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of the State of California  
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2925

12 KIMIA KASHANIAN  
13 569 Fillmore Street  
14 San Francisco, CA 94117

OAH No.

15 Pharmacy Intern Permit No. INT 13279

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

Respondent.

16 In the interest of a prompt and speedy resolution of this matter, consistent with the  
17 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,  
18 the parties hereby agree to the following Stipulated Surrender of License and Order which will be  
19 submitted to the Board for its approval and adoption as the final disposition of the Accusation.

PARTIES

20 1. Patricia F. Harris (Complainant), Executive Officer, Board of Pharmacy,  
21 brought this action solely in her official capacity and is represented herein by Bill Lockyer,  
22 Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.

23 2. Kimia Kashanian (Respondent) is represented in this proceeding by  
24 attorney Robert Diskint, whose address is Critchlow & Diskint LLP, 100 Drake's Landing Road,  
25 Suite 305, Greenbrae, CA 94904 (telephone (415) 925-1000).

26 3. On April 9, 2002, the Board of Pharmacy issued Pharmacy Intern Permit  
27 No. INT 13279 to Kimia Kashanian (Respondent). The Permit was canceled by the Board on  
28 April 12, 2005. The Permit expired on April 30, 2006 and has not been renewed.





**ORDER**

IT IS HEREBY ORDERED that Pharmacy Intern Permit No. INT 13279, issued to Respondent Kimia Kashanian, is surrendered and accepted by the Board of Pharmacy.

15. The surrender of Respondent's Pharmacy Intern Permit and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

16. Respondent shall lose all rights and privileges as an Intern Pharmacist in California as of the effective date of the Board's Decision and Order.

17. Respondent shall cause to be delivered to the Board both her wall License and pocket renewal certificate on or before the effective date of this Decision and Order.

18. Respondent may not apply or reapply for, or petition for reinstatement of, any license, permit, or registration from the Board for three (3) years from the effective date of this Decision and Order.

19. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2925 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition. Respondent is obligated to report this surrender as disciplinary action.

20. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$5,128.00 prior to issuance of a new or reinstated license.

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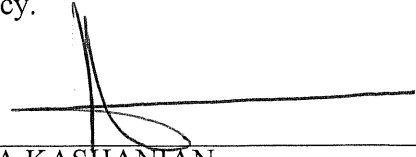
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Robert Diskint. I understand the stipulation and the effect it will have on my Pharmacy Intern Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: October 10 2006.



\_\_\_\_\_  
KIMIA KASHANIAN  
Respondent

I have read and fully discussed with Respondent Kimia Kashanian the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 10/25/06.



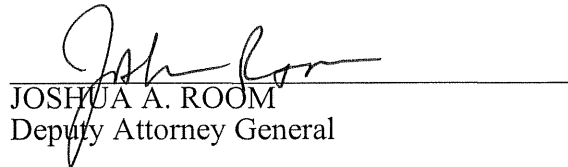
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ROBERT DISKINT  
Attorney for Respondent

ENDORSEMENT

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

DATED: 10/31/06.

BILL LOCKYER, Attorney General  
of the State of California



\_\_\_\_\_  
JOSHUA A. ROOM  
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:

KIMIA KASHANIAN  
569 Fillmore Street  
San Francisco, CA 94117

Pharmacy Intern Permit No. INT 13279

Respondent.

Case No. 2925

OAH No.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 December 29, 2006.

It is so ORDERED November 29, 2006.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_

WILLIAM POWERS

Board President

**Exhibit A**  
**Accusation No. 2925**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSHUA A. ROOM, State Bar No. 214663  
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7 **BEFORE THE**  
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10 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 KIMIA KASHANIAN  
569 Fillmore Street  
12 San Francisco, CA 94117

13 Pharmacy Intern Permit No. INT 13279

14 Respondent.

Case No. 2925

OAH No.

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

15  
16 Complainant alleges:

17 PARTIES

- 18 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer, Board of Pharmacy, Department of Consumer Affairs.  
20 2. On or about April 9, 2002, the Board of Pharmacy issued Pharmacy Intern  
21 Permit Number INT 13279 to Kimia Kashanian (Respondent). The Permit was in full force and  
22 effect at all times relevant to the charges brought herein and is scheduled to expire on April 30,  
23 2006, unless renewed. It was cancelled by the Board of Pharmacy on April 12, 2005.

