

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

In the Matter of the Statement of Issues Against:

Case No. 4091

**MOHAMMAD ALI BAZYAR
4977 Edgar Ct. #3
San Jose, CA 95118**

Pharmacy Technician License

Respondent.

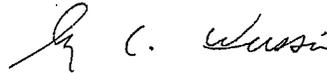
DECISION AND ORDER

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 May 25, 2012.

It is so ORDERED on April 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 FRANK H. PACOE
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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. 4091

12 **MOHAMMAD ALI BAZYAR**
4977 Edgar Ct #3
13 San Jose, CA 95118

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Applicant for Registration as a Pharmacy
Technician**

15 Respondent.
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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings 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 Justin R. Surber, Deputy Attorney
24 General.

25 2. Respondent Mohammad Ali Bazyar (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.
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1 Pharmacy Technician. The registration shall be and immediately revoked. However, the
2 revocation will be stayed and the Respondent will be placed on three (3) years probation on the
3 following terms and conditions.

4 **1. Certification Prior to Resuming Work**

5 Respondent shall be automatically suspended from working as a pharmacy technician until
6 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides
7 satisfactory proof of certification to the board. Respondent shall not resume working as a
8 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
9 year shall be considered a violation of probation. Respondent shall not resume working as a
10 pharmacy technician until notified by the board.

11 During suspension, respondent shall not enter any pharmacy area or any portion of any
12 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
13 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
14 devices or controlled substances are maintained. Respondent shall not do any act involving drug
15 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
16 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
17 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
18 substances. Respondent shall not resume work until notified by the board.

19 Subject to the above restrictions, respondent may continue to own or hold an interest in any
20 licensed premises by the board in which he holds an interest at the time this decision becomes
21 effective unless otherwise specified in this order.

22 Failure to comply with this suspension shall be considered a violation of probation.

23 **2. Obey All Laws**

24 Respondent shall obey all state and federal laws and regulations.

25 Respondent shall report any of the following occurrences to the board, in writing, within
26 seventy-two (72) hours of such occurrence:

- 27 an arrest or issuance of a criminal complaint for violation of any provision of the
28 Pharmacy Law, state and federal food and drug laws, or state and federal controlled

1 substances laws

- 2 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
3 criminal complaint, information or indictment
- 4 a conviction of any crime
- 5 discipline, citation, or other administrative action filed by any state or federal agency
6 which involves respondent's pharmacy technician license or which is related to the
7 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
8 or charging for any drug, device or controlled substance.

9 Failure to timely report any such occurrence shall be considered a violation of probation.

10 **3. Report to the Board**

11 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
12 designee. The report shall be made either in person or in writing, as directed. Among other
13 requirements, respondent shall state in each report under penalty of perjury whether there has
14 been compliance with all the terms and conditions of probation. Failure to submit timely reports
15 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
16 in submission of reports as directed may be added to the total period of probation. Moreover, if
17 the final probation report is not made as directed, probation shall be automatically extended until
18 such time as the final report is made and accepted by the board.

19 **4. Interview with the Board**

20 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
21 with the board or its designee, at such intervals and locations as are determined by the board or its
22 designee. Failure to appear for any scheduled interview without prior notification to board staff,
23 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
24 the period of probation, shall be considered a violation of probation.

25 **5. Cooperate with Board Staff**

26 Respondent shall cooperate with the board's inspection program and with the board's
27 monitoring and investigation of respondent's compliance with the terms and conditions of his
28 probation. Failure to cooperate shall be considered a violation of probation.

1 **6. Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 4091 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause his direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 4091 and the terms and conditions
10 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
11 supervisor(s) submit timely acknowledgement(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
14 of the terms and conditions of the decision in case number 4091 in advance of the respondent
15 commencing work at each pharmacy. A record of this notification must be provided to the board
16 upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment
19 service, respondent shall cause his direct supervisor with the pharmacy employment service to
20 report to the board in writing acknowledging that he has read the decision in case number 4091
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
22 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

23 Failure to timely notify present or prospective employer(s) or to cause that/those
24 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
25 probation.

26 "Employment" within the meaning of this provision shall include any full-time,
27 part-time, temporary or relief service or pharmacy management service as a pharmacy
28 technician or in any position for which a pharmacy technician license is a requirement

1 or criterion for employment, whether the respondent is considered an employee,
2 independent contractor or volunteer.

3 **7. Probation Monitoring Costs**

4 Respondent shall pay any costs associated with probation monitoring as determined by the
5 board each and every year of probation. Such costs shall be payable to the board on a schedule as
6 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
7 be considered a violation of probation.

8 **8. Status of License**

9 Respondent shall, at all times while on probation, maintain an active, current pharmacy
10 technician license with the board, including any period during which suspension or probation is
11 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

12 If respondent's pharmacy technician license expires or is cancelled by operation of law or
13 otherwise at any time during the period of probation, including any extensions thereof due to
14 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
15 terms and conditions of this probation not previously satisfied.

