

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

In The Matter of the Accusation
Against:

No. 2420

**THE BEST PHARMACY AND MEDICAL
SUPPLY, INC.**

401 S. Glenoaks Blvd #102
Burbank CA 91502
Vrej Oganessian, President
Razmik Issaghkani, Vice President
Sofik Nazarian, Secretary

**WITHDRAWAL OF ACCUSATION
AGAINST:**

FARAH HOMA MONEMPOUR, aka
FARAH DOKHT MONEMPOUR,
RPH 46452

Original Pharmacy Permit No. PHY 43638

**FARAH HOMA MONEMOUR, aka
FARAH DOKHT MONEMPOUR**

457 N Doheny Drive #204
Beverly Hills CA 90210

Original Pharmacist License No. RPH 46452

SOFIK NAZARIAN

620 N. 6TH street #H
Burbank CA 91502

Original Pharmacy Technician Registration
No. TCH 35534

Respondents.

WITHDRAWAL OF ACCUSATION

Patricia F. Harris, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California, hereby withdraws the accusation in the above referenced matter.

Dated: 9/5/02



PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy

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of the State of California
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BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 2420

THE BEST PHARMACY AND MEDICAL
SUPPLY, INC.

A C C U S A T I O N

401 S. Glenoaks Blvd. #102
Burbank, CA 91502

Vrej Oganessian, President
Razmik Issakhani, Vice President
Sofik Nazarian, Secretary

Original Pharmacy Permit No. PHY 43638

and

FARAH HOMA MONEMOUR, aka
FARAH DOKHT MONEMPOUR
457 N. Doheny Dr. #204
Beverly Hills, CA 90210

Original Pharmacist License
No. RPH 46452

SOFIK NAZARIAN
620 N. 6th St., #H
Burbank, CA 91502

Original Pharmacy Technician
Registration No. TCH 35534

Respondents.

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1 Complainant alleges:

2 **PARTIES**

3 1. Patricia F. Harris ("Complainant") brings this Accusation solely in
4 her official capacity as the Executive Officer of the Board of Pharmacy, Department of
5 Consumer Affairs.

6 2. On or about August 27, 1998, the Board of Pharmacy issued
7 Original Pharmacy Permit Number PHY 43638 to The Best Pharmacy and Medical
8 Supply Inc. ("Respondent Best Pharmacy"). The address of record is: 401 S.
9 Glenoaks Blvd., #102, Burbank, CA 91502. The corporate officers are listed as Vrej
10 Oganessian, President, since August 27, 1998; Sofik Nazarian, Secretary, since August
11 27, 1998; and Razmik Eustachian Namagardi, Vice President since August 27, 1998.
12 The Pharmacist-in Charge listed from August 27, 1998 through November 1, 1999, was
13 shown as Robert Allen Brown, RPH 184226. The Pharmacist-in-Charge since
14 November 1, 1999 is Timothy Carson Helm, RPH 48927. The Original Pharmacy
15 Permit Number was in full force and effect at all times relevant to the charges brought
16 herein, until there was a discontinuance of business filed on June 12, 2000.

17 3. On or about September 9, 1993, the Board of Pharmacy issued
18 Original Pharmacist License Number RPH 46452 to Farah Homa Monempour
19 ("Respondent Monempour"). The Original Pharmacist License Number was in full force
20 and effect at all times relevant to the charges brought herein and will expire on June 30,
21 2003, if not renewed.

22 4. On or about December 19, 2000, the Board of Pharmacy issued
23 Original Pharmacy Technician Registration Number TCH 35534 to Sofik Nazarian
24 ("Respondent Nazarian"). The Original Pharmacy Technician Registration Number was
25 in full force and effect at all times relevant to the charges brought herein and will expire
26 on November 30, 2002, if not renewed.

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STATUTES AND REGULATIONS

5. Business and Professions Code^{1/} section 118(b) provides that the suspension, expiration, or forfeiture by operation of law of a license does not deprive the Board of authority or jurisdiction to institute or continue with disciplinary action against the license or to order suspension or revocation of the license, during the period within which the license may be renewed, restored, reissued or reinstated.

6. Section 4300^{2/} of the Code (formerly section 4350) permits the Board to take disciplinary action to suspend or revoke a license.

7. Section 4301 of the Code (formerly section 4350.5) the Board shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to:

(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.

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

(j) The violation of any of the statutes of California or of the United States regulating controlled substances and dangerous drugs.

(n) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter

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1. All further statutory references will be to the Business and Professions Code unless otherwise specified.

2. The Pharmacy Act was reenacted and recodified effective January 1, 1997 (C.890, Stats. 1996). Sections 4350 and 4350.5 of the Business and Professions Code were recodified as sections 4300 and 4301. All references are to the new Code sections. Section 4 of Chapter 890 provides that the recodification of the Pharmacy Law is to be construed as a continuation of the previous version of Chapter 9 of the Code.

