

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

In the Matter of the Statement of Issues Against:

Case No. 3921

**SPECIALTY PHARMACEUTICALS INC.
DBA CAREQUEST PHARMACY;
FARMARZ GANJIAN, AKA FRED GANJIAN**
6901 Canby #108
Reseda, CA 91335
Applicant for Pharmacy Permit

Respondent.

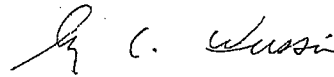
DECISION AND ORDER

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 November 17, 2011.

It is so ORDERED on October 18, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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Attorney General of California
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

12 **SPECIALTY PHARMACEUTICALS,**
13 **INC., DBA CAREQUEST PHARMACY;**
14 **FARMARZ GANJIAN, AKA FRED**
GANJIAN;

15 **6901 Canby #108**
16 **Reseda, CA 91335**
Applicant for Pharmacy Permit

17 Respondents.

Case No. 3921

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Kimberley J. Baker-Guillemet, Deputy
25 Attorney General.

26 2. Respondent Specialty Pharmaceuticals, Inc., DBA CareQuest Pharmacy; Farmarz
27 Ganjian, aka Fred Ganjian (Respondent) is representing itself in this proceeding and has chosen
28 not to exercise its right to be represented by counsel.

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3. On or about April 4, 2011, the California State Board of Pharmacy received an amended application for an Applicant for Pharmacy Permit from Specialty Pharmaceuticals, Inc., dba CareQuest Pharmacy; Faramarz Ganjian, aka Fred Ganjian.

JURISDICTION

4. Statement of Issues No. 3921 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on July 18, 2011. A copy of Statement of Issues No. 3921 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 3921. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 3921.

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Respondent Specialty Pharmaceuticals, Inc. DBA
3 CareQuest Pharmacy; Farmarz Ganjian, aka Fred Ganjian that a Pharmacy Permit will be issued
4 and immediately revoked. The revocation will be stayed and the Respondent placed on three (3)
5 years probation on the following terms and conditions.

6 **1. Obey All Laws**

7 Respondent owner shall obey all state and federal laws and regulations.

8 Respondent owner shall report any of the following occurrences to the board, in writing,
9 within seventy-two (72) hours of such occurrence:

- 10 an arrest or issuance of a criminal complaint for violation of any provision of the
11 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
12 substances laws
- 13 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
14 criminal complaint, information or indictment
- 15 a conviction of any crime
- 16 discipline, citation, or other administrative action filed by any state or federal agency
17 which involves respondent's pharmacy permit or which is related to the practice of
18 pharmacy or the manufacturing, obtaining, handling or distributing, billing, or
19 charging for any drug, device or controlled substance.

20 Failure to timely report any such occurrence shall be considered a violation of probation.

21 **2. Report to the Board**

22 Respondent owner shall report to the board quarterly, on a schedule as directed by the board
23 or its designee. The report shall be made either in person or in writing, as directed. Among other
24 requirements, respondent owner shall state in each report under penalty of perjury whether there
25 has been compliance with all the terms and conditions of probation. Failure to submit timely
26 reports in a form as directed shall be considered a violation of probation. Any period(s) of
27 delinquency in submission of reports as directed may be added to the total period of probation.
28 Moreover, if the final probation report is not made as directed, probation shall be automatically

1 extended until such time as the final report is made and accepted by the board.

2 **3. Interview with the Board**

3 Upon receipt of reasonable prior notice, respondent owner shall appear in person for
4 interviews with the board or its designee, at such intervals and locations as are determined by the
5 board or its designee. Failure to appear for any scheduled interview without prior notification to
6 board staff, or failure to appear for two (2) or more scheduled interviews with the board or its
7 designee during the period of probation, shall be considered a violation of probation.

8 **4. Cooperate with Board Staff**

9 Respondent owner shall cooperate with the board's inspection program and with the board's
10 monitoring and investigation of respondent's compliance with the terms and conditions of their
11 probation. Failure to cooperate shall be considered a violation of probation.

