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of the State of California
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Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2587

PARISA KHORAMIAN
5905 Beckford Avenue
Tarzana, CA 91356

OAH No. L-2003070761

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Original Pharmacist License No. RPH 49211

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
Pharmacy. She brought this action solely in her official capacity and is represented in this matter
by Bill Lockyer, Attorney General of the State of California, by Terrence M. Mason, Deputy
Attorney General.

2. Respondent Parisa Khoramian (Respondent) is represented in this
proceeding by attorney Claudia H. Myles, Attorney at Law, whose address is P.O. Box 572891,
Tarzana, CA 91357.

3. On or about November 7, 1996, the Board of Pharmacy issued Original
Pharmacist License No. RPH 49211 to Parisa Khoramian. The License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 2587 and will expire on
2 January 31, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2587 was filed before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on June 18,
7 2003. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2587 is attached as "Exhibit A" and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2587. Respondent has also carefully
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2587.

26 9. Respondent agrees that her Original Pharmacist License is subject to
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

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1 controlled substances laws

- 2 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
- 3 any criminal complaint, information or indictment
- 4 • a conviction of any crime
- 5 • discipline, citation, or other administrative action filed by any state and federal
- 6 agency which involves Respondent's license or which is related to the practice
- 7 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 8 or charging for any drug, device or controlled substance.

9 **2. Reporting to the Board.** Respondent shall report to the Board
10 quarterly. The report shall be made either in person or in writing, as directed. Respondent
11 shall state under penalty of perjury whether there has been compliance with all the terms and
12 conditions of probation. If the final probation report is **not** made as directed, probation shall
13 be extended automatically until such time as the final report is made and accepted by the
14 Board.

15 **3. Interview with the Board.** Upon receipt of reasonable notice,
16 Respondent shall appear in person for interviews with the Board upon request at various
17 intervals at a location to be determined by the Board. Failure to appear for a scheduled
18 interview without prior notification to Board staff shall be considered a violation of probation.

19 **4. Cooperation with Board Staff.** Respondent shall cooperate with the
20 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
21 compliance with the terms and conditions of her probation. Failure to comply shall be
22 considered a violation of probation.

23 **5. Continuing Education.** Respondent shall provide evidence of efforts
24 to maintain skill and knowledge as a pharmacist as directed by the Board.

25 **6. Notice to Employers.** Respondent shall notify all present and
26 prospective employers of the decision in case number 2587 and the terms, conditions and
27 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
28 this decision, and within 15 days of Respondent undertaking new employment, Respondent

1 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
2 writing acknowledging the employer has read the decision in case number 2587.

3 If Respondent works for or is employed by or through a pharmacy employment
4 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
5 every pharmacy of the and terms conditions of the decision in case number 2587 in advance of
6 the Respondent commencing work at each pharmacy.

7 "Employment" within the meaning of this provision shall include any full-time, part-
8 time, temporary, relief or pharmacy management service as a pharmacist, whether the
9 Respondent is considered an employee or independent contractor.

10 7. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
11 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
12 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
13 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
14 order.

15 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board
16 its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall make
17 said payments as follows: within thirty (30) days of the effective date of the Decision, unless
18 other terms are received in writing from the Board.

19 The filing of bankruptcy by Respondent shall not relieve Respondent of her
20 responsibility to reimburse the Board its costs of investigation and prosecution.

21 9. **Probation Monitoring Costs.** Respondent shall pay the costs
22 associated with probation monitoring as determined by the Board each and every year of
23 probation. Such costs shall be payable to the Board at the end of each year of probation.
24 Failure to pay such costs shall be considered a violation of probation.

25 10. **Status of License.** Respondent shall, at all times while on probation,
26 maintain an active current license with the Board, including any period during which
27 suspension or probation is tolled.

28 If Respondent's license expires or is canceled by operation of law or otherwise,

1 upon renewal or re-application, Respondent's license shall be subject to all terms and
2 conditions of this probation not previously satisfied.

3 **11. License Surrender while on Probation/Suspension.** Following the
4 effective date of this decision, should Respondent cease practice due to retirement or health,
5 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may
6 tender her license to the Board for surrender. The Board shall have the discretion whether to
7 grant the request for surrender or take any other action it deems appropriate and reasonable.
8 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
9 to the terms and conditions of probation.