24  
25 JURISDICTION

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



1           4.       Section 4011 of the Code provides that the Board shall administer and  
2 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled  
3 Substances Act [Health & Safety Code, § 11000 et seq.].

4           5.       Section 4300(a) of the Code provides that every license issued by the  
5 Board may be suspended or revoked.

6           6.       Section 118(b) of the Code provides, in pertinent part, that the suspension,  
7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to  
8 proceed with a disciplinary action during the period within which the license may be renewed,  
9 restored, reissued or reinstated. Section 4402(a) of the Code provides that any license that is not  
10 renewed within three years following its expiration may not be renewed, restored, or reinstated  
11 and shall be cancelled by operation of law at the end of the three-year period.

12  
13                               STATUTORY PROVISIONS

14           7.       Section 4301 of the Code provides, in pertinent part, that the Board shall  
15 take action against any holder of a license who is guilty of “unprofessional conduct,” defined to  
16 include, but not be limited to, any of the following:

17                               ...

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

21                               ...

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

24                               ...

25           “(l) The conviction of a crime substantially related to the qualifications, functions,  
26 and duties of a licensee under this chapter. . . .

27                               ...

28    ///

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

5                   ...

6                   8.       Section 490 of the Code provides, in pertinent part, that the Board may  
7 suspend or revoke a license when it finds that the licensee has been convicted of a crime  
8 substantially related to the qualifications, functions or duties of the license.

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

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

16                   10.       Section 4060 of the Code provides, in pertinent part, that no person shall  
17 possess any controlled substance, except that furnished to a person upon the prescription of a  
18 physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a  
19 certified nurse-midwife, a nurse practitioner, or a physician assistant.

20                   11.       Health and Safety Code section 11170 provides that no person shall  
21 prescribe, administer, or furnish a controlled substance for himself or herself.

22                   12.       Health and Safety Code section 11173, subdivision (a), provides that no  
23 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure  
24 the administration of or prescription for controlled substances, (1) by fraud, deceit,  
25 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

26                   13.       Health and Safety Code section 11377, in pertinent part, makes it unlawful  
27 for any person to possess any controlled substance classified in Schedule III, IV, or V, without a  
28 valid prescription from a physician, dentist, podiatrist, or veterinarian licensed in this state.

1 14. Section 125.3 of the Code provides, in pertinent part, that the Board may  
2 request the administrative law judge to direct a licentiate found to have committed a violation of  
3 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

4  
5 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

6 15. Section 4021 of the Code states:

7 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing  
8 with Section 11053) of Division 10 of the Health and Safety Code.”

9 16. Section 4022 of the Code states, in pertinent part:

10 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for  
11 self-use, except veterinary drugs that are labeled as such, and includes the following:

12 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing  
13 without prescription,’ ‘Rx only,’ or words of similar import.

14 ...

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

17 17. **LSD (lysergic acid diethylamide)** is a Schedule I controlled substance as  
18 designated by Health and Safety Code section 11054(d)(12), and a dangerous drug as designated  
19 by Business and Professions Code section 4022. It is a hallucinogenic drug.

20 18. **Xanax<sup>®</sup>** is a brand name for **alprazolam**, a Schedule IV controlled  
21 substance as designated by Health and Safety Code section 11057(d)(1) and a dangerous drug as  
22 designated by Business and Professions Code section 4022. It is a depressant drug.

23 19. **Valium<sup>®</sup>** is a brand name for **diazepam**, which is a Schedule IV controlled  
24 substance as designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as  
25 designated by Business and Professions Code section 4022. It is a depressant drug.

26 20. **Vicodin<sup>®</sup>** is a brand name for a compound containing **hydrocodone**, a  
27 narcotic and Schedule III controlled substance as designated by Health and Safety Code section  
28 11056(e)(4) and a dangerous drug as designated by Business and Professions Code section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime)

3 21. Respondent is subject to discipline under Code sections 4301(l) and/or 490  
4 and/or California Code of Regulations, title 16, section 1770, in that on or about April 24, 1995,  
5 in a criminal proceeding titled *United States of America v. Kimia Kashanian*, Case No. CR 94-  
6 CR-50041-2FL in United States District Court for the Eastern District of Michigan, Respondent  
7 was convicted by plea of guilty of one count of violation of 21 U.S.C. § 844 (unlawful knowing  
8 or intentional possession of controlled substance), for possession of **LSD**,<sup>1</sup> a misdemeanor. The  
9 sentence imposed included ten (10) days incarceration (work release), treatment for substance  
10 abuse, a \$5,000.00 fine, and a term of supervised probation of three (3) years.