12 **5. Probation Monitoring Costs**

13 Respondent owner shall pay any costs associated with probation monitoring as determined
14 by the board each and every year of probation. Such costs shall be payable to the board on a
15 schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as
16 directed shall be considered a violation of probation.

17 **6. Status of License**

18 Respondent owner shall, at all times while on probation, maintain current licensure with the
19 board. If respondent owner submits an application to the board, and the application is approved,
20 for a change of location, change of permit or change of ownership, the board shall retain
21 continuing jurisdiction over the license, and the respondent shall remain on probation as
22 determined by the board. Failure to maintain current licensure shall be considered a violation of
23 probation.

24 If respondent owner's license expires or is cancelled by operation of law or otherwise at any
25 time during the period of probation, including any extensions thereof or otherwise, upon renewal
26 or reapplication respondent owner's license shall be subject to all terms and conditions of this
27 probation not previously satisfied.

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2 **7. License Surrender While on Probation/Suspension**

3 Following the effective date of this decision, should respondent owner discontinue
4 business, respondent owner may tender the premises license to the board for surrender. The
5 board or its designee shall have the discretion whether to grant the request for surrender or take
6 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of
7 the license, respondent will no longer be subject to the terms and conditions of probation.

8 Upon acceptance of the surrender, respondent owner shall relinquish the premises wall and
9 renewal license to the board within ten (10) days of notification by the board that the surrender is
10 accepted. Respondent owner shall further submit a completed Discontinuance of Business form
11 according to board guidelines and shall notify the board of the records inventory transfer.

12 Respondent owner shall also, by the effective date of this decision, arrange for the
13 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written
14 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that
15 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating
16 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five
17 days of its provision to the pharmacy's ongoing patients, Respondent owner shall provide a copy
18 of the written notice to the board. For the purposes of this provision, "ongoing patients" means
19 those patients for whom the pharmacy has on file a prescription with one or more refills
20 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)
21 days.

22 Respondent owner may not apply for any new licensure from the board for three (3) years
23 from the effective date of the surrender. Respondent owner shall meet all requirements applicable
24 to the license sought as of the date the application for that license is submitted to the board.

25 Respondent owner further stipulates that he or she shall reimburse the board for its costs of
26 investigation and prosecution prior to the acceptance of the surrender.

27 **8. Notice to Employees**

28 Respondent owner shall, upon or before the effective date of this decision, ensure that all

1 employees involved in permit operations are made aware of all the terms and conditions of
2 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
3 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
4 remain posted throughout the probation period. Respondent owner shall ensure that any
5 employees hired or used after the effective date of this decision are made aware of the terms and
6 conditions of probation by posting a notice, circulating a notice, or both. Additionally,
7 respondent owner shall submit written notification to the board, within fifteen (15) days of the
8 effective date of this decision, that this term has been satisfied. Failure to submit such
9 notification to the board shall be considered a violation of probation.

10 "Employees" as used in this provision includes all full-time, part-time,
11 volunteer, temporary and relief employees and independent contractors employed or
12 hired at any time during probation.

13 **9. Owners and Officers: Knowledge of the Law**

14 Respondent shall provide, within thirty (30) days after the effective date of this decision,
15 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
16 or more of the interest in respondent or respondent's stock, and any officer, stating under penalty
17 of perjury that said individuals have read and are familiar with state and federal laws and
18 regulations governing the practice of pharmacy. The failure to timely provide said statements
19 under penalty of perjury shall be considered a violation of probation.

20 **10. Posted Notice of Probation**

21 Respondent owner shall prominently post a probation notice provided by the board in a
22 place conspicuous and readable to the public. The probation notice shall remain posted during
23 the entire period of probation.

24 Respondent owner shall not, directly or indirectly, engage in any conduct or make any
25 statement which is intended to mislead or is likely to have the effect of misleading any patient,
26 customer, member of the public, or other person(s) as to the nature of and reason for the probation
27 of the licensed entity.

