

1 BILL LOCKYER, Attorney General
of the State of California
2 JULIE A. CABOS, State Bar No. 162356
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2560
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 Northridge Medical Pharmacy, Inc.
12 dba MISSION PHARMACY
12 14860 Roscoe Blvd.
13 Panorama City, CA 91402
14 Original Pharmacy Permit No. PHY 39906,
15 PARISA KHORAMIAN
15 5905 Beckford Avenue
16 Tarzana, CA 91356
17 Original Pharmacist License No. RPH 49211,
18 and
19 RICHARD JAMES NIETO
19 724 ½ Brent Avenue
20 South Pasadena, CA 91030
21 Pharmacy Technician Registration No. TCH
21 4339,
22 Respondents.

Case No. 2587

OAH No. L2003070761

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER RE:
RESPONDENT NORTHRIDGE
MEDICAL PHARMACY, INC.,
dba MISSION PHARMACY**

24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 PARTIES

27 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
28 Pharmacy. She brought this action solely in her official capacity and is represented in this matter

1 each and every right set forth above.

2 CULPABILITY

3 8. For the purpose of resolving the Accusation without the expense and
4 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
5 establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up
6 its right to contest those charges.

7 9. Respondent agrees that its Original Pharmacy Permit is subject to
8 discipline and agrees to be bound by the Board's imposition of discipline as set forth in the
9 Disciplinary Order below.

10 RESERVATION

11 10. The admissions made by Respondent herein are only for the purposes of
12 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional
13 licensing agency is involved, and shall not be admissible in any other criminal or civil
14 proceeding.

15 CONTINGENCY

16 11. This stipulation shall be subject to approval by the Board of Pharmacy.
17 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
18 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
19 without notice to or participation by Respondent or its counsel. By signing the stipulation,
20 Respondent understands and agrees that they may not withdraw its agreement or seek to rescind
21 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
22 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
23 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
24 between the parties, and the Board shall not be disqualified from further action by having
25 considered this matter.

26 12. The parties understand and agree that facsimile copies of this Stipulated
27 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
28 force and effect as the originals.

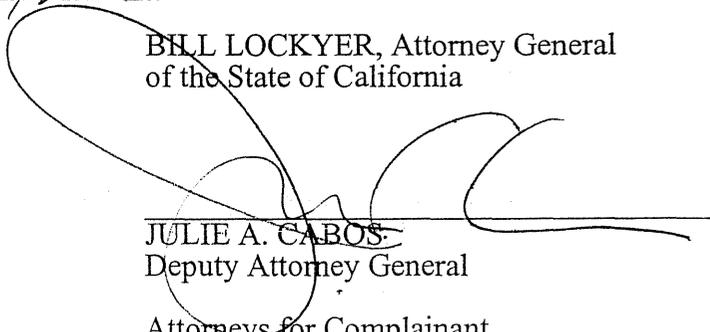
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: Jan. 6, 2004.

BILL LOCKYER, Attorney General
of the State of California



~~JULIE A. CABOS~~
Deputy Attorney General

Attorneys for Complainant

DOJ Docket/Matter ID Number: 03583110-LA2002AD2359
60014426.wpd

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

In the Matter of the Accusation Against:

Northridge Medical Pharmacy, Inc.
dba MISSION PHARMACY
14860 Roscoe Blvd.
Panorama City, CA 91402

Original Pharmacy Permit No. PHY 39906,

PARISA KHORAMIAN
5905 Beckford Avenue
Tarzana, CA 91356

Original Pharmacist License No. RPH 49211,

and

RICHARD JAMES NIETO
724 ½ Brent Avenue
South Pasadena, CA 91030

Pharmacy Technician Registration No. TCH
4339,

Respondents.

Case No. 2587

OAH No. L2003070761

**DECISION AND ORDER RE:
RESPONDENT NORTHRIDGE
MEDICAL PHARMACY, INC.,
dba MISSION PHARMACY**

DECISION AND ORDER

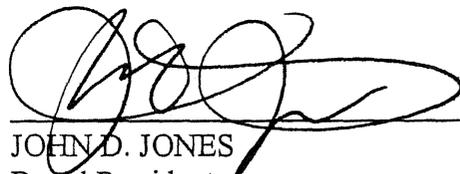
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 19, 2004.

