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

In the Matter of the Accusation Against: HIA CALIFORNIA INC. dba EDGEMONT PHARMACY 4841 Hollywood Blvd Los Angeles CA 90027 Pharmacy Permit No. HSP 30668 and DAVID GUSTAV KALEMKIARIAN 5211 Franklin Avenue Los Angeles CA 90027 Pharmacist License No. RHP 41864 Respondents.	Case No. 2303 **WITHDRAWAL OF ACCUSATION AGAINST EDGEMONT PHARMACY and DAVID G. KALEMKIARIAN**

On or about March 14, 2002, Complainant Patricia F. Harris ("Complainant"), in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2303 against Respondents HIA California Inc., dba Edgemont Pharmacy (Pharmacy Permit No. HSP 30668) and David Gustav Kalemkiarian (Pharmacist License No. RPH 41864).

Complainant, exercising her discretionary authority pursuant to Title 16, California Code of Regulations, Section 1703, and acting on information submitted to her, and in the interest of

justice, has determined that good cause exists to withdraw Accusation No. 2303 against Respondents Edgemont Pharmacy and David G. Kalemkiarian.

WHEREFORE, Complainant hereby withdraws Accusation No. 2303, filed on or about March 14, 2002, against Respondents HIA California Inc., dba Edgemont Pharmacy (Pharamcy Permit No. HSP 30668) and David Gustav Kalemkiarian (Pharmacist License No. RPH 41864).

DATED: 12/20/02

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant

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Attorneys for Respondent,
California State Board of Pharmacy

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

In the Matter of the Accusation Against: HIA CALIFORNIA INC., dba EDGEMONT PHARMACY 4841 Hollywood Blvd., Los Angeles, CA 90027 and David Gustav Kalemkiarian 5211 Franklin Avenue Los Angeles, CA 90027 Pharmacist License No. RPH 41864 Respondents.	CASE NO. 2303

COMPLAINANT ALLEGES AS FOLLOWS:

1. She is Patricia F. Harris, Executive Officer of the California State Board of Pharmacy (hereinafter, "the Board") and makes and files this accusation solely in her official capacity as such.

2. On or about September 20, 1984, the Board issued Pharmacy Permit No. HSP 30668 to HIA California Inc., the owner of Edgemont Hospital, to do business as Edgemont Pharmacy (hereinafter, "Respondent Pharmacy") at 4841 Hollywood Boulevard, Los Angeles, California, within Edgemont Hospital, an acute psychiatric care hospital. Said license expired on or about September 1, 1999, and was thereafter, on about February 1, 2000, renewed. Said license expired on September 1, 2000, and has not been renewed.

3. On or about August 2, 1988, the Board of Pharmacy issued Pharmacist License Number RPH 41864 to David Gustav Kalemkiarian ("Respondent Kalemkiarian"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2002, unless renewed.

4. The Board is responsible for the enforcement of the Pharmacy Law (Chapter 9 of Division 2 of the Business and Professions Code, beginning with Section 4000[1/]). Pursuant to Section 4300, every license issued by the Board may be suspended or revoked. Pursuant to Section 4301, the Board shall take action against any holder of a license who is guilty of unprofessional conduct. Section 4301(o)defines unprofessional conduct to include violating or attempting to violate, directly in indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of the Pharmacy Law or of regulations established by the Board or of applicable federal and state laws

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1. Hereafter all references to the Business and Professions Code are by section number.

and regulations governing pharmacy.

5. Respondent Pharmacy is subject to disciplinary action pursuant to Section 4301(o) for violation of Sections 1708.2 and 1714 of title 16 of the California Code of Regulations, as follows:

A. In or about July or August 1999, Respondent Pharmacy dismantled the pharmacy at Edgemont Hospital and discontinued operating as a pharmacy.

B. Respondent Pharmacy failed to notify the Board it was discontinuing business and failed to secure either its records pertaining to dangerous drugs and dangerous devices or its stock of dangerous drugs and dangerous devices.

C. More specifically, after it discontinued business as a pharmacy, Respondent Pharmacy stored such drugs and devices in a nursing office, maintained personal medications left by patients without inventorying and destroying them, and maintained mislabeled (misbranded) drugs on medication carts within the hospital.

6. Respondent Pharmacy is subject to disciplinary action pursuant to Section 4301(o) for violation of Section 4110, as follows:

A. The allegations of paragraph 5 are incorporated herein as though fully set forth at this point.

B. In or about August or September 1999, Respondent Pharmacy carried out functions of a pharmacy without having a valid, current pharmacy permit until at least February 1, 2000. More specifically:

(1) Respondent Pharmacy continued to order, and/or allowed West-Val Premiere Pharmacy to order, controlled substances using 222 forms belonging to Respondent Pharmacy, having the controlled substances shipped or delivered to West-Val, which was, from about August 1999, providing pharmaceutical services to Edgemont Hospital.

