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

10 In the Matter of the Statement of Issues
11 Against:

Case No. 4891

12 **NATIONWIDE PHARMACY**
13 **CORPORATION; KHACHATUR**
POGOSYAN

STATEMENT OF ISSUES

14 **Pharmacy Permit Applicant**

15 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
23 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about December 6, 2012, the Board of Pharmacy, Department of Consumer
25 Affairs received an application for a Pharmacy Permit from Nationwide Pharmacy Corporation;
26 Khachatur Pogosyan (Respondent). On or about November 20, 2012, Khachatur Pogosyan
27 certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Board denied the application on June 19, 2013.

1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 480 of the Code states:

6 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
7 one of the following:

8 ...

9 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
10 would be grounds for suspension or revocation of license.

11 5. California Code of Regulations, title 16, section 1770, states:

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

18 **CAUSE FOR DENIAL OF APPLICATION**

19 **(Act Done by Licensiate)**

20 6. Respondent's application is subject to denial under section 480, subdivision (a) (3)
21 and California Code of Regulations, title 16, section 1770, in that Respondent engaged in acts
22 which, if done by a licensiate, would constitute grounds for a suspension or revocation of license.

23 The circumstances are as follows:

24 a. On or about November 26, 2012, Respondent submitted an Application for an
25 Applicant for Pharmacy Permit from Sherman Oaks Pharmacy, Inc., naming Karolin Abedi,
26 pharmacist-in-charge and Khachatur Pogosyan, owner or partner and corporate officer of
27 Nationwide Pharmacy Corporation.
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1 b. Respondent's application is subject to denial based on causes for discipline alleged in
2 Accusation No. 4802 filed by the Board of Pharmacy against KVP Pharmacy Inc. (KVP) ,
3 Pharmacy Permit Number PHY 50535, and Khachatur Pogosyan (Pogosyan), Designated
4 Representative License Number EXC 19398. A true and correct copy of the Accusation No.
5 4802 is attached hereto as Exhibit "A", and incorporated herein by reference.

6 c. Accusation No. 4802 alleges the following causes of discipline against KVP and
7 Pogosyan: (1) Violation of compounding limitations and requirements [violation of section
8 1735.2, subdivision (f) of the California Code of Regulations]; (2) Adulterated drugs & devices
9 [violation of section 111255 of the Health & Safety Code]; (3) Violation of compounding
10 limitations and requirements [violation of section 1735.2, subdivision (i) of the California Code
11 of Regulations]; (4) Violation of labeling requirements [violation of section 4076, subdivision (a)
12 of the Code]; (5) Misbranded drugs or devices [violation of sections 111440, 111445 and 111450
13 of the Health & Safety Code]; (6) Misbranded drugs or devices [violation of section 111340,
14 subdivisions (a) and (b) of the Health & Safety Code]; (7) Manufacturing [violation of section
15 4033, subdivision (a), subsection (1) of the Code]; (8) Failure to perform self-assessment of the
16 pharmacy [violation of section 1715, subdivision (a) of the California Code of Regulations in
17 conjunction with sections 4036.5 and 4037 of the Code]; (9) Violation of compounding
18 limitations and requirements [violation of section 1735.2, subdivision (j) of the California Code
19 of Regulations]; (10) Violation of requirements of pharmacy employing pharmacy technicians
20 [violation of section 1793.7, subdivision (d) of the California Code of Regulations]; (11) Non
21 compliance with the licensed employee theft or impairment policy & procedures [violation of
22 section 4104, subdivisions (a) and (b) of the Code]; (12) Non compliance with the controlled
23 substance utilization review & evaluation system [violation of section 11165 of the Health &
24 Safety Code]; (13) Violation of compounding limitations and requirements [violation of section
25 1735.2, subdivisions (i) and (f) of the California Code of Regulations]; (14) Violation of
26 dispensing controlled substance pursuant to a preprinted multiple check-off prescription blank
27 [violation of section 1717.3, subdivision (a) of the California Code of Regulations]; (15) Failure
28 to conduct a recall [violation of section 1735.8, subdivisions (a) and (d) of the California Code of

1 Regulations]; (16) Labeling failure to meet the requirements [violation of section 1707.5,
2 subdivision (a) of the California Code of Regulations]; (17) Unauthorized activity [violation of
3 section 4059.5, subsection (e) of the Code]; (18) Unprofessional conduct [violation of section
4 4301, subsection (j) of the Code]; (19) Unprofessional conduct [violation of section 4301,
5 subsection (f) of the Code]; (20) Unprofessional conduct [violation of sections 4301, subsection
6 (j) and 4059.5, subdivision (e) of the Code]; (21) Unprofessional conduct [violation of section
7 4301, subsection (f) of the Code]; (22) Unprofessional conduct [violation of section 4301 of the
8 Code]; (23) Unprofessional conduct [violation of section 4301, subsection (j) and 4059.5,
9 subdivision (e) of the Code]; (24) Unprofessional conduct [violation of section 4301, subsection
10 (f) of the Code]; (25) Unprofessional Conduct [violation of section 4301 of the Code]; (26)
11 Unprofessional Conduct [violation of sections 4301, subsection (j) and 4059.5, subdivision (e) of
12 the Code]; (27) Unprofessional Conduct [violation of section 4301, subsection (f) of the Code];
13 (28) Unprofessional Conduct [violation of section 4301 of the Code]; (29) Unprofessional
14 Conduct [violation of sections 4301, subsection (j) and 4059.5, subdivision (e) of the Code]; (30)
15 Unprofessional Conduct [violation of section 4301, subsection (f) of the Code]; (31)
16 Unprofessional Conduct [violation of section 4301 of the Code]; (32) Unprofessional Conduct
17 [violation of sections 4301, subsection (j) and 4059.5, subdivision (e) of the Code]; (33)
18 Unprofessional Conduct [violation of section 4301, subsection (f) of the Code]; (34)
19 Unprofessional Conduct [violation of section 4301 of the Code]; (35) Unprofessional Conduct
20 [violation of sections 4301, subsection (j) and 4059.5, subdivision (e) of the Code]; (36)
21 Unprofessional Conduct [violation of section 4301, subsection (f) of the Code]; (37)
22 Unprofessional Conduct [violation of section 4301 of the Code]; (38) Unprofessional Conduct
23 [violation of sections 4301, subsection (j) and 4059.5, subdivision (e) of the Code]; (39)
24 Unprofessional Conduct [violation of section 4301, subsection (f) of the Code]; (40)
25 Unprofessional Conduct [violation of section 4301 of the Code]; (41) Unprofessional Conduct
26 [violation of sections 4301, subsection (f) and 4301, subsection (g) of the Code];

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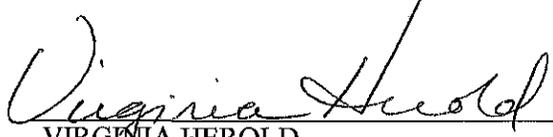
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PRAYER

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

1. Denying the application of Nationwide Pharmacy Corporation; Khachatur Pogosyan for a Pharmacy Permit;
2. Taking such other and further action as deemed necessary and proper.

DATED: 7/21/15 
VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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