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

12 In the Matter of the Accusation Against:

Case No. 2588

13 **MICHAEL A. TRAPESONIAN**
14 590 E Van Bibber Avenue
Orange, CA 92866

OAH No. L-2003120129

15 Pharmacist License No. RPH 31549

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 Respondent.

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the
20 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer
21 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order
22 which will be submitted to the Board for approval and adoption as the final disposition of the
23 Accusation

24 PARTIES

25 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
26 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
27 by Bill Lockyer, Attorney General of the State of California, by Loretta A. Nickerson, Deputy
28 Attorney General.

1 probation for five (5) years on the following terms and conditions.

2 1. **Obey All Laws.** Respondent shall obey all state and federal laws and
3 regulations substantially related to or governing the practice of pharmacy.

4 Respondent shall report any of the following occurrences to the Board, in writing,
5 within 72 hours of such occurrence:

- 6 • an arrest or issuance of a criminal complaint for violation of any provision of the
7 Pharmacy Law, state and federal food and drug laws, or state and federal
8 controlled substances laws
- 9 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
10 any criminal complaint, information or indictment
- 11 • a conviction of any crime
- 12 • discipline, citation, or other administrative action filed by any state and federal
13 agency which involves Respondent's license or which is related to the practice
14 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
15 or charging for any drug, device or controlled substance.

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

22 3. **Interview with the Board.** Upon receipt of reasonable notice,
23 Respondent shall appear in person for interviews with the Board upon request at various
24 intervals at a location to be determined by the Board. Failure to appear for a scheduled
25 interview without prior notification to Board staff shall be considered a violation of probation.

26 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
27 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
28 compliance with the terms and conditions of his probation. Failure to comply shall be

1 considered a violation of probation.

2 5. **Continuing Education.** Respondent shall provide evidence of efforts
3 to maintain skill and knowledge as a pharmacist as directed by the Board.

4 6. **Notice to Employers.** Respondent shall notify all present and
5 prospective employers of the decision in case number 2588 and the terms, conditions and
6 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
7 this decision, and within 15 days of Respondent undertaking new employment, Respondent
8 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
9 writing acknowledging the employer has read the decision in case number 2588.

10 If Respondent works for or is employed by or through a pharmacy employment
11 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
12 every pharmacy of the terms and conditions of the decision in case number 2588 in advance of
13 the Respondent commencing work at each pharmacy.

14 "Employment" within the meaning of this provision shall include any full-time, part-
15 time, temporary, relief or pharmacy management service as a pharmacist, whether the
16 Respondent is considered an employee or independent contractor.

17 7. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
18 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
19 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
20 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
21 order.

22 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board
23 its costs of investigation and prosecution in the amount of \$4500. Respondent shall make said
24 payments as follows: quarterly payments.

25 The filing of bankruptcy by Respondent shall not relieve Respondent of his
26 responsibility to reimburse the Board its costs of investigation and prosecution.

27 9. **Probation Monitoring Costs.** Respondent shall pay the costs
28 associated with probation monitoring as determined by the Board each and every year of

1 probation. Such costs shall be payable to the Board at the end of each year of probation.
2 Failure to pay such costs shall be considered a violation of probation.

3 10. **Status of License.** Respondent shall, at all times while on probation,
4 maintain an active current license with the Board, including any period during which
5 suspension or probation is tolled.

6 If Respondent's license expires or is canceled by operation of law or otherwise,
7 upon renewal or reapplication, Respondent's license shall be subject to all terms and
8 conditions of this probation not previously satisfied.

9 11. **License Surrender while on Probation/Suspension.** Following the
10 effective date of this decision, should Respondent cease practice due to retirement or health,
11 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may
12 tender his license to the Board for surrender. The Board shall have the discretion whether to
13 grant the request for surrender or take any other action it deems appropriate and reasonable.
14 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
15 to the terms and conditions of probation.

16 Upon acceptance of the surrender, Respondent shall relinquish his pocket
17 license to the Board within 10 days of notification by the Board that the surrender is accepted.
18 Respondent may not reapply for any license from the Board for three years from the effective
19 date of the surrender. Respondent shall meet all requirements applicable to the license sought
20 as of the date the application for that license is submitted to the Board.