It is so ORDERED February 18, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

Exhibit A
Accusation No. 2587

1 BILL LOCKYER, Attorney General
of the State of California
2 JULIE A. CABOS, State Bar No. 162356
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2560
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2587

11 Northridge Medical Pharmacy, Inc.
12 dba MISSION PHARMACY
14860 Roscoe Blvd.
13 Panorama City, CA 91402

A C C U S A T I O N

14 Original Pharmacy Permit No. PHY 39906,

15 PARISA KHORAMIAN
5905 Beckford Avenue
16 Tarzana, CA 91356

17 Original Pharmacist License No. RPH 49211,

18 and

19 RICHARD JAMES NIETO
724 ½ Brent Avenue
20 South Pasadena, CA 91030

21 Pharmacy Technician Registration No. TCH
4339

22 Respondents.
23

24 Complainant alleges:

25 PARTIES

26 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
27 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
28

1 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
2 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
3 following:

4

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

8 "(g) Knowingly making or signing any certificate or other document that falsely
9 represents the existence or nonexistence of a state of facts.

10

11 "(j) The violation of any of the statutes of this state or of the United States
12 regulating controlled substances and dangerous drugs.

13

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

18 "(p) Actions or conduct that would have warranted denial of a license."

19 8. Business and Professions Code section 4059 states, in pertinent part:

20 "A person may not furnish any dangerous drug except upon the prescription of a
21 physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any
22 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
23 veterinarian."

24 9. Business and Professions Code section 4060 states:

25 "No person shall possess any controlled substance, except that furnished to a
26 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
27 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
28 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This

1 section shall not apply to the possession of any controlled substance by a manufacturer,
2 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
3 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
4 and address of the supplier or producer.

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

7 10. Business and Professions Code section 4063 states:

8 "No prescription for any dangerous drug or dangerous device may be refilled
9 except upon authorization of the prescriber. The authorization may be given orally or at the time
10 of giving the original prescription. No prescription for any dangerous drug that is a controlled
11 substance may be designated refillable as needed"

12 11. Business and Professions Code section 4070 states, in pertinent part, that
13 "an oral or an electronic data transmission prescription shall as soon as practical be reduced to
14 writing by the pharmacist and shall be filled by or under the direction of the pharmacist."

15 12. Business and Professions Code section 4081, subdivision (a), states:

16 "All records of manufacture and of sale, acquisition, or disposition of dangerous
17 drugs or dangerous devices shall be at all times during business hours open to inspection by
18 authorized officers of the law, and shall be preserved for at least three years from the date of
19 making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy,
20 veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic,
21 hospital, institution, or establishment holding a currently valid and unrevoked certificate, license,
22 permit, registration, or exemption under Division 2 (commencing with Section 1200) of the
23 Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the
24 Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices."

25 13. Business and Professions Code section 4113, subdivision (b), states:

26 "The pharmacist-in-charge shall be responsible for a pharmacy's compliance with
27 all state and federal laws and regulations pertaining to the practice of pharmacy."

28 14. Health and Safety Code section 11158(a) states, in pertinent part:

1 "Except as provided in section 11159 or when dispensed directly to an ultimate
2 user by a practitioner, other than a pharmacist or pharmacy, no controlled substance classified in
3 Schedule III, IV, or V may be dispensed without a prescription meeting the requirements of this
4 chapter [chapter 4, commencing with section 11150]."

5 15. Health and Safety Code section 11164, subdivision (c), states, in pertinent
6 part:

7 "Any controlled substance classified in Schedule III, IV or V may be dispensed
8 upon an oral or electrically transmitted prescription, which shall be reduced to writing by the
9 pharmacist filling the prescription or by any other person expressly authorized by provisions of
10 the Business and Professions Code."

