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

10
11 In the Matter of the Accusation Against:

Case No. 4919

12 **LIZA J. ANTRANIK**
AKA LIZA J. ISKENDERIAN
13 10230 Cozycoft Ave.
14 Chatsworth, CA 91311

ACCUSATION

15 **Pharmacist License No. RPH 51006**

16 and

17 **RANA HOORFAR**
AKA RANA HEIDARI
18 5807 Topanga Canyon Blvd. #K102
19 Woodland Hills, CA 91367

20 **Pharmacy Technician License No. TCH**
98206

21 Respondents.

22
23 Complainant alleges:

24 **PARTIES**

- 25 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
26 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 27 2. On or about November 16, 1999, the Board of Pharmacy issued Pharmacist License
28 Number RPH 51006 to Liza J. Antranik aka Liza J. Iskenderian (Respondent Antranik). The

1 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
2 and will expire on September 30, 2017, unless renewed.

3 3. On or about May 6, 2010, the Board of Pharmacy issued Pharmacy Technician
4 Registration Number TCH 98206 to Rana Hoorfar aka Rana Heidari (Respondent Hoorfar). The
5 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
6 brought herein and will expire on July 31, 2017, unless renewed.

7 JURISDICTION

8 4. This Accusation is brought before the Board of Pharmacy (Board), Department of
9 Consumer Affairs, under the authority of the following laws. All section references are to the
10 Business and Professions Code unless otherwise indicated.

11 STATUTORY PROVISIONS

12 5. Section 477 states, in part: "As used in this division: . . . (b) 'License' includes
13 certificate, registration or other means to engage in a business or profession regulated by this
14 code."

15 6. Section 4300 states, in pertinent part, that "[e]very license issued may be suspended
16 or revoked."

17 7. Section 4300.1 of the Code states:

18 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
19 operation of law or by order or decision of the board or a court of law, the placement of a license
20 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
21 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
22 proceeding against, the licensee or to render a decision suspending or revoking the license."

23 8. Section 4301 of the Code states:

24 "The board shall take action against any holder of a license who is guilty of unprofessional
25 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
26 Unprofessional conduct shall include, but is not limited to, any of the following:

27 . . .

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.

4 "(g) Knowingly making or signing any certificate or other document that falsely represents
5 the existence or nonexistence of a state of facts.

6 ...

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

9 ...

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

14 9. Section 4060 of the Code states:

15 "No person shall possess any controlled substance, except that furnished to a person upon
16 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
17 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
18 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
19 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
20 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
21 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
22 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
23 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
24 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
25 labeled with the name and address of the supplier or producer.

26 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
27 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
28 devices."

1 10. Section 4022 of the Code states:

2 "Dangerous drug' or 'dangerous device' means any drug or device unsafe for self-use in
3 humans or animals, and includes the following:

4 "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing without
5 prescription,' 'Rx only,' or words of similar import.

6 "(b) Any device that bears the statement: 'Caution: federal law restricts this device to sale
7 by or on the order of a _____,' 'Rx only,' or words of similar import, the blank to be filled
8 in with the designation of the practitioner licensed to use or order use of the device.

9 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
10 prescription or furnished pursuant to Section 4006."

11 11. Section 4081 states:

12 "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs
13 or dangerous devices shall be at all times during business hours open to inspection by authorized
14 officers of the law, and shall be preserved for at least three years from the date of making. A
15 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary
16 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
17 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
18 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
19 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
20 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

21 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
22 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or
23 representative-in-charge, for maintaining the records and inventory described in this section.

24 "(c) The pharmacist-in-charge or representative-in-charge shall not be criminally
25 responsible for acts of the owner, officer, partner, or employee that violate this section and of
26 which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or
27 she did not knowingly participate."

28

1 12. Section 4105 states:

2 "(a) All records or other documentation of the acquisition and disposition of dangerous
3 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed
4 premises in a readily retrievable form.

5 "(b) The licensee may remove the original records or documentation from the licensed
6 premises on a temporary basis for license-related purposes. However, a duplicate set of those
7 records or other documentation shall be retained on the licensed premises.

8 "(c) The records required by this section shall be retained on the licensed premises for a
9 period of three years from the date of making.