(2) Respondent Pharmacy aided and abetted West-Val Pharmacy to illegally service Edgemont Hospital's pharmacy needs, including by allowing West-Val to use Respondent Pharmacy's 222 forms to order controlled substances and allowing Edgemont to otherwise order dangerous drugs and dangerous devices for the use of Edgemont Hospital and its patients, including the preparation and dispensing of drugs for administration and dispensing to those patients.

(3) Respondent Pharmacy failed to have and maintain a pharmacy permit as required by Department of Health Services regulations (Section 71233(a) of title 22 of the California Code of Regulations).

7. Respondent Pharmacy is subject to disciplinary action pursuant to Section 4301 as follows:

A. The allegations of paragraphs 5 and 6 are incorporated herein as though fully set forth at this point.

B. In about December 1999, Respondent Pharmacy permitted at least one nurse practitioner, K.T., to issue orders for methadone, a schedule II controlled substance, and for Fiorinal, Librium, phenobarbital, Ativan, and chloralhydrate, all Schedule III, IV or V controlled substances when K.T.'s license

did not authorize her to issue orders for Schedule II controlled substances and when K.T. was not then registered with the Drug Enforcement Administration to issue orders for any controlled substances.

C. Respondent Pharmacy failed to exercise proper review of controlled substance prescriptions for multiple patients or of prescription medications in general for hospital patients, in violation of Section 4019 and Section 1761 of title 16 of the California Code of Regulations.

D. Even after Respondent Pharmacy renewed its pharmacy permit, Respondent Pharmacy failed, in February 2000, to have stock or records in the pharmacy, in violation of Section 4081, and allowed all non-controlled substance prescriptions for hospital patients to be prepared and filled by West-Val Pharmacy.

8. Respondent Pharmacy is subject to disciplinary action pursuant to Section 4301(o) for violation of Section 4332 for refusal to produce prescription records in that Respondent Pharmacy failed to produce or maintain the prescription records as requested by the Board.

A. The allegations of paragraphs 5,6 and 7 are incorporated herein as though fully set forth at this point.

9. Respondent Pharmacy is subject to disciplinary action pursuant to Section 4301(o) for a non-pharmacist acting as manager in violation of Section 4329 and in violation of Section 4330 for failure to place a pharmacist-in-charge of pharmacy, as follows:

A. The allegations of paragraphs 5,6,7 and 8 are

incorporated herein as though fully set forth at this point.

B. In or around July 1999, Respondent Pharmacy terminated Respondent Kalemkiarian. Subsequently, Respondent Pharmacy failed to place another pharmacist-in-charge or to allow Respondent Kalemkiarian to complete his duties as pharmacist-in-charge. Instead, Respondent Pharmacy took charge of the pharmacy and eventually dismantled the pharmacy area.

10. Respondent Pharmacy is subject to disciplinary action pursuant to Section 4301(o) for a non-pharmacist acting as manager and in violation of Section 4113(c) for failure to notify the Board within 30 days of when a pharmacist ceases to be pharmacist-in-charge as described above in paragraph 9B.

A. The allegations of paragraphs 5,6,7,8 and 9 are incorporated herein as though fully set forth at this point.

11. Respondent Kalemkiarian is subject to disciplinary action pursuant to Section 4301(o) in violation of 4101(a)for failure to notify the Board within 30 days of his termination of his employment with Respondent Pharmacy as described in above paragraph 9B.

12. Pursuant to Section 125.3, should cause for discipline be found, the Board may request and recover its reasonable costs of investigation and enforcement, including charges by the Office of the Attorney General, of a case; the Board has incurred such costs in an amount to be established according to proof at hearing.

PRAYER

WHEREFORE, Complainant prays a hearing be held on the

charges set out hereinabove and, following said hearing, a decision be issued:

1. Revoking or suspending Pharmacy Permit No. HSP 30668, heretofore issued to HIA California Inc., dba Edgemont Pharmacy;

2. Revoking or suspending Pharmacist License Number RPH 41864, issued to David Gustav Kalemkiarian;

3. Ordering payment of the costs of investigation and enforcement of this case, pursuant to Section 125.3; and

4. Taking such other and further action as the Board may deem proper.

DATED: 3/14/02

P. F. Harris

PATRICIA F. HARRIS,
Executive Officer,
California State Board
of Pharmacy

Complainant

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