10 Upon acceptance of the surrender, Respondent shall relinquish her pocket
11 license to the Board within 10 days of notification by the Board that the surrender is accepted.
12 Respondent may not reapply for any license from the Board for three years from the effective
13 date of the surrender. Respondent shall meet all requirements applicable to the license sought
14 as of the date the application for that license is submitted to the Board.

15 **12. Notification of Employment/Mailing Address Change.** Respondent
16 shall notify the Board in writing within 10 days of any change of employment. Said
17 notification shall include the reasons for leaving and/or the address of the new employer,
18 supervisor or owner and work schedule if known. Respondent shall notify the Board in
19 writing within 10 days of a change in name, mailing address or phone number.

20 **13. Tolling of Probation.** Should Respondent, regardless of residency, for
21 any reason cease practicing pharmacy for a minimum of forty (40) hours per calendar month
22 in California, Respondent must notify the Board in writing within 10 days of cessation of the
23 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
24 shall not apply to the reduction of the probation period. It is a violation of probation for
25 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
26 period exceeding three years.

27 "Cessation of practice" means any period of time exceeding 30 days in which

28 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of

1 the Business and Professions Code.

2 14. **Violation of Probation.** If Respondent violates probation in any
3 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
4 probation and carry out the disciplinary order which was stayed. If a petition to revoke
5 probation or an accusation is filed against Respondent during probation, the Board shall have
6 continuing jurisdiction and the period of probation shall be extended, until the petition to
7 revoke probation or accusation is heard and decided.

8 If Respondent has not complied with any term or condition of probation, the
9 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
10 be extended until all terms and conditions have been satisfied or the Board has taken other
11 action as deemed appropriate to treat the failure to comply as a violation of probation, to
12 terminate probation, and to impose the penalty which was stayed.

13 15. **Completion of Probation.** Upon successful completion of probation,
14 Respondent's license will be fully restored.

15 ///

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order
18 and have fully discussed it with my attorney, Claudia H. Myles. I understand the stipulation
19 and the effect it will have on my Original Pharmacist License. I enter into this Stipulated
20 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
21 bound by the Decision and Order of the Board of Pharmacy.

22 DATED: _____.

23
24 _____
25 PARISA KHORAMIAN
26 Respondent

27 I have read and fully discussed with Respondent Parisa Khoramian the terms
28 and conditions and other matters contained in the above Stipulated Settlement and

the Business and Professions Code.

14. **Violation of Probation.** If Respondent violates probation in any respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

15. **Completion of Probation.** Upon successful completion of probation, Respondent's license will be fully restored.

///

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Claudia H. Myles. I understand the stipulation and the effect it will have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6-11-04


PARISA KHORAMIAN
Respondent

I have read and fully discussed with Respondent Parisa Khoramian the terms and conditions and other matters contained in the above Stipulated Settlement and

1 Disciplinary Order. I approve its form and content.

2 DATED: _____.

3
4 _____
5 CLAUDIA H. MYLES
6 Attorney for Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order is hereby
9 respectfully submitted for consideration by the Board of Pharmacy of the Department of
10 Consumer Affairs.

11 DATED: _____.

12 BILL LOCKYER, Attorney General
13 of the State of California

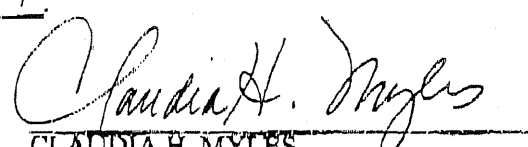
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15 _____
16 TERRENCE M. MASON
17 Deputy Attorney General

18 Attorneys for Complainant
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Disciplinary Order. I approve its form and content.

DATED: June 11, 2004



CLAUDIA H. MYLES
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby
respectfully submitted for consideration by the Board of Pharmacy of the Department of
Consumer Affairs.

DATED: 6/11/04

BILL LOCKYER, Attorney General
of the State of California


TERRENCE M. MASON
Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

PARISA KHORAMLIAN
5905 Beckford Avenue
Tarzana, CA 91356

Original Pharmacist License No. RPH 49211

Respondent.

Case No. 2587

OAH No. L-2003070761

DECISION AND ORDER

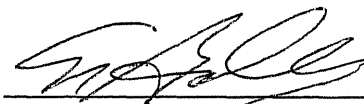
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 3, 2004.