21 12. **Notification of Employment/Mailing Address Change.** Respondent
22 shall notify the Board in writing within 10 days of any change of employment. Said
23 notification shall include the reasons for leaving and/or the address of the new employer,
24 supervisor or owner and work schedule if known. Respondent shall notify the Board in
25 writing within 10 days of a change in name, mailing address or phone number.

26 13. **Tolling of Probation.** Should Respondent, regardless of residency, for
27 any reason cease practicing pharmacy for a minimum of 80 hours per calendar month in
28 California, Respondent must notify the Board in writing within 10 days of cessation of the

1 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
2 shall not apply to the reduction of the probation period. It is a violation of probation for
3 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
4 period exceeding three years.

5 "Cessation of practice" means any period of time exceeding 30 days in which
6 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the
7 Business and Professions Code.

8 14. **Violation of Probation.** If Respondent violates probation in any
9 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
10 probation and carry out the disciplinary order which was stayed. If a petition to revoke
11 probation or an accusation is filed against Respondent during probation, the Board shall have
12 continuing jurisdiction and the period of probation shall be extended, until the petition to
13 revoke probation or accusation is heard and decided.

14 If Respondent has not complied with any term or condition of probation, the
15 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
16 be extended until all terms and conditions have been satisfied or the Board has taken other
17 action as deemed appropriate to treat the failure to comply as a violation of probation, to
18 terminate probation, and to impose the penalty which was stayed.

19 15. **Completion of Probation.** Upon successful completion of probation,
20 Respondent's license will be fully restored.

21 16. **Rehabilitation Program-Pharmacists Recovery Program (PRP).**
22 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
23 Recovery Program for evaluation and shall successfully participate in and complete the
24 treatment contract and any subsequent addendums as recommended and provided by the PRP
25 and as approved by the Board. The costs for PRP participation shall be borne by the
26 Respondent.

27 If Respondent is currently enrolled in the PRP, said participation is now
28 mandatory and is no longer considered a self-referral under Business and Professions Code

1 section 4363, as of the effective date of this decision. Respondent shall successfully
2 participate in and complete his current contract and any subsequent addendums with the PRP.
3 Probation shall be automatically extended until Respondent successfully completes his
4 treatment contract. Any person terminated from the program shall be automatically suspended
5 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
6 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
7 probation for any violation of this term.

8 17. **Random Drug Screening.** Respondent, at his own expense, shall
9 participate in random testing, including but not limited to biological fluid testing (urine,
10 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
11 The length of time shall be for the entire probation period and the frequency of testing will be
12 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
13 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
14 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
15 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
16 in the immediate suspension of practice by Respondent. Respondent may not resume the
17 practice of pharmacy until notified by the Board in writing.

18 18. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
19 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
20 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
21 practitioner as part of a documented medical treatment. Upon request of the Board,
22 Respondent shall provide documentation from the licensed practitioner that the prescription
23 was legitimately issued and is a necessary part of the treatment of the Respondent.

24 19. **No Ownership of Premises.** Respondent shall not own, have any legal
25 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
26 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
27 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
28 entity licensed by the Board within 90 days following the effective date of this decision and

shall immediately thereafter provide written proof thereof to the Board.

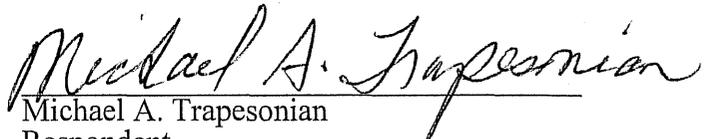
ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order.

I understand the stipulation and the effect it will have on my Pharmacist License.

I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6/21/04.

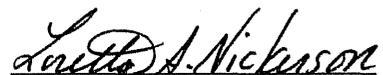

Michael A. Trapesonian
Respondent

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: 6/25/04.

BILL LOCKYER, Attorney General
of the State of California


LORETTA A. NICKERSON
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

MICHAEL A. TRAPESONIAN
590 E Van Bibber Avenue
Orange, CA 92866

Pharmacist License No. RPH 31549

Respondent.