28 Failure to post such notice shall be considered a violation of probation.

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11. Violation of Probation

If a respondent owner has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent license, and probation shall be automatically 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 that was stayed.

If respondent owner violates probation in any respect, the board, after giving respondent owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. 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 automatically extended until the petition to revoke probation or accusation is heard and decided.

12. Completion of Probation

Upon written notice by the board or its designee indicating successful completion of probation, respondent license will be fully restored.

13. Notification of Licensure in Another State

Respondent pharmacy shall notify the board within three business days should it become licensed in another state. Failure to notify the board shall be considered a violation of probation.

14. Quarterly Profit and Loss Statement

Respondent pharmacy shall provide the board on a quarterly basis a profit and loss statement. Failure to provide the board with the profit and loss statement shall be considered a violation of probation.

15. Provision of Drug Wholesaler Contract or Agreement

Respondent pharmacy shall provide the board with copies of any contract or agreement made with a drug wholesaler. Failure to provide the board with copies of the contract shall be considered a violation of probation.

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1 **16. Board Notification for Compounding Services and/or Medication for Skilled**
2 **Nursing Facility Contracts**

3 The board shall be advised before respondent pharmacy enters into a contract to provide
4 compounding services or medications for a skilled nursing facility. Failure to notify the board
5 shall be considered a violation of probation.

6 **17. Consultant Pharmacist**

7 Respondent shall retain an independent consultant at respondent's own expense who shall
8 be responsible for reviewing pharmacy operations on a monthly or quarterly basis, as determined
9 by the board or its designee, for compliance by respondent with state and federal laws and
10 regulations governing the practice of pharmacy and for compliance by respondent with the
11 obligations of a pharmacist-in-charge. The consultant pharmacist shall be familiar with closed
12 door pharmacies, compounding and if possible, mail order. In addition, the consultant pharmacist
13 must be licensed by and not on probation with the board and whose name shall be submitted to
14 the board or its designee, for prior approval, within thirty (30) days of the effective date of this
15 decision. Respondent shall not be a pharmacist-in-charge at more than one pharmacy or at any
16 pharmacy of which he or she is not the sole owner. Failure to timely retain, seek approval of, or
17 ensure timely reporting by the consultant shall be considered a violation of probation.

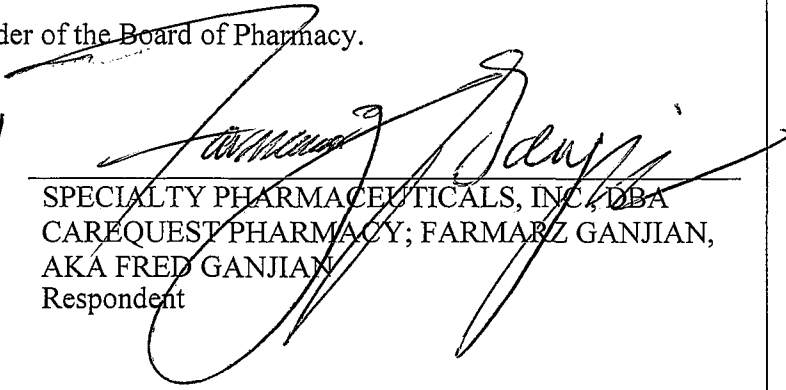
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Applicant for Pharmacy Permit. 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: Aug 10, 2011


SPECIALTY PHARMACEUTICALS, INC. DBA
CAREQUEST PHARMACY; FARMARZ GANJIAN,
AKA FRED GANJIAN
Respondent

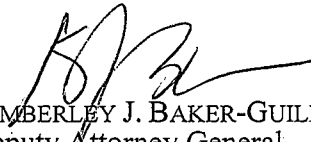
ENDORSEMENT

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: August 3, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Statement of Issues No. 3921

1 KAMALA D. HARRIS
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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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Attorneys for Complainant

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10 In the Matter of the Statement of Issues
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14 **GANJIAN;**
15 **6901 Canby #108**
Reseda, CA 91335
Applicant for Pharmacy Permit

FIRST AMENDED STATEMENT OF
ISSUES

16 Respondents.

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18
19 Complainant alleges:

20 PARTIES

21 1. Virginia K. Herold (Complainant) brings this Statement of Issues solely in her official
22 capacity as the Executive Officer of the California State Board of Pharmacy.

