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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3642

13 **AIDA NAGHASHIAN**
14 **a.k.a., AIDA KADIJA NAGHASHIAN**
15 **a.k.a., AIDA NAGHASUIAN**
16 P.O. Box 882
Huntington Park, CA 90255

A C C U S A T I O N

17 Pharmacy Technician License No. TCH 22309

Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about May 15, 1997, the Board issued Pharmacy Technician License No.
23 TCH 22309 to Aida Naghashian, also known as Aida Kadija Naghashian, and Aida Naghasuian
24 (Respondent). The Pharmacy Technician License was in full force and effect at all times relevant
25 to the charges brought herein and will expire on December 31, 2012, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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

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5 "(h) The administering to oneself, of any controlled substance, or the use of any
6 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
7 injurious to oneself, to a person holding a license under this chapter, or to any other person or to
8 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
9 the public the practice authorized by the license.

10 "(j) The violation of any of the statutes of this state, or any other state, or of the United
11 States regulating controlled substances and dangerous drugs.

12

13 "(l) The conviction of a crime substantially related to the qualifications, functions, and
14 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
15 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
16 substances or of a violation of the statutes of this state regulating controlled substances or
17 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
18 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
19 The board may inquire into the circumstances surrounding the commission of the crime, in order
20 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
21 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
22 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
23 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
24 of this provision. The board may take action when the time for appeal has elapsed, or the
25 judgment of conviction has been affirmed on appeal or when an order granting probation is made
26 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
27 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

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1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

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4 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5 violation of or conspiring to violate any provision or term of this chapter or of the applicable
6 federal and state laws and regulations governing pharmacy, including regulations established by
7 the board or by any other state or federal regulatory agency."

8 8. Section 4324, subdivision (a) states:

9 "Every person who signs the name of another, or of a fictitious person, or falsely makes,
10 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
11 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the
12 state prison, or by imprisonment in the county jail for not more that one year."

13 **REGULATORY PROVISIONS**

14 9. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

21 **COST RECOVERY**

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

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
4 that on or about December 16, 2006, Respondent used alcoholic beverages to an extent or in a
5 manner dangerous or injurious to herself, another person, or the public, when she operated a
6 vehicle while having approximately 0.11% of alcohol in her blood. Complainant refers to, and by
7 this reference incorporates, the allegations set forth above in paragraph 12, as though set forth
8 fully.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Forged Prescriptions)**

11 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
12 (o), for violating section 4324, subdivision (a), in that Respondent forged prescriptions without a
13 prescriber's authorization. At the time of the misconduct, Respondent was employed as a
14 pharmacy technician at Walgreens Drug Store (Walgreens), in Santa Rosa, California. She had
15 been an employee there for approximately five (5) years. On or about January 31, 2008, during
16 an interview with a Walgreens loss prevention agent and a Walgreens loss prevention supervisor,
17 Respondent was confronted regarding unauthorized refills to her prescriptions at Walgreens.
18 Respondent admitted to filling prescriptions for both her mother and herself using terminals that
19 had been signed on by other employees, including both pharmacists and technicians. She
20 subsequently admitted to filling prescriptions five (5) to ten times for Retin-A, Albuterol, and
21 birth control. In addition, Respondent admitted to filling prescriptions for ProAir monthly, during
22 the previous six (6) months.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Dishonest Acts, Fraud, or Deceit)**

25 15. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
26 that Respondent committed dishonest acts by manipulating the Walgreens computer system and
27 filled or caused to be filled prescriptions for herself and her mother for dangerous drugs, without
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1 a prescriber's authorization. Complainant refers to, and by this reference incorporates, the
2 allegations set forth above in paragraph 14, as though fully set forth.

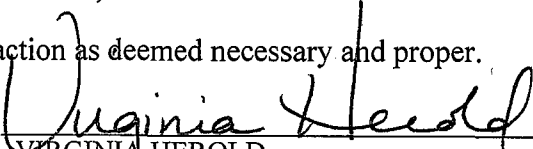
3 PRAYER

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board issue a decision:

- 6 1. Revoking or suspending Pharmacy Technician License No. TCH 22309, issued to
7 Respondent;
- 8 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
9 enforcement of this case, pursuant to section 125.3; and
- 10 3. Taking such other and further action as deemed necessary and proper.

11 DATED: _____

8/22/11



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