16 **9. License Surrender While on Probation/Suspension**

17 Following the effective date of this decision, should respondent cease work due to
18 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
19 respondent may tender his pharmacy technician license to the board for surrender. The board or
20 its designee shall have the discretion whether to grant the request for surrender or take any other
21 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
22 license, respondent will no longer be subject to the terms and conditions of probation. This
23 surrender constitutes a record of discipline and shall become a part of the respondent's license
24 history with the board.

25 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
26 license to the board within ten (10) days of notification by the board that the surrender is
27 accepted. Respondent may not reapply for any license, permit, or registration from the board for
28 three (3) years from the effective date of the surrender. Respondent shall meet all requirements

1 applicable to the license sought as of the date the application for that license is submitted to the
2 board.

3 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
4 **Employment**

5 Respondent shall notify the board in writing within ten (10) days of any change of
6 employment. Said notification shall include the reasons for leaving, the address of the new
7 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
8 shall further notify the board in writing within ten (10) days of a change in name, residence
9 address and mailing address, or phone number.

10 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
11 phone number(s) shall be considered a violation of probation.

12 **11. Tolling of Probation**

13 Except during periods of suspension, respondent shall, at all times while on probation, be
14 employed as a pharmacy technician in California for a minimum of 20 hours per calendar month.
15 Any month during which this minimum is not met shall toll the period of probation, i.e., the
16 period of probation shall be extended by one month for each month during which this minimum is
17 not met. During any such period of tolling of probation, respondent must nonetheless comply
18 with all terms and conditions of probation.

19 Should respondent, regardless of residency, for any reason (including vacation) cease
20 working as a pharmacy technician for a minimum of 20 hours per calendar month in California,
21 respondent must notify the board in writing within ten (10) days of cessation of work and must
22 further notify the board in writing within ten (10) days of the resumption of the work. Any
23 failure to provide such notification(s) shall be considered a violation of probation.

24 It is a violation of probation for respondent's probation to remain tolled pursuant to the
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,
26 exceeding thirty-six (36) months.

27 "Cessation of work" means calendar month during which respondent is not
28 working for at least 20 hours as a pharmacy technician, as defined in Business and

1 Professions Code section 4115. "Resumption of work" means any calendar month
2 during which respondent is working as a pharmacy technician for at least 20 hours as
3 a pharmacy technician as defined by Business and Professions Code section 4115.

4 **12. Violation of Probation**

5 If a respondent has not complied with any term or condition of probation, the board shall
6 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
7 all terms and conditions have been satisfied or the board has taken other action as deemed
8 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
9 to impose the penalty that was stayed.

10 If respondent violates probation in any respect, the board, after giving respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
13 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
14 a petition to revoke probation or an accusation is filed against respondent during probation, the
15 board shall have continuing jurisdiction, and the period of probation shall be automatically
16 extended until the petition to revoke probation or accusation is heard and decided.

17 **13. Completion of Probation**

18 Upon written notice by the board indicating successful completion of probation,
19 respondent's pharmacy technician license will be fully restored.

20 **14. No Ownership of Licensed Premises**

21 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
22 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
23 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
24 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
25 days following the effective date of this decision and shall immediately thereafter provide written
26 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
27 documentation thereof shall be considered a violation of probation.

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1 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

2 In the event respondent has a positive test for alcohol or for any drug not lawfully
3 prescribed by a licensed practitioner as part of a documented medical treatment, respondent shall,
4 within 30 days of the positive test, begin regular attendance at a recognized and established
5 substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics
6 Anonymous, etc.) which has been approved by the board or its designee. Respondent must attend
7 at least one group meeting per week unless otherwise directed by the board or its designee.
8 Respondent shall continue regular attendance and submit signed and dated documentation
9 confirming attendance with each quarterly report for the duration of probation. Failure to attend
10 or submit documentation thereof shall be considered a violation of probation.

11 **16. Random Drug Screening**

12 Respondent, at his own expense, shall participate in random testing, including but not
13 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
14 screening program as directed by the board or its designee. Respondent may be required to
15 participate in testing for the entire probation period and the frequency of testing will be
16 determined by the board or its designee. At all times respondent shall fully cooperate with the
17 board or its designee, and shall, when directed, submit to such tests and samples for the detection
18 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
19 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
20 of probation. Upon request of the board or its designee, respondent shall provide documentation
21 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
22 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
23 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
24 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
25 shall be considered a violation of probation and shall result in the automatic suspension of work
26 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
27 board in writing.

28 During suspension, respondent shall not enter any pharmacy area or any portion of or any

1 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
2 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
3 devices or controlled substances are maintained. Respondent shall not do any act involving drug
4 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
5 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
6 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
7 substances. Respondent shall not resume work until notified by the board.

8 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
9 Subject to the above restrictions, respondent may continue to own or hold an interest in any
10 licensed premises in which he holds an interest at the time this decision becomes effective unless
11 otherwise specified in this order.