11 16. Health and Safety Code section 11171 states:

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

14 17. Health and Safety Code section 11172 states:

15 "No person shall antedate or postdate a prescription."

16 18. California Code of Regulations, title 16, section 1716, states:

17 "Pharmacists shall not deviate from the requirements of a prescription except
18 upon the prior consent of the prescriber or to select the drug product in accordance with Section
19 4073 of the Business and Professions Code."

20 19. California Code of Regulations, title 16, section 1718, states:

21 "Current Inventory" as used in Section 4232 of the Business and Professions Code
22 shall be considered to include complete accountability for all dangerous drugs handled by every
23 licensee enumerated in Section 4232."

24 20. Business and Professions Code section 118, subdivision (b), provides that

25 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a
26 disciplinary action during the period within which the license may be renewed, restored, reissued
27 or reinstated.

28 21. Business and Professions Code section 125.3 provides, in pertinent part,

1 that the Board may request the administrative law judge to direct a licentiate found to have
2 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
3 costs of the investigation and enforcement of the case.

4 22. CONTROLLED SUBSTANCE

5 a. "Hydrocodone/acetaminophen", a generic drug for Vicodin, Vicodin ES,
6 Anexsia, Lorcet, Lorcet Plus, and Norco, is a Schedule III controlled substance as defined in
7 Health and Safety Code section 11056(e)(4) and is categorized as dangerous drugs according to
8 Business and Professions Code section 4022.

9 FIRST CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct - Violation of Statute: Failure to Maintain Current Inventory)

11 23. Respondents Pharmacy and Khoramian are subject to disciplinary action
12 under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the
13 grounds of unprofessional conduct, for violating Code section 4081, subdivision (a) in
14 conjunction with California Code of Regulations, title 16, section 1718, in that Respondents
15 Pharmacy and Khoramian failed to maintain a current inventory as follows:

16 On or about May 3, 2001, Respondent Khoramian reported a theft of controlled
17 substances to the Board. Thereafter, on or about August 22, 2001, the Board's inspectors
18 performed an inspection of Respondent Pharmacy. On or about August 24, 2001, the inspectors
19 conducted an drug audit for all hydrocodone-containing products for the period between January
20 1, 2000 and May 31, 2001. The inventory for hydrocodone containing drugs revealed that as of
21 June 1, 2001, there was significantly less medication on hand, as follows:

22	Acquired	Prescription	Amount	Inventory	Inventory	Shortage	
23	between	dispensed	of drug	as of	as of	as of	
24	<u>1/1/00 -</u>	<u>1/1/00 to</u>	<u>to be</u>	<u>4/01</u>	<u>6/1/01</u>	<u>6/1/01</u>	
	<u>5/31/01</u>	<u>5/31/01</u>	<u>accounted</u>				
25	hydrocodone 5mg/ 500mg	16,200	15,681	519	100	220	299
26	hydrocodone 5mg/ 500mg (Vicodin)	100	30	70	10	3	67
27	hydrocodone 7.5mg/ 500mg.	200	0	200	0	70	130
28	hydrocodone 7.5mg/ 650mg	2,100	0	2,100	5	50	2,050

1	hydrocodone 7.5mg/ 650mg (Lorcet Plus)	0	0	0	70	8	---
2	hydrocodone 7.5mg/ 750mg	46,000	35,550	10,450	400	510	9,940
3	hydrocodone 7.5mg/ 750mg (Vicodin ES)	6,000	5,120	880	30	70	810
4	hydrocodone 10mg/ 325mg	5,100	0	5,100	0	5	5,095
5	hydrocodone 10mg/ 325mg (Norco)	6,100	1,348	4,752	0	0	4,752
6	hydrocodone 10mg/ 500mg.	500	0	500	100	0	500
7	hydrocodone 10mg/ 650mg	6,700	0	6,700	250	50	6,650
8	hydrocodone 10mg/ 650mg (Lorcet)	600	0	600	110	0	600
9	hydrocodone 10mg/ 660mg (Vicodin HP)	0	0	0	50	6	---
10	hydromet syrup	304	150	154	720	0	154
11	Vicoprofen 7.5mg/ 200mg	200	0	200	40	30	170