It is so ORDERED August 4, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2587

1 BILL LOCKYER, Attorney General
of the State of California
2 JULIE A. CABOS, State Bar No. 162356
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2560
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2587

11 Northridge Medical Pharmacy, Inc.
12 dba MISSION PHARMACY
14860 Roscoe Blvd.
13 Panorama City, CA 91402

A C C U S A T I O N

14 Original Pharmacy Permit No. PHY 39906,

15 PARISA KHORAMIAN
5905 Beckford Avenue
16 Tarzana, CA 91356

17 Original Pharmacist License No. RPH 49211,

18 and

19 RICHARD JAMES NIETO
724 ½ Brent Avenue
20 South Pasadena, CA 91030

21 Pharmacy Technician Registration No. TCH
4339

22 Respondents.
23

24 Complainant alleges:

25 PARTIES

26 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
27 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
28

1 Affairs.

2 2. On or about May 16, 1994, the Board of Pharmacy issued Original
3 Pharmacy Permit Number PHY 39906 to Northridge Medical Pharmacy, Inc., to do business as
4 Mission Pharmacy (Respondent Pharmacy). The Original Pharmacy Permit was in full force and
5 effect at all times relevant to the charges brought herein, and remained in full force and effect
6 until April 25, 2003, when there was a change of ownership.

7 Joseph Vivo was the President from May 16, 1994 through September 21, 1998.
8 Alex Sirota is the Secretary and Izabela Sirota is the Treasurer since May 16, 1994.

9 Parisa Khoramian, RPH 49211, was the Pharmacist-in-Charge from June 1, 1998
10 through May 9, 2001. Gerta Zelman RPH 39493, was the Pharmacist-in-Charge from June 1,
11 2001 through March 5, 2002. Serena Khalily, RPH 42496, was the Pharmacist-in-Charge from
12 March 5, 2002 through February 12, 2003.

13 3. On or about November 7, 1996, the Board of Pharmacy issued Original
14 Pharmacist License Number RPH 49211 to Parisa Khoramian (Respondent Khoramian). The
15 Original Pharmacist License was in full force and effect at all times relevant to the charges
16 brought herein and will expire on January 31, 2004, unless renewed.

17 4. On or about February 5, 1993, the Board of Pharmacy issued Pharmacy
18 Technician Registration Number TCH 4339 to Richard James Nieto (Respondent Nieto). The
19 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
20 brought herein and will expire on February 28, 2005, unless renewed.

21 JURISDICTION

22 5. This Accusation is brought before the Board of Pharmacy (Board) ,
23 Department of Consumer Affairs under the authority of the below-mentioned statutes and
24 regulations.

25 6. Business and Professions Code section 4300 permits the Board to take
26 disciplinary action to suspend or revoke a license issued by the Board.

27 7. Business and Professions Code section 4301 states, in pertinent part:
28 "The board shall take action against any holder of a license who is guilty of

unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

"(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 this state or of the United States regulating controlled substances and dangerous drugs.

....

"(o) 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 or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

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

8. Business and Professions Code section 4059 states, in pertinent part:

"A person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian."

9. Business and Professions Code section 4060 states:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This

1 section shall not apply to the possession of any controlled substance by a manufacturer,
2 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
3 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
4 and address of the supplier or producer.

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

7 10. Business and Professions Code section 4063 states:

8 "No prescription for any dangerous drug or dangerous device may be refilled
9 except upon authorization of the prescriber. The authorization may be given orally or at the time
10 of giving the original prescription. No prescription for any dangerous drug that is a controlled
11 substance may be designated refillable as needed"

12 11. Business and Professions Code section 4070 states, in pertinent part, that
13 "an oral or an electronic data transmission prescription shall as soon as practical be reduced to
14 writing by the pharmacist and shall be filled by or under the direction of the pharmacist."

15 12. Business and Professions Code section 4081, subdivision (a), states:

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

25 13. Business and Professions Code section 4113, subdivision (b), states:

26 "The pharmacist-in-charge shall be responsible for a pharmacy's compliance with
27 all state and federal laws and regulations pertaining to the practice of pharmacy."

28 14. Health and Safety Code section 11158(a) states, in pertinent part:

1 "Except as provided in section 11159 or when dispensed directly to an ultimate
2 user by a practitioner, other than a pharmacist or pharmacy, no controlled substance classified in
3 Schedule III, IV, or V may be dispensed without a prescription meeting the requirements of this
4 chapter [chapter 4, commencing with section 11150]."

5 15. Health and Safety Code section 11164, subdivision (c), states, in pertinent
6 part:

7 "Any controlled substance classified in Schedule III, IV or V may be dispensed
8 upon an oral or electrically transmitted prescription, which shall be reduced to writing by the
9 pharmacist filling the prescription or by any other person expressly authorized by provisions of
10 the Business and Professions Code."