23 2. On or about August 24, 2010, the California State Board of Pharmacy received an
24 application for an Applicant for Pharmacy Permit from Specialty Pharmaceuticals, Inc.; Faramarz
25 Ganjian, aka Fred Ganjian; Christopher Michael Hall (Respondents). On or about August 2,
26 2010, Faramarz Ganjian certified under penalty of perjury to the truthfulness of all statements,
27 answers, and representations in the application. The California State Board of Pharmacy denied
28 the application on October 26, 2010.

1 3. On or about April 4, 2011, the California State Board of Pharmacy received an
2 amended application for an Applicant for Pharmacy Permit from Specialty Pharmaceuticals, Inc.,
3 dba CareQuest Pharmacy; Faramarz Ganjian, aka Fred Ganjian (Respondents). On or about
4 March 28, 2011, Faramarz Ganjian certified under penalty of perjury to the truthfulness of all
5 statements, answers, and representations in the application. The California State Board of
6 Pharmacy denied the application on July 6, 2011.

7 4. On or about January 21, 2005, the California State Board of Pharmacy issued
8 Original Pharmacist License Number RPH 56740 to respondent Faramarz Ganjian. Said license
9 will expire on February 28, 2013, unless renewed.

10 JURISDICTION

11 5. This Statement of Issues is brought before the California Board of Pharmacy (Board),
12 Department of Consumer Affairs, under the authority of the following laws. All section
13 references are to the Business and Professions Code unless otherwise indicated.

14 6. Section 4300, subdivision (c) of the Code states that the Board may refuse a license to
15 any applicant guilty of unprofessional conduct.

16 7. Section 4301 of the Code states:

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

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
24 States Code regulating controlled substances or of a violation of the statutes of this
25 state regulating controlled substances or dangerous drugs shall be conclusive
26 evidence of unprofessional conduct. In all other cases, the record of conviction shall
27 be conclusive evidence only of the fact that the conviction occurred. The board may
28 inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The

1 board may take action when the time for appeal has elapsed, or the judgment of
2 conviction has been affirmed on appeal or when an order granting probation is made
3 suspending the imposition of sentence, irrespective of a subsequent order under
4 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
5 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
6 dismissing the accusation, information, or indictment.

7 (n) The revocation, suspension, or other discipline by another state of a license
8 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
9 required by this chapter.

10 8. Section 480 of the Code states:

11 (a) A board may deny a license regulated by this code on the grounds that the
12 applicant has one of the following:

13 (1) Been convicted of a crime. A conviction within the meaning of this section
14 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
15 Any action that a board is permitted to take following the establishment of a conviction
16 may be taken when the time for appeal has elapsed, or the judgment of conviction has
17 been affirmed on appeal, or when an order granting probation is made suspending the
18 imposition of sentence, irrespective of a subsequent order under the provisions of
19 Section 1203.4 of the Penal Code.

20 (2) Done any act involving dishonesty, fraud, or deceit with the intent to
21 substantially benefit himself or herself or another, or substantially injure another.

22 (3)

23 (A) Done any act that if done by a licentiate of the business or profession in
24 question, would be grounds for suspension or revocation of license.

25 (B) The board may deny a license pursuant to this subdivision only if the crime
26 or act is substantially related to the qualifications, functions, or duties of the business
27 or profession for which application is made.

28 9. Section 125.3 of the Code 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.

