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

12 In the Matter of the Accusation Against:

Case No. 7679

13 **GREGORY A. BAKMAZJIAN**
14 **837 Screenland Dr.**
Burbank, CA 91505

ACCUSATION

15 **Pharmacy Technician Registration**
16 **No. TCH 89393**

17 Respondent.

18
19
20 **PARTIES**

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

23 2. On or about March 2, 2009, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 89393 to Gregory A. Bakmazjian (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein. On June 21, 2024, Respondent's Pharmacy Technician Registration Number TCH 89393
27 was suspended pursuant to an Order Granting Interim Suspension. The Pharmacy Technician
28 Registration will expire on April 30, 2026.

1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. Unless otherwise indicated, all section references are to the Business and Professions Code
4 (Code).

5 4. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board, whose
8 default has been entered or whose case has been heard by the board and found guilty,
9 by any of the following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in
15 its discretion may deem proper.

16 5. Section 4300.1 of the Code states:

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

20 **STATUTORY PROVISIONS**

21 6. Section 4022 of the Code, in pertinent part, states:

22 "Dangerous drug" . . . means any drug or device unsafe for self-use in humans
23 or animals, and includes the following:

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

25 . . .

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

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1 7. Section 4059 of the Code, in pertinent part, states:

2 (a) A person may not furnish any dangerous drug, except upon the prescription
3 of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
4 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7.

5 8. Section 4301 of the Code states:

6 The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct or whose license has been issued by mistake. Unprofessional
conduct shall include, but is not limited to, any of the following:

8 ...

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

10 ...

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

12 ...

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

16 9. Section 4307 of the Code states:

17 (a) Any person who has been denied a license or whose license has been revoked
18 or is under suspension, or who has failed to renew his or her license while it was under
suspension, or who has been a manager, administrator, owner, member, officer,
19 director, associate, partner, or any other person with management or control of any
partnership, corporation, trust, firm, or association whose application for a license has
20 been denied or revoked, is under suspension or has been placed on probation, and while
acting as the manager, administrator, owner, member, officer, director, associate,
21 partner, or any other person with management or control had knowledge of or
knowingly participated in any conduct for which the license was denied, revoked,
22 suspended, or placed on probation, shall be prohibited from serving as a manager,
administrator, owner, member, officer, director, associate, partner, or in any other
23 position with management or control of a licensee as follows:

24 (1) Where a probationary license is issued or where an existing license is placed
25 on probation, this prohibition shall remain in effect for a period not to exceed five
years.

26 (2) Where the license is denied or revoked, the prohibition shall continue until
27 the license is issued or reinstated.

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(b) “Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license” as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board’s authority to proceed under Section 4339 or any other provision of law.

10. Section 11173, subdivision (a), of the Health and Safety Code states:

No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

COST RECOVERY

11. Section 125.3 of the Code states, in pertinent part, that the board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

DRUG CLASSIFICATIONS

BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&P CODE § 4022	CONTROLLED SUBSTANCE PER H&S CODE	INDICATIONS FOR USE
Prilosec	omeprazole	Yes	No	Acid Reflux
Naprosyn	naproxen	Yes	No	Pain
Ultram	tramadol	Yes	Yes – Schedule IV Per Title 21 CFR 1308.14(b)(3)	Pain

FACTUAL ALLEGATIONS

12. On August 11, 2023, Respondent was working as a pharmacy technician at Rite Aid, No. 5450, located at 6305 York Blvd., Los Angeles, CA 90042. A pharmacy video clip at about 7:41 p.m. shows Respondent walking toward the pharmacy counter with a medication bottle, shaking an unknown quantity of medication out of it, and placing it into his left hand. He pretended to count it, placed the medication into his left jean pocket, and removed an unknown

1 quantity again. Respondent placed the medication into his left hand, walked to the sink, and
2 consumed it with water. It appears he was alone in the pharmacy.

3 13. On August 22, 2023, Respondent admitted to Rite Aid investigators Miguel S.
4 (interviewer) and J.P. (witness) that he stole from Rite Aid about 15-20 omeprazole 20 mg
5 capsules and about 15-20 naproxen 500 mg tablets. Respondent also admitted that he had a
6 prescription¹ for 15 tablets of tramadol for which he did not pay the copay of \$0.74. Instead, he
7 marked the prescription as “paid” for in Rite Aid’s computer system. Later, he acknowledged
8 that Rite Aid’s total loss was \$111.97 in theft.