11 16. Health and Safety Code section 11171 states:

12 "No person shall prescribe, administer, or furnish a controlled substance except
13 under the conditions and in the manner provided by this division."

14 17. Health and Safety Code section 11172 states:

15 "No person shall antedate or postdate a prescription."

16 18. California Code of Regulations, title 16, section 1716, states:

17 "Pharmacists shall not deviate from the requirements of a prescription except
18 upon the prior consent of the prescriber or to select the drug product in accordance with Section
19 4073 of the Business and Professions Code."

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

21 "Current Inventory" as used in Section 4232 of the Business and Professions Code
22 shall be considered to include complete accountability for all dangerous drugs handled by every
23 licensee enumerated in Section 4232."

24 20. Business and Professions Code section 118, subdivision (b), provides that

25 the expiration of a license shall not deprive the Board of jurisdiction to proceed with a
26 disciplinary action during the period within which the license may be renewed, restored, reissued
27 or reinstated.

28 21. Business and Professions Code section 125.3 provides, in pertinent part,

that the Board may request the administrative law judge to direct a licentiate 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.

22. CONTROLLED SUBSTANCE

a. "Hydrocodone/acetaminophen", a generic drug for Vicodin, Vicodin ES, Anexsia, Lorcet, Lorcet Plus, and Norco, is a Schedule III controlled substance as defined in Health and Safety Code section 11056(e)(4) and is categorized as dangerous drugs according to Business and Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Violation of Statute: Failure to Maintain Current Inventory)

23. Respondents Pharmacy and Khoramian are subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct, for violating Code section 4081, subdivision (a) in conjunction with California Code of Regulations, title 16, section 1718, in that Respondents Pharmacy and Khoramian failed to maintain a current inventory as follows:

On or about May 3, 2001, Respondent Khoramian reported a theft of controlled substances to the Board. Thereafter, on or about August 22, 2001, the Board's inspectors performed an inspection of Respondent Pharmacy. On or about August 24, 2001, the inspectors conducted an drug audit for all hydrocodone-containing products for the period between January 1, 2000 and May 31, 2001. The inventory for hydrocodone containing drugs revealed that as of June 1, 2001, there was significantly less medication on hand, as follows:

<u>Drug & Strength</u>	<u>Acquired between 1/1/00 - 5/31/01</u>	<u>Prescription dispensed 1/1/00 to 5/31/01</u>	<u>Amount of drug to be accounted</u>	<u>Inventory as of 4/01</u>	<u>Inventory as of 6/1/01</u>	<u>Shortage as of 6/1/01</u>
hydrocodone 5mg/500mg	16,200	15,681	519	100	220	299
hydrocodone 5mg/500mg (Vicodin)	100	30	70	10	3	67
hydrocodone 7.5mg/500mg.	200	0	200	0	70	130
hydrocodone 7.5mg/650mg	2,100	0	2,100	5	50	2,050

1	hydrocodone 7.5mg/ 650mg (Lorcet Plus)	0	0	0	70	8	---
2	hydrocodone 7.5mg/ 750mg	46,000	35,550	10,450	400	510	9,940
3	hydrocodone 7.5mg/ 750mg (Vicodin ES)	6,000	5,120	880	30	70	810
4	hydrocodone 10mg/ 325mg	5,100	0	5,100	0	5	5,095
5	hydrocodone 10mg/ 325mg (Norco)	6,100	1,348	4,752	0	0	4,752
6	hydrocodone 10mg/ 500mg.	500	0	500	100	0	500
7	hydrocodone 10mg/ 650mg	6,700	0	6,700	250	50	6,650
8	hydrocodone 10mg/ 650mg (Lorcet)	600	0	600	110	0	600
9	hydrocodone 10mg/ 660mg (Vicodin HP)	0	0	0	50	6	---
10	hydromet syrup	304	150	154	720	0	154
11	Vicoprofen 7.5mg/ 200mg	200	0	200	40	30	170

12 Respondents were unable to account for the loss or shortage of the drugs.

13 SECOND CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct - Violation of Statute: Failure to Maintain Current Inventory)

15 24. Respondents Pharmacy and Khoramian are subject to disciplinary action
16 under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the
17 grounds of unprofessional conduct, for violating Health and Safety Code Section 11208, in that
18 Respondents Pharmacy and Khoramian were in possession of a lesser amount of controlled
19 substances than accounted for by any record, with no record to account for the loss, as set forth in
20 paragraphs 23, above.