1 or of the applicable federal and state laws and regulations governing pharmacy,
2 including the regulations established by the Board.

3 (o) Actions or conduct that would have warranted denial of a license.

4 (p) Actions or conduct that would have warranted denial of a license.

5 8. Section 4051 of the Code states, in pertinent part, that it is unlawful
6 for any person to manufacture, compound, furnish, sell, or dispense any dangerous
7 drugs or dangerous device, or to dispense or compound any prescription pursuant to
8 Section 4040 of a prescriber unless he or she is a pharmacist under this chapter.

9 9. Section 4328(a) of the Code states, in pertinent part, that any
10 person who permits the compounding or dispensing of prescriptions, or the furnishing of
11 dangerous drugs in his or her pharmacy, except by a pharmacist, is guilty of a
12 misdemeanor.

13 10. Section 4329 of the Code states, in pertinent part, any non-
14 pharmacist who takes charge of or acts as manager of any pharmacy or who
15 compounds or dispenses a prescription or furnishes dangerous drugs except as
16 otherwise provided in this chapter is guilty of a misdemeanor.

17 11. Section 4330(a) of the Code states, in pertinent part, any person
18 who has obtained a license to conduct a pharmacy, who fails to place in charge of the
19 pharmacy a pharmacist, or any person, who by himself or herself, or by any other
20 person, permits the compounding or dispensing of prescriptions, or the furnishing of
21 dangerous drugs, in his or her pharmacy, except by a pharmacist, or as otherwise
22 provided in this chapter, is guilty of a misdemeanor.

23 12. Title 16, California Code of Regulations, section 1714(d) states that
24 each pharmacist while on duty shall be responsible for the security of the prescription
25 department, including provisions for effective control against theft or diversion of
26 dangerous drugs and devices, and records for such drugs and devices.

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1 Possession of a key to the pharmacy where dangerous drugs and controlled
2 substances are stored shall be restricted to a pharmacist.

3 13. Section 11164(c) of the Health and Safety Code states, in pertinent
4 part, that any controlled substance classified in Schedule III, IV or V may be dispensed
5 upon an oral or electronically transmitted prescription, which shall be reduced to writing
6 by the pharmacist filling the prescription or by any other person expressly authorized by
7 provisions of the Business and Professions Code.

8 14. Section 11207 of the Health and Safety Code states that no person
9 other than a registered pharmacist under the laws of this state or an intern pharmacist,
10 as defined in Section 4038.1 of the Business and Professions Code, who is under the
11 personal supervision of a pharmacist, shall compound, prepare, fill or dispense a
12 prescription for a controlled substance.

13 15. Title 22, Medi-Cal Regulations, article 3, sections 51226 and 51227
14 states, in pertinent part, that service providers to Medi-Cal must have a valid certificate
15 issued by the Board of Pharmacy.

16 16. Title 16, California Code of Regulations, section 1793.1, states that
17 only a registered pharmacist, or an intern pharmacist acting under the supervision of a
18 registered pharmacist, may:

19 (a) Receive a new prescription order orally from a prescriber authorized by
20 the law.

21 (c) Identify, evaluate and interpret a prescription.

22 (h) Perform any other duty which federal or state laws or regulation
23 authorizes only as a registered pharmacist.

24 (i) Perform all functions which require professional judgment.

25 17. Section 125.3 of the Code provides, in part, that the Board may
26 request the administrative law judge to direct any licensee found to have committed a
27 violation or violations of the Licensing Act, to pay the Board a sum not to exceed the

1 reasonable costs of the investigation and enforcement of the case.

2 **CONTROLLED SUBSTANCES**

3 18. "Promethazine with codeine" is a brand name combination of
4 antihistamine with narcotic analgesic. It is a Schedule V narcotic controlled substance
5 as defined by Health and Safety Code section 111058(c)(1) and is categorized as a
6 "dangerous drug" pursuant to section 4022 of the Code.

7 19. "Vicodin" is a brand name combination of Hydrocodone 5 mg. with
8 Acetaminophen 500 mg. It is a Schedule III narcotic controlled substance as defined by
9 Health and Safety Code section 11056(e)(4) and is categorized as a "dangerous drug"
10 pursuant to section 4022 of the Code.

11 20. "Klonopin" is a brand name for Clonazepam. It is a Schedule IV
12 narcotic controlled substance as defined by Health and Safety Code section
13 11057(d)(6) and is categorized as a "dangerous drug" pursuant to section 4022 of the
14 Code.

15 21. "Tylenol #3 with ½ gram of Codeine" is a brand name combination
16 of Acetaminophen with Codeine. It is a Schedule III narcotic controlled substance as
17 defined by Health and Safety Code section 11056(e)(2) and is categorized as a
18 "dangerous drug" pursuant to section 4022 of the Code.