11  
12 SECOND CAUSE FOR DISCIPLINE

13 (Unlawful Possession of Controlled Substance)

14 22. Respondent is subject to disciplinary action under Code sections 4301(j)  
15 and/or 4301(o) in that Respondent, in or about February 2005, possessed, conspired to possess,  
16 and/or assisted in or abetted the possession of at least ten (10) tablets of **alprazolam**, a Schedule  
17 IV controlled substance, without a valid prescription, in violation of Code section 4060. The  
18 circumstances of Respondent's unlawful possession were as follows:

19 a. From in or about November 2004 to in or about February 2005,  
20 Respondent was employed by and serving a pharmacy intern rotation with Pharmaca Integrative  
21 Pharmacy, first at a location in San Francisco, California (PHY 46135) and then by the beginning  
22 of February 2005 at a location in Mill Valley, California (PHY 46017).

23 b. In or about February 2005, the Pharmacist in Charge (PIC) at the  
24 Mill Valley pharmacy identified discrepancies in the pharmacy's stock of **alprazolam**. An audit  
25 of acquisitions and dispositions for January and February verified a shortage of approximately  
26 300 tablets of **alprazolam**, 100 tablets of **Valium**, and 500 tablets of generic **Vicodin**.

27  
28 1. Pertinent to this conviction, **LSD** is also on federal Schedule I, per 21 U.S.C. § 812(c).

1 c. The PIC subsequently monitored a particular bottle of **alprazolam**,  
2 containing 100 tablets, and noted that it disappeared without any record of disposition between  
3 approximately 5:00 p.m. on or about February 9, 2005, and 10:00 a.m. on or about February 11,  
4 2005, during which time period Respondent was working and had access to the drug supplies.

5 d. In an interview with an investigator engaged by Pharmaca held on  
6 or about February 15, 2005, Respondent confirmed orally and in writing that sometime during  
7 her employment between February 8 and February 11, 2005, she had taken into her possession,  
8 secretly and without presenting a prescription, approximately ten (10) tablets of **alprazolam**.  
9 Respondent repeated that confession to a Board investigator on or about March 29, 2005.

10  
11 THIRD CAUSE FOR DISCIPLINE

12 (Unlawful Possession of Controlled Substance)

13 23. Respondent is subject to disciplinary action under Code sections 4301(j)  
14 and/or 4301(o) in that Respondent, as described in paragraph 22 above, possessed, conspired to  
15 possess, and/or assisted in or abetted the possession of **alprazolam**, a Schedule IV controlled  
16 substance, without a valid prescription, in violation of Health and Safety Code section 11377.

17  
18 FOURTH CAUSE FOR DISCIPLINE

19 (Obtaining Controlled Substance by Fraud or Deceit)

20 24. Respondent is subject to discipline under Code sections 4301(j) and/or  
21 4301(o) in that Respondent, as described in paragraph 22 above, obtained a controlled substance  
22 by fraud, deceit, or subterfuge, in violation of Health and Safety Code section 11173(a).

23  
24 FIFTH CAUSE FOR DISCIPLINE

25 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

26 25. Respondent is subject to discipline under Code section 4301(f) in that, as  
27 described in paragraph 22 above, Respondent committed acts involving moral turpitude,  
28 dishonesty, fraud, deceit, or corruption.

1 SIXTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 26. Respondent is subject to disciplinary action under section 4301 of the  
4 Code in that Respondent, by way of the conduct described in paragraph 22 above, engaged in  
5 "unprofessional conduct" not becoming the profession of pharmacy.  
6  
7

8 PRAYER

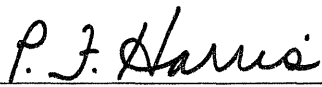
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
10 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

11 A. Revoking or suspending Pharmacy Intern Permit Number INT 13279,  
12 issued to Kimia Kashanian (Respondent).

13 B. Ordering Respondent to pay the Board reasonable costs of investigation  
14 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

15 C. Taking such other and further action as is deemed necessary and proper.  
16

17 DATED: 12/16/05

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

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