9 14. On August 31, 2023, L.K., Regional Pharmacy Leader, Rite Aid Corporation,
10 declared under penalty of perjury in a written statement that Michael I., Senior Leader of
11 Investigation for Rite Aid, informed her that Respondent admitted to stealing omeprazole and
12 naproxen from the pharmacy. L.K. also confirmed that Respondent took the following:
13 omeprazole, 20 mg, #20, NDC 68462-03960-10,² \$86; naproxen, 500 mg, #20, NDC 68462-
14 0190-01, \$25.90, and the co-payment of \$0.71 for RX No. 1344202 tramadol, 50 mg, #15, dated
15 July 14, 2023. As stated earlier, the total loss was \$111.97. On August 25, 2023, Respondent’s
16 employment as a pharmacy technician was terminated.

17 15. During an interview on September 13, 2023, Respondent told Board Inspector I.T.
18 that he took the medication [albeit five tablets each instead of 20 each] because he was in a lot of
19 pain and did not have the money to purchase them over the counter. He also said that he was
20 having financial difficulties.

21 16. On September 14, 2023, Michael I. said, “[W]hile reviewing a video at Store #5450,
22 we discovered Rite Aid Pharmacy Tech Gregory Bakmazjian took/consumed medication.” He
23 also said that Respondent admitted to taking omeprazole 20 mg, approximately 20 tablets, along
24 with 20 tablets of naproxen.

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27 ¹ RX No. 1344202, tramadol HCL 50 mg tablet 15 qty, retail price \$16.98, amount paid \$0.71.,
28 dtd. 7/14/23. (Patient History Report, 1/1/23 to 9/11/2023, Rite Aid, No. 5450.)

² NDC is for esomeprazole delayed release 20 mg capsules, which are by prescription.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Acts Involving Dishonesty, Fraud, Deceit, or Corruption)**

3 17. Respondent is subject to disciplinary action under Code § 4301, subd. (f), for
4 unprofessional conduct. Specifically, on August 11, 2023, while employed and on duty as a
5 pharmacy technician at Rite Aid No. 5450 in Los Angeles, Respondent stole from the pharmacy
6 and consumed dangerous drugs omeprazole and naproxen. Also, on or about July 14, 2023,
7 Respondent failed to pay the \$0.71 co-payment for the prescription drug tramadol, a controlled
8 substance, by marking the prescription as paid for in the computer system. The total loss to the
9 pharmacy was approximately \$111.97. The circumstances are set forth more fully above in
10 paragraphs 12 to 16 and incorporated herein by reference.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Violation of Pharmacy Laws - Furnishing Dangerous Drug without Prescription)**

13 18. Respondent is subject to disciplinary action under Code § 4301, subd. (o), for
14 unprofessional conduct. Specifically, on August 11, 2023, while employed and on duty as a
15 pharmacy technician at Rite Aid No. 5450 in Los Angeles, Respondent furnished dangerous
16 drugs, omeprazole and naproxen, to himself without a prescription in violation of Code § 4059,
17 subd. (a). The circumstances are set forth more fully above in paragraphs 12 to 16 and
18 incorporated herein by reference.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violation of Laws Governing Controlled Substances)**

21 19. Respondent is subject to disciplinary action under Code §§ 4301, subds. (j) and (o),
22 for a violation of Health and Safety Code § 11173. Specifically, on or about July 14, 2023, while
23 employed and on duty as a pharmacy technician at Rite Aid No. 5450 in Los Angeles,
24 Respondent obtained a controlled substance, tramadol 50 mg (RX 1344202), by fraud, deceit or
25 misrepresentation. Respondent marked the prescription as paid for in the computer system, but
26 failed to pay the copay. The circumstances are set forth more fully above in paragraphs 12 to 16
27 and incorporated herein by reference.

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OTHER MATTER

20. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician License Number TCH 89393 issued to Gregory A. Bakmazjian, then Gregory A. Bakmazjian shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board for five years if Pharmacy Technician License Number TCH 89393 is placed on probation or until Pharmacy Technician License Number TCH 89393 is reinstated if it is revoked.

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 89393, issued to Gregory A. Bakmazjian;

2. Prohibiting Gregory A. Bakmazjian from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee of the Board for five years if Pharmacy Technician License Number TCH 89393 is placed on probation or until Pharmacy Technician License Number TCH 89393 is reinstated if Pharmacy Technician License Number TCH 89393 is revoked.

3. Ordering Gregory A. Bakmazjian 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; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: 7/8/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.07.08 13:30:44
-07'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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