19 **FIRST CAUSE OF ACTION**

20 **DISPENSING PRESCRIPTIONS**

21 **WITHOUT A PHARMACIST PRESENT**

22 22. Respondents Best Pharmacy, Nazarian and each of them, are
23 subject to discipline pursuant to Business and Professions Code sections 4300, 4301,
24 4328, 4329, 4330, 4051 and Health and Safety Code Sections 11164(c) and 11207 for
25 unprofessional conduct within the meaning of Code sections 4301(j) and 4301(o), of the
26 Business and Professions Code and California Code of Regulations Section 1714 and
27 1793.1, for dispensing prescriptions without the supervision of a registered pharmacist,

1 by reasons of the following:

2 A. On or about January 9, 1999, Respondent Nazarian assumed the
3 duties of a pharmacist and processed prescription documents #688-691. Prescription
4 #690 was for Promethazine with Codeine. This was noted on the daily log for January
5 9, 1999, which did not show a signature of a pharmacist.

6 B. On or about January 23, 1999, Respondent Nazarian assumed the
7 duties of a pharmacist and processed prescription documents #997-999. This was
8 noted on the daily log for January 23, 1999.

9 C. On or about January 30, 1999, Respondent Nazarian assumed the
10 duties of a pharmacist and processed prescription documents #1171. This was noted
11 on the daily log for January 30, 1999.

12 D. On or about February 6, 1999, Respondent Nazarian assumed the
13 duties of a pharmacist and processed prescription documents #1374 -1375. This was
14 noted on the daily log for February 6, 1999.

15 E. On or about February 13, 1999, Respondent Nazarian assumed the
16 duties of a pharmacist and processed prescription document #1561-1564. This was
17 noted on the daily log for February 13, 1999.

18 F. On or about February 20, 1999, Respondent Nazarian assumed the
19 duties of a pharmacist and processed prescription documents #1721 -1722.
20 Prescription #1721 was for Klonopin, a Schedule IV controlled substance. This was
21 noted on the daily log for February 20, 1999.

22 G. On or about February 27, 1999, Respondent Nazarian assumed the
23 duties of a pharmacist and processed prescription documents #1903 and #1905. This
24 was noted on the daily log for February 27, 1999.

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1 **SECOND CAUSE OF ACTION**

2 FRAUDULENT BILLING

3 23. Respondents Best Pharmacy, Nazarian and each of them, are
4 subject to discipline pursuant to Business and Professions Code sections 4300,
5 4301(f), 4301(g), and 4301(p) for unprofessional conduct by reasons of violating Title
6 22, Medi-Cal Regulations, article 3, sections 51226 and 51227, in that on or about
7 December 5, 1998, December 19, 1998, January 9, 1999, January 23, 1999, January
8 30, 1999, February 6, 1999, February 13, 1999, February 20, 1999, and February 27,
9 1999, Respondent Nazarian assumed the duties of a pharmacist, processed
10 prescription documents for services provided, and billed Medi-Cal a total sum of
11 \$3,346.50.

12 **THIRD CAUSE OF ACTION**

13 **ALLOWING A NON-PHARMACIST TO**

14 TAKE AND RECEIVE TELEPHONIC PRESCRIPTIONS

15 24. Respondents Best Pharmacy, Monempour, Nazarian, and each of
16 them, are subject to discipline pursuant to Business and Professions Code sections
17 4300 and 4301(n) and 4301(o), for unprofessional conduct as it relates to California
18 Code of Regulations, Section 1793.1(a), 1793.1(c), 1793.1(h) and 1793.1(i), in that
19 Respondent Monempour allowed Respondent Nazarian, an unlicensed pharmacist, to
20 reduce telephonic prescriptions to writing. This was noted on the daily log for
21 December 19, 1998, which did not show a signature of a pharmacist, only the initials of
22 "BB" and on the daily log for January 12, 1999, which showed that Respondent
23 Monempour was the pharmacist on duty.

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1 WHEREFORE, Complainant prays that a hearing be held and that
2 following said hearing, the Board of Pharmacy make its Order:

3 1. Revoking or suspending Permit No. PHY 43638 issued to
4 Respondent Best Pharmacy.

5 2. Revoking or suspending License No. RPH 46452 issued to
6 Respondent Monempour.

7 3. Revoking or suspending Registration No. TCH 35534 issued to
8 Respondent Nazarian.

9 4. Prohibiting Respondent Monempour from serving as an officer,
10 director, associate or partner of any licensee, permittee or registrant for a period of five
11 years or until the license or permit is reissued or reinstated.

12 5. Issue an Order compelling the Respondents to reimburse the
13 Board for the reasonable costs of its investigation, enforcement, and prosecution of this
14 matter, up to the day of hearing.

15 6. Taking such other and further action as the Board deems
16 necessary and proper.

17 DATED: 1/31/02

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19 P. F. Harris

20 PATRICIA F. HARRIS
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California

25 Complainant
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