10 "(d) Any records that are maintained electronically shall be maintained so that the
11 pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the
12 case of a veterinary food-animal drug retailer or wholesaler, the designated representative on duty,
13 shall, at all times during which the licensed premises are open for business, be able to produce a
14 hard copy and electronic copy of all records of acquisition or disposition or other drug or
15 dispensing-related records maintained electronically.

16 "(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request,
17 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),
18 and (c) be kept on the licensed premises.

19 (2) A waiver granted pursuant to this subdivision shall not affect the board's authority
20 under this section or any other provision of this chapter."

21 13. Section 4115, subdivision (h), states that "[t]he pharmacist on duty shall be directly
22 responsible for the conduct of a pharmacy technician supervised by that pharmacist."

23 14. Section 4324 of the Code states:

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

28

1 **REGULATORY PROVISIONS**

2 18. California Code of Regulations, title 16, section 1714 states, in pertinent part:

3 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription
4 department, including provisions for effective control against theft or diversion of dangerous
5 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy
6 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist."

7 19. California Code of Regulations, title 16, section 1718 states:

8 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
9 Code shall be considered to include complete accountability for all dangerous drugs handled by
10 every licensee enumerated in Sections 4081 and 4332.

11 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
12 available for inspection upon request for at least 3 years after the date of the inventory."

13 **COST RECOVERY**

14 20. Section 125.3 provides that the Board may request the administrative law judge to
15 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
16 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
17 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a
18 case settles, recovery of investigation and enforcement costs may be included in a stipulated
19 settlement.

20 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

21 21. Hydrocodone Bitartrate and Acetaminophen referred to as hydrocodone/apap, with
22 trade names of Lortab, Norco and Vicodin, is a Schedule III controlled substance pursuant to
23 Health and Safety Code section 11056(e)(4), and is categorized as dangerous drug pursuant to
24 section 4022. Hydrocodone is used for moderate to severe pain. As of October 6, 2014,
25 hydrocodone/apap has been rescheduled to a Schedule II controlled substance.

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1 **FACTUAL SUMMARY**

2 22. On or about February 9, 2012, Respondent Hoorfar, while working as a pharmacy
3 technician at Rite Aid 5545 ("Rite Aid Pharmacy" or "the pharmacy"), located at 10120 Mason
4 Avenue, Chatsworth, California, forged and entered into the pharmacy's database two fraudulent
5 prescriptions for hydrocodone/apap 5/500mg, Rx 819426 and Rx 819424 for patient R.H.,
6 Respondent Hoorfar's sister. Respondent Antranik reviewed and authorized the prescriptions. At
7 the time, Respondent Antranik was the pharmacist-in-charge of the Rite Aid Pharmacy.

8 23. Specifically, on February 9, 2012, Respondent Hoorfar forged and entered into the
9 pharmacy's database an unauthorized refill of Rx 343804, a prescription of 20 tablets of
10 hydrocodone/apap 5/500mg, for patient R.H. that the pharmacy dispensed on or about May 5,
11 2010. Respondent Hoorfar changed the prescription to 30 tablets of hydrocodone/apap 5/500mg,
12 and documented that the refill was approved by "Susan" from the prescriber's office. Respondent
13 Hoorfar processed the unauthorized prescription refill on "Hold" status under Rx 819426. On or
14 about February 16, 2012, another technician processed the prescription, Respondent Antranik
15 reviewed and verified it, and it was cashed out on or about February 18, 2012.

16 24. Also, on February 9, 2012, Respondent Hoorfar forged and entered into the
17 pharmacy's database an unauthorized refill of Rx 1485114, a prescription of 25 tablets of
18 hydrocodone/apap 7.5/750 for patient R.H. that was dispensed by the pharmacy on or about April
19 26, 2011. Respondent Hoorfar changed the prescription to 60 tablets of hydrocodone/apap
20 5/500mg, and documented that the refill was approved by "Laura" from the prescriber's office.
21 Respondent Hoorfar mistakenly dated the refill February 11, 2012. She processed it on February
22 9, 2012 under Rx 819424 and Respondent Antranik reviewed and verified it.

