, 2010,  
18 Respondent, while on duty at Omnicare Canoga Park, obtained dangerous drugs by stealing  
19 and/or attempting to steal the following dangerous drugs from her employer:

<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>AWP*</u>
PrevPac	1x10	\$352.70	\$414.82
Truvada	2x60	\$1,956.06	\$2,236.00
Seroquel 200mg	2x200	\$1,687.40	\$2,125.76
Viread 300mg	2x60	\$1,327.46	\$1,543.08
Xeloda 500mg	1x120	\$2,789.53	\$3,408.79
Januvia 50mg	1x90	\$540.07	\$659.96
Invega 9mg	2x60	\$1,158.08	\$1,287.68
Seroquel 30mg	2x120	\$1,327.46	\$1,672.32
Aricept 5mg	2x180	\$1,288.94	\$1,445.02
<u>Zyprexa 15 mg</u>	<u>2x160</u>	<u>\$1,240.86</u>	<u>\$1,516.32</u>
Total		\$13,668.56	\$16,309.75

28 \*Average Wholesale Price