Case No. 2588

OAH No. L-2003120129

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 November 14, 2004.

It is so ORDERED October 15, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2588

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of the State of California
2 LORETTA A. NICKERSON, State Bar No. 149294
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3 California Department of Justice
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11 **BOARD OF PHARMACY**
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13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 2588

15 **MICHAEL A. TRAPESONIAN**
16 590 E Van Bibber Avenue
Orange, CA 92866

A C C U S A T I O N

17 Pharmacist License No. RPH 31549

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
24 Affairs.

25 2. On or about October 25, 1977, the Board of Pharmacy issued Pharmacist
26 License Number RPH 31549 to Michael A. Trapesonian (Respondent). Respondent's
27 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
28 and will expire on March 31, 2004, unless renewed.

JURISDICTION

1
2 3. This Accusation 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 4060 of the Code states that no person shall possess any controlled
6 substance, except that furnished to a person upon the prescription of a physician, dentist,
7 podiatrist, or veterinarian.

8 5. Section 4300 of the Code states:

9 (a) Every license issued may be suspended or revoked.

10 (b) The board shall discipline the holder of any license issued by the board, whose
11 default has been entered or whose case has been heard by the board and found guilty, by
any of the following methods:

12 (1) Suspending judgment.

13 (2) Placing him or her upon probation.

14 (3) Suspending his or her right to practice for a period not exceeding one
15 year.

16 (4) Revoking his or her license.

17 (5) Taking any other action in relation to disciplining him or her as the
board in its discretion may deem proper.

18 6. Section 4301 of the Code states that the Board shall take action against any
19 holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall
20 include, but is not limited to, any of the following:

21 . . .

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

24 . . .

25 (h) The administering to oneself, of any controlled substance, or the use of any
26 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous
or injurious to oneself, to a person holding a license under Chapter 9 (commencing with
27 Section 4000) of the Business and Professions Code, or to any other person or to the
public, or to the extent that the use impairs the ability of the person to conduct with safety
28 to the public the practice authorized by the license.

1
2 (j) The violation of any of the statutes of this state or of the United States
3 regulating controlled substances and dangerous drugs.

4
5 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
6 abetting the violation of or conspiring to violate any provision or term of Chapter 9
7 (commencing with Section 4000) of the Business and Professions Code or of the
8 applicable federal and state laws and regulations governing pharmacy, including
9 regulations established by the board.

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

11
12 7. Section 4327(f) of the Code states the following:

13 (f) Any person who, while on duty, sells, dispenses or compounds any drug while
14 under the influence of any dangerous drug or alcoholic beverage shall be guilty of a
15 misdemeanor.

16 8. Section 477 of the Code states:

17 As used in this division:

18 (a) "Board" includes "bureau," "commission," "committee," "department,"
19 "division," "examining committee," "program," and "agency."

20 (b) "License" includes certificate, registration or other means to engage in a
21 business or profession regulated by this code.

22 9. Section 125.3 of the Code states that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations
24 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case.

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

11. Health and Safety Code section 11173(a) states, in pertinent part, that no
person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
the administration of or prescription for controlled substances by fraud, deceit, misrepresentation,
or concealment of a material fact.

1 violation of Business and Professions Code sections 4060, 4301(f)(h)(j)(o)(p) and 4327(f), and
2 violation of Health and Safety Code Sections 11173 and 11179, in that he diverted controlled
3 substances from his employer, dispensed controlled substances to himself, possessed controlled
4 substances, and self-administered controlled substances, without a valid prescription, as set forth
5 above in paragraphs 15 through 20, which are realleged and incorporated herein by reference.

6 **PRAYER**

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

9 1. Revoking or suspending Pharmacist License Number RPH 31549, issued
10 to Michael A. Trapesonian;

11 2. Ordering Michael A. Trapesonian to pay the Board of Pharmacy the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3;

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

15
16 DATED: 11/6/03

17
18 
19 PATRICIA F. HARRIS
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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