21 THIRD CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct - Violation of Statute: Postdated/Antedated Prescriptions)

23 25. Respondents Pharmacy and Khoramian are subject to disciplinary action
24 under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the
25 grounds of unprofessional conduct for violating California Code of Regulations, title 16, section
26 1716, and Health and Safety Code section 11172, in that, from about April 3, 2000 to about
27 February 9, 2001, Respondents Pharmacy and Khoramian filled prescriptions for patient Stuart
28 H. prior to the date written on the prescription, as follows:

<u>DATE PRESCRIBED</u>	<u>DATE FILLED</u>	<u>DRUG</u>	<u>QUANTITY</u>
April 4, 2000	April 3, 2000	Hydro 7.5/Acet 750	100
July 25, 2000	July 24, 2000	Hydro 7.5/Acet 750	100
August 22, 2000	August 21, 2000	Hydro 7.5/Acet 750	100
September 19, 2000	September 18, 2000	Hydro 7.5/Acet 750	100
October 3, 2000	October 2, 2000	Hydro 7.5/Acet 750	100
October 17, 2000	October 16, 2000	Hydro 7.5/Acet 750	100
October 31, 2000	October 30, 2000	Hydro 7.5/Acet 750	100
November 14, 2000	November 13, 2000	Hydro 7.5/Acet 750	100
February 13, 2001	February 9, 2001	Hydro 7.5/Acet 750	100

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Violation of Statute: Unauthorized Refills)

26. Respondents Pharmacy and Khoramian are subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct for violating Business and Professions Code section 4063, Health and Safety Code section 11171, and California Code of Regulations, title 16, section 1716, in that Respondents Pharmacy and Khoramian refilled prescriptions without authorization, as follows:

a. On or about April 12, 2000, a telephonic prescription was taken for John W. for Norco 10mg. 1 tablet, BID (twice a day), prn (when necessary) #32, with no refills authorized.

b. Prescription number 357604 was subsequently re-filled on May 16, 2000, June 22, 2000 and October 2, 2000, with 60 tablets for each refill, without authorization for said refills.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Violation of Statute: Unauthorized Orally Transmitted Prescriptions)

27. Respondents Pharmacy and Khoramian are subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), on the grounds of unprofessional conduct for violating Business and Professions Code section 4070, as it relates to Health and Safety Code section 11164 and California Code of Regulations, title 16, section 1793.7, as follows:

1 a. Respondents allowed an unauthorized person, an unsupervised technician,
2 to take an orally-transmitted prescription for a controlled substance.

3 b. On three separate occasions -- on or about April 6, 2000; April 12, 2000;
4 and October 31, 2000 -- telephonic prescriptions were not initialed by the pharmacist.
5 Respondent Khoramian could not identify the person who took the telephonic prescriptions, but
6 stated that she believed it was Respondent Nieto.

7 SIXTH CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct - Violation of Statute: Dispensing Drugs Without a Prescription)

9 28. Respondents Pharmacy, Khoramian and Nieto are subject to disciplinary
10 action under Business and Professions Code sections 4300 and 4301, subdivisions (j) and (o), for
11 violating Business and Professions Code sections 4059 and 4063, and Health and Safety Code
12 section 11171, in that Respondent Nieto admitted that he sent a 500-count bottle of Norco,
13 without a prescription, to patient John W. and also admitted that he sent 600 additional tablets to
14 patient John W. over a two-month period.

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1 PRAYER

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

- 4 1. Revoking or suspending Original Pharmacy Permit Number PHY 39906,
5 issued to Northridge Medical Pharmacy, Inc. dba Mission Pharmacy;
6 2. Revoking or suspending Original Pharmacist License Number RPH
7 49211, issued to Parisa Khoramian;
8 3. Revoking or suspending Pharmacy Technician Registration Number TCH
9 4339, issued to Richard James Nieto;
10 4. Ordering Mission Pharmacy, Parisa Khoramian and Richard James Nieto
11 to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this
12 case, pursuant to Business and Professions Code section 125.3;
13 5. Taking such other and further action as deemed necessary and proper.

14 DATED: 6/10/03

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17 P. F. Harris
18 PATRICIA F. HARRIS
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant
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26 03583110-LA2002AD2359
27 CML (01/24/2003)
28 jac (6/2/2003)

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