23 25. An audit of the pharmacy for the period of May 1, 2011 through March 6, 2012,
24 revealed that the pharmacy had in stock 286 tablets of hydrocodone/apap 5/500mg, over the
25 quantity it should have pursuant to the pharmacy's records. The discrepancy could not be
26 accounted for.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Fraudulent Prescriptions)

26. Respondent Hoorfar is subject to disciplinary action under section 4300 for unprofessional conduct as defined in sections 4301, subdivisions (f), (j), and (o), and 4060, in that she knowingly acted as an authorized prescriber and processed for patient R.H. two fraudulent prescriptions for hydrocodone/apap 5/500mg, a controlled substance and dangerous drug, Rx 819426 for 30 tablets and Rx 819424 for 60 tablets. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 22 through 25, inclusive, as though set forth fully herein.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Forged Prescriptions)

27. Respondent Hoorfar is subject to disciplinary action under section 4300 for unprofessional conduct as defined in section 4301, subdivisions (g), (j), and (o), in conjunction with section 4324, subdivision (a), and Health and Safety Code sections 11173, subdivisions (a) and (b), 11150, and 11157, in that she knowingly forged and data-entered into the pharmacy's database for patient R.H. two fraudulent prescriptions for hydrocodone/apap 5/500mg, a controlled substance and dangerous drug, Rx 819426 for 30 tablets and Rx 819424 for 60 tablets. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 22 through 26, inclusive, as though set forth fully herein.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

28. Respondent Hoorfar is subject to discipline pursuant to Code sections 4300 and 4301, in that she committed unprofessional conduct. Complainant refers to and by this reference incorporates allegations of paragraphs 22 through 27, above as though fully set forth.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Properly Supervise Pharmacy Staff)**

3 29. Respondent Antranik is subject to disciplinary action under section 4300 for
4 unprofessional conduct as defined in section 4301, subdivision (o), in conjunction with section
5 4115, subdivision (h), for failing to properly supervise the activities of a pharmacy technician.
6 Specifically, Respondent Antranik, while working at Rite Aid Pharmacy, failed to properly
7 supervise Respondent Hoorfar, thereby, allowing her to forge and process two fraudulent
8 prescriptions for hydrocodone/apap 5/500mg, a controlled substance and dangerous drug.
9 Complainant refers to and by this reference incorporates allegations of paragraphs 22 through 28,
10 above as though fully set forth.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Lack of Operational Standards and Security)**

13 30. Respondent Antranik is subject to disciplinary action under section 4301, subdivision
14 (o), in conjunction with California Code of Regulations, title 16, section 1714, subdivision (d), in
15 that she failed to maintain operational standards and security of the pharmacy. Specifically,
16 Respondent Antranik, while working at Rite Aid Pharmacy, could not explain the discrepancy of
17 286 tablets of hydrocodone/apap in stock over the quantity it should have been pursuant to the
18 Rite Aid Pharmacy's records. Complainant refers to and by this reference incorporates allegations
19 of paragraphs 22 through 29, above as though fully set forth.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Failure to Maintain Complete and Accurate Records)**

22 31. Respondent Antranik is subject to disciplinary action under section 4300 for
23 unprofessional conduct as defined in section 4301, subdivisions (j) and (o), in conjunction with
24 sections 4081 and 4105, and California Code of Regulations, title 16, section 1718, for failure to
25 maintain a complete and accurate record for all controlled substances and dangerous drugs
26 received, sold, or otherwise disposed of by the pharmacy. Respondent Antranik, while working
27 as the pharmacist-in-charge of Rite Aid Pharmacy, was unable to account for the surplus of 286
28 tablets of hydrocodone/apap in stock above what was shown in the pharmacy's records.

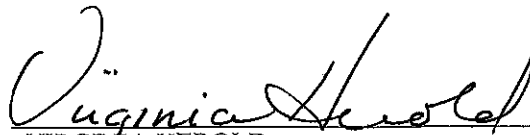
1 Complainant refers to and by this reference incorporates allegations of paragraphs 22 through 30,
2 above as though fully set forth.

3 PRAYER

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

- 6 1. Revoking or suspending Pharmacist License Number RPH 51006, issued to Liza J.
7 Antranik;
- 8 2. Revoking or suspending Pharmacy Technician Registration Number TCH 98206,
9 issued to Rana Hoorfar aka Rana Heidari;
- 10 3. Ordering Liza J. Antranik and Rana Hoorfar aka Rana Heidari to pay the Board of
11 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
12 Business and Professions Code section 125.3; and
- 13 4. Taking such other and further action as deemed necessary and proper.

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17 DATED: 12/29/15



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

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