12 Respondents were unable to account for the loss or shortage of the drugs.

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Violation of Statute: Failure to Maintain Current Inventory)

15 24. Respondents Pharmacy and Khoramian are subject to disciplinary action
16 under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the
17 grounds of unprofessional conduct, for violating Health and Safety Code Section 11208, in that
18 Respondents Pharmacy and Khoramian were in possession of a lesser amount of controlled
19 substances than accounted for by any record, with no record to account for the loss, as set forth in
20 paragraphs 23, above.

21 THIRD CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct - Violation of Statute: Postdated/Antedated Prescriptions)

23 25. Respondents Pharmacy and Khoramian are subject to disciplinary action
24 under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the
25 grounds of unprofessional conduct for violating California Code of Regulations, title 16, section
26 1716, and Health and Safety Code section 11172, in that, from about April 3, 2000 to about
27 February 9, 2001, Respondents Pharmacy and Khoramian filled prescriptions for patient Stuart
28 H. prior to the date written on the prescription, as follows:

<u>DATE PRESCRIBED</u>	<u>DATE FILLED</u>	<u>DRUG</u>	<u>QUANTITY</u>
April 4, 2000	April 3, 2000	Hydro 7.5/Acet 750	100
July 25, 2000	July 24, 2000	Hydro 7.5/Acet 750	100
August 22, 2000	August 21, 2000	Hydro 7.5/Acet 750	100
September 19, 2000	September 18, 2000	Hydro 7.5/Acet 750	100
October 3, 2000	October 2, 2000	Hydro 7.5/Acet 750	100
October 17, 2000	October 16, 2000	Hydro 7.5/Acet 750	100
October 31, 2000	October 30, 2000	Hydro 7.5/Acet 750	100
November 14, 2000	November 13, 2000	Hydro 7.5/Acet 750	100
February 13, 2001	February 9, 2001	Hydro 7.5/Acet 750	100

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Violation of Statute: Unauthorized Refills)

26. Respondents Pharmacy and Khoramian are subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct for violating Business and Professions Code section 4063, Health and Safety Code section 11171, and California Code of Regulations, title 16, section 1716, in that Respondents Pharmacy and Khoramian refilled prescriptions without authorization, as follows:

a. On or about April 12, 2000, a telephonic prescription was taken for John W. for Norco 10mg. 1 tablet, BID (twice a day), prn (when necessary) #32 , with no refills authorized.

b. Prescription number 357604 was subsequently re-filled on May 16, 2000, June 22, 2000 and October 2, 2000, with 60 tablets for each refill, without authorization for said refills.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Violation of Statute: Unauthorized Orally Transmitted Prescriptions)

27. Respondents Pharmacy and Khoramian are subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct for violating Business and Professions Code section 4070, as it relates to Health and Safety Code section 11164 and California Code of Regulations, title 16, section 1793.7, as follows:

1 a. Respondents allowed an unauthorized person, an unsupervised technician,
2 to take an orally-transmitted prescription for a controlled substance.

3 b. On three separate occasions -- on or about April 6, 2000; April 12, 2000;
4 and October 31, 2000 -- telephonic prescriptions were not initialed by the pharmacist.
5 Respondent Khoramian could not identify the person who took the telephonic prescriptions, but
6 stated that she believed it was Respondent Nieto.

7 SIXTH CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct - Violation of Statute: Dispensing Drugs Without a Prescription)

9 28. Respondents Pharmacy, Khoramian and Nieto are subject to disciplinary
10 action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), for
11 violating Business and Professions Code sections 4059 and 4063, and Health and Safety Code
12 section 11171, in that Respondent Nieto admitted that he sent a 500-count bottle of Norco,
13 without a prescription, to patient John W. and also admitted that he sent 600 additional tablets to
14 patient John W. over a two-month period.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

