

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

In the Matter of the Accusation Against:

Case No. 3934

ANAHIT EBROYAN
7119 Varna Avenue
North Hollywood, CA 91605

Pharmacy Technician Registration No.
TCH 15182

Respondent.

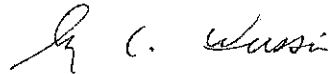
DECISION AND ORDER

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 November 26, 2012.

It is so ORDERED on October 25, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
Deputy Attorney General
4 State Bar No. 141813
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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3934

12 **ANAHIT EBROYAN**
13 **4640 Saint Clair Ave.**
Valley Village, CA 91607

OAH No. 2011070968

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **7119 Varna Avenue**
15 **North Hollywood, CA 91605**
16 **Pharmacy Technician Registration No. TCH**
15182

Respondent.

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Kimberlee D. King, Deputy Attorney
24 General.

25 2. Anahit Ebroyan (Respondent) is represented in this proceeding by attorney ^{Jonathan} ~~Stacy~~
26 ^{Rosen} ~~Boeh~~, Attorney at Law, whose address is ^{427 W. Colorado Street, Glendale 91204} ~~428 J Street, Suite 350, Sacramento, CA 95814~~.

27 3. On or about February 21, 1995, the Board of Pharmacy issued Pharmacy Technician
28 Registration No. TCH 15182 to Anahit Ebroyan (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 3934 and will expire on February 28, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3934 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on May 31, 2011.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3934 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 3934. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
18 compel the attendance of witnesses and the production of documents; the right to reconsideration
19 and court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY
24 agrees that the charges and allegations in the accusation if proven at hearing constitutes cause for discipline imposing on her pharmacy technician license.
25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 Respondent
27 No. 3934, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
28 Registration No. TCH 15182 for the Board's formal acceptance.

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28 ///

1 including, but not limited to taking and passing the California Pharmacist Licensure Examination
2 prior to the issuance of a new license. Respondent is required to report this surrender as
3 disciplinary action.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or formal proceeding, issue and enter the following Order:

6 **ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 15182, issued
8 to Respondent Anahit Ebroyan, is surrendered and accepted by the Board of Pharmacy.

9 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
10 of the surrendered license by the Board shall constitute the imposition of discipline against
11 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
12 Respondent's license history with the Board of Pharmacy.

13 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
14 as of the effective date of the Board's Decision and Order.

15 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
16 issued, her wall certificate on or before the effective date of the Decision and Order.

17 4. If Respondent ever files an application for licensure or a petition for reinstatement in
18 the State of California, the Board shall treat it as a new application for licensure. Respondent
19 must comply with all the laws, regulations and procedures for reinstatement of a revoked license
20 in effect at the time the petition is filed, and all of the charges and allegations contained in
21 Accusation No. 3934 shall be deemed to be true, correct and admitted by Respondent when the
22 Board determines whether to grant or deny the petition.

23 5. Respondent shall pay the agency its costs of investigation and enforcement in the
24 amount of \$~~3,575.00~~^{7500.00} prior to issuance of a new or reinstated license.

25 6. If Respondent should ever apply or reapply for a new license or certification, or
26 petition for reinstatement of a license, by any other health care licensing agency in the State of
27 California, all of the charges and allegations contained in Accusation, No. 3934 shall be deemed
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1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully
5 discussed it with my attorney, ^{Jonathan Rosen} ~~Stacy Bogn~~. I understand the stipulation and the effect it will have
6 on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and
7 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
8 of the Board of Pharmacy.

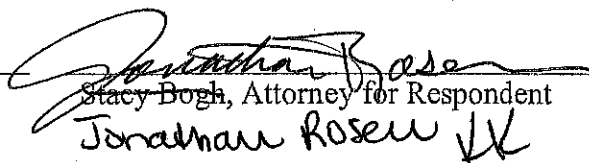
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10 DATED: 08/22/12



11 ANAHIT EBROYAN
12 Respondent

13 I have read and fully discussed with Respondent Anahit Ebroyan the terms and conditions
14 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
15 and content.

16 DATED: 8-22-12


Stacy Bogn, Attorney for Respondent
Jonathan Rosen

17
18 ENDORSEMENT

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

21 Dated:

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 GLORIA A. BARRIOS
25 Supervising Deputy Attorney General

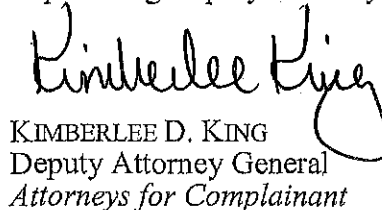

26 KIMBERLEE D. KING
27 Deputy Attorney General
28 Attorneys for Complainant

Exhibit A

Accusation No. 3934

1 KAMALA D. HARRIS
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 KIMBERLEE D. KING
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11 In the Matter of the Accusation Against:

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12 **ANAHIT EBROYAN**
7119 Varna Avenue
13 North Hollywood, CA 91605
Pharmacy Technician Registration No. TCH
14 15182

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 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:

20	<u>Drug</u>	<u>Quantity</u>	<u>Cost</u>	<u>AWP*</u>
21	PrevPac	1x10	\$352.70	\$414.82
22	Truvada	2x60	\$1,956.06	\$2,236.00
23	Seroquel 200mg	2x200	\$1,687.40	\$2,125.76
24	Viread 300mg	2x60	\$1,327.46	\$1,543.08
25	Xeloda 500mg	1x120	\$2,789.53	\$3,408.79
26	Januvia 50mg	1x90	\$540.07	\$659.96
27	Invega 9mg	2x60	\$1,158.08	\$1,287.68
28	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

* Average Wholesale Price

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

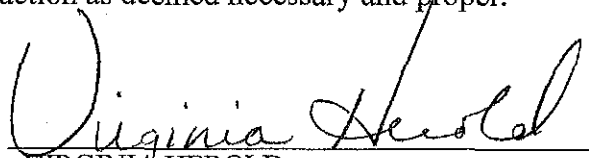
12. Respondent is subject to disciplinary action pursuant to section 4301 subdivision (a) in that while employed as a pharmacy technician, she committed acts of unprofessional conduct by stealing dangerous drugs from her employer and possessing these drugs without a prescription, as set forth above in paragraph 11.

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. Revoking or suspending Pharmacy Technician Registration Number TCH 15182, issued to Anahit Ebroyan
2. Ordering Anahit Ebroyan to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/20/11



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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