12 Failure to comply with this suspension shall be considered a violation of probation.

13 **17. Work Site Monitor**

14 Within ten (10) days of the effective date of this decision, respondent shall identify a work
15 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
16 during working hours. Respondent shall be responsible for ensuring that the work site monitor
17 reports in writing to the board quarterly. Should the designated work site monitor determine at
18 any time during the probationary period that respondent has not maintained sobriety, he shall
19 notify the board immediately, either orally or in writing as directed. Should respondent change
20 employment, a new work site monitor must be designated, for prior approval by the board, within
21 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
22 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
23 considered a violation of probation.

24 **18. Notification of Departure**

25 Prior to leaving the probationary geographic area designated by the board or its designee for
26 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
27 writing of the dates of departure and return. Failure to comply with this provision shall be
28 considered a violation of probation.

1 **19. Abstain from Drugs and Alcohol Use**

2 Respondent shall completely abstain from the possession or use of alcohol, controlled
3 substances, dangerous drugs and their associated paraphernalia except when the drugs are
4 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
5 request of the board or its designee, respondent shall provide documentation from the licensed
6 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
7 treatment of the respondent. Failure to timely provide such documentation shall be considered a
8 violation of probation. Respondent shall ensure that he is not in the same physical location as
9 individuals who are using illicit substances even if respondent is not personally ingesting the
10 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
11 not supported by the documentation timely provided, and/or any physical proximity to persons
12 using illicit substances, shall be considered a violation of probation.

13 **20. Prescription Coordination and Monitoring of Prescription Use**

14 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
15 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
16 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
17 history with the use of alcohol and who will coordinate and monitor any prescriptions for
18 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
19 practitioner shall be provided with a copy of the board's Accusation and decision. A record of
20 this notification must be provided to the board upon request. Respondent shall sign a release
21 authorizing the practitioner to communicate with the board about respondent's treatment(s). The
22 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the
23 board on a quarterly basis for the duration of probation regarding respondent's compliance with
24 this condition. If any substances considered addictive have been prescribed, the report shall
25 identify a program for the time limited use of any such substances. The board may require that
26 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
27 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,
28 for any reason, cease supervision by the approved practitioner, respondent shall notify the board

1 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
2 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the
3 board or its designee for its prior approval. Failure to timely submit the selected practitioner or
4 replacement practitioner to the board for approval, or to ensure the required reporting thereby on
5 the quarterly reports, shall be considered a violation of probation.

6 If at any time an approved practitioner determines that respondent is unable to practice
7 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
8 telephone and follow up by written letter within three (3) working days. Upon notification from
9 the board or its designee of this determination, respondent shall be automatically suspended and
10 shall not resume practice until notified by the board that practice may be resumed.

11 During suspension, respondent shall not enter any pharmacy area or any portion of the
12 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
13 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
14 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
15 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
16 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
17 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
18 and controlled substances. Respondent shall not resume practice until notified by the board.

19 During suspension, respondent shall not engage in any activity that requires the
20 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
21 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
22 designated representative for any entity licensed by the board.

23 Subject to the above restrictions, respondent may continue to own or hold an interest in any
24 licensed premises in which she holds an interest at the time this decision becomes effective unless
25 otherwise specified in this order.

26 Failure to comply with this suspension shall be considered a violation of probation.

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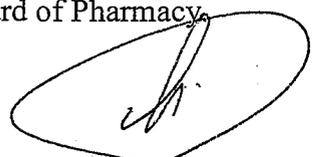
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on registration as a pharmacy technician. 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: March 10/9/2012



MOHAMMAD ALTAZYAR
Respondent

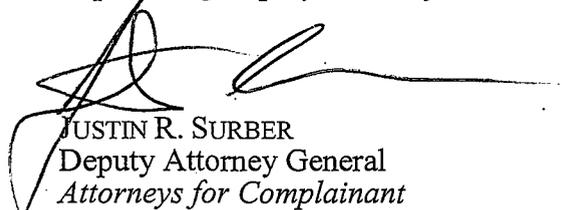
ENDORSEMENT

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: 3/21/12

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General



JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 4091

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
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13 4977 Edgar Ct #3	
14 San Jose, CA 95118	
15 Applicant for Registration as a Pharmacy	
16 Technician	
Respondent.	

17
18 Complainant alleges:

19 PARTIES

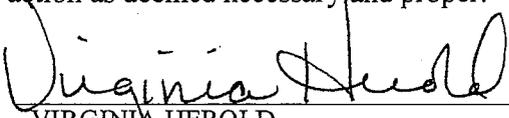
- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. In 2010, the Board of Pharmacy, Department of Consumer Affairs received an
23 application for Registration as a Pharmacy Technician from Mohammad Ali Bazyar
24 (Respondent). On or about April 13, 2010, Mohammad Ali Bazyar certified under penalty of
25 perjury to the truthfulness of all statements, answers, and representations in the application. The
26 Board denied the application on January 10, 2011.

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2. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/11



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

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