1 On or about July 20, 1998, in Case No. 98-15-20, respondent Ganjian's license to practice
2 pharmacy in the State of New York was reinstated and he was placed on five (5) years probation
3 with terms and conditions.

4 b. On or about March 7, 1994, in a proceeding entitled *In the Matter of Faramarz*
5 *Ganjian*, Pharmacy File No. 93-6, Docket No. 94-16, before the State of Connecticut,
6 Commission of Pharmacy, respondent Ganjian surrendered his Connecticut pharmacist license
7 based on the disciplinary action and surrender of his pharmacist license in the State of New York.
8 Complainant refers to and by this reference incorporates the allegations set forth above in
9 paragraphs 8 and 9, inclusive, as though set forth fully.

10 On or about November 3, 1998, in Pharmacy File No. 98-48, Docket No. 98-600,
11 respondent Ganjian's license to practice pharmacy in the State of Connecticut was reinstated and
12 he was placed on five (5) years probation with terms and conditions.

13 THIRD CAUSE FOR DENIAL OF APPLICATION

14 (Acts Involving Dishonesty, Fraud or Deceit with

15 Intent to Substantially Benefit Himself or Substantially Injure Another)

16 12. Respondents' application is subject to denial under section 480, subdivision (a),
17 subparagraph (2) in that respondent Ganjian committed acts which involved dishonesty, fraud, or
18 deceit with the intent to substantially benefit himself or another, or substantially injure another.
19 Complainant refers to and by this reference incorporates the allegations set forth above in
20 paragraph 8, inclusive, as though set forth fully.

21 FOURTH CAUSE FOR DENIAL OF APPLICATION

22 (Acts If Done By Licentiate Constitute Grounds for Suspension or Revocation)

23 13. Respondents' application is subject to denial under section 480, subdivision (a),
24 subparagraph (3) in that respondent Ganjian committed acts that if done by a licentiate of the
25 business or profession in question, would be grounds for suspension or revocation of license.
26 Complainant refers to and by this reference incorporates the allegations set forth above in
27 paragraph 8, inclusive, as though set forth fully.

28 ///

1 DISCIPLINE CONSIDERATIONS

2 14. To determine the degree of discipline, if any, to be imposed on respondents,
3 Complainant alleges that on or about October 13, 1999, a prior disciplinary action entitled *In the*
4 *Matter of the Statement of Issues Against Faramarz Ganjian* before the California State Board of
5 Pharmacy, Case No. 2227, was filed against respondent Faramarz Ganjian. Discipline was
6 imposed for the acts discussed in paragraphs 8 and 9 above. Complainant refers to and by this
7 reference incorporates the allegations set forth above in paragraphs 8 and 9, inclusive, as though
8 set forth fully.

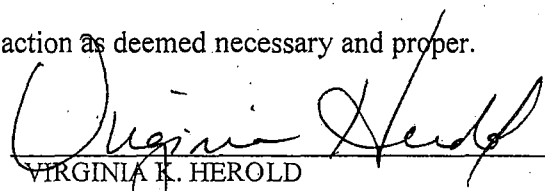
9 Pursuant to a stipulated settlement, respondent Ganjian's application for pharmacist
10 licensure examination was granted. Upon successful completion of the California pharmacist
11 licensure examination and all other licensing requirements, a license was issued to respondent
12 Ganjian. The license was immediately revoked, the order of revocation stayed and respondent
13 Ganjian was placed on probation for three (3) years, from January 21, 2005, to January 20, 2008,
14 on terms and conditions. That decision is now final and is incorporated by reference as if fully set
15 forth.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the California State Board of Pharmacy issue a decision:

- 19 1. Denying the application of Specialty Pharmaceuticals, Inc., dba CareQuest Pharmacy;
20 Faramarz Ganjian, aka Fred Ganjian for an Applicant for Pharmacy Permit;
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 7/6/11

23 

24 VIRGINIA K. HEROLD
25 Executive Officer
26 California State Board of Pharmacy
27 State of California
28 Complainant

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