

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

In the Matter of the Accusation Against:

KVP PHARMACY, INC.
Pharmacy Permit No. **PHY 50535**

KHACHATUR POGOSYAN
Sole owner of **KVP PHARMACY, INC.**
Designated Representative License No. **EXC 19398**

PAUL CUMMINGS
Pharmacist License No. **RPH 44852**

KAROLIN ABEDI
Pharmacist License No. **RPH 66363**

PAMELA LIAO
Pharmacist License No. **RPH 68228**

Respondents.

Case No. 4802

OAH No. 2015070842

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
PAMELA LIAO ONLY**

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 March 17, 2016.

It is so ORDERED February 16, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
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Supervising Deputy Attorney General
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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. 4802

11 **KVP PHARMACY, INC.**
12 **440 W. Broadway #B**
13 **Glendale, CA 91204**
Pharmacy Permit No. PHY 50535

OAH No. 2015070842

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
PAMELA LIAO ONLY**

14 **KHACHATUR POGOSYAN**
15 **Sole owner of KVP PHARMACY, INC.**
Designated Representative License
16 **No. EXC 19398**

17 **PAUL CUMMINGS**
18 **11343 Segrell Way**
Culver City, CA 90230
Pharmacist License No. RPH 44852

19 **KAROLIN ABEDI**
20 **8400 Irondale Ave**
Canoga Park, CA 91306
Pharmacist License No. RPH 66363

21 **PAMELA LIAO**
22 **27929 Ridgebrook Court**
23 **Rancho Palos Verdes, CA 90275**
Pharmacist License No. RPH 68228

24 Respondents.
25

26 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
27 entitled proceedings that the following matters are true:
28

1 **PARTIES**

2 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy
3 ("Board" or "board"). She brought this action solely in her official capacity and is represented in
4 this matter by Kamala D. Harris, Attorney General of the State of California, by Morgan Malek,
5 Deputy Attorney General.

6 2. Respondent Pamela Liao ("respondent") is represented in this proceeding by Ivan
7 Petrzelka of California Pharmacy Lawyers, whose address is: 2855 Michelle Drive #180, Irvine,
8 CA 92606-1027.

9 3. On or about October 5, 2012, The Board issued Pharmacist License No. RPH 68228
10 to the respondent. The Pharmacist License was in full force and effect at all times relevant to the
11 charges brought herein and will expire on October 31, 2016, unless renewed. Respondent LIAO
12 was the PIC of KVP PHARMACY, INC., from June 10, 2013 to July 5, 2013.

13 **JURISDICTION**

14 4. Accusation No. 4802 was filed before the Board, Department of Consumer Affairs,
15 and is currently pending against the respondent. The Accusation and all other statutorily required
16 documents were properly served on respondent on April 1, 2015. Respondent timely filed her
17 Notice of Defense contesting the Accusation.

18 5. A copy of Accusation No. 4802 is attached as Exhibit A and incorporated herein by
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, fully discussed with counsel, and understands the
22 charges and allegations in Accusation No. 4802. Respondent has also carefully read, fully
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 7. Respondent is fully aware of her legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
27 her own expense; the right to confront and cross-examine the witnesses against her; the right to
28 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to

1 compel the attendance of witnesses and the production of documents; the right to reconsideration
2 and court review of an adverse decision; and all other rights accorded by the California
3 Administrative Procedure Act and other applicable laws.

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

6 **CULPABILITY**

7 9. Respondent understands and agrees that the charges and allegations in the First
8 Amended Accusation No. 4802, if proven at a hearing, constitute cause for imposing discipline
9 upon her Pharmacist License.

10 10. For the purpose of resolving the First Amended Accusation without the expense and
11 uncertainty of further proceedings, respondent agrees that, at a hearing, Complainant could
12 establish a factual basis for the charges in the Accusation, and that respondent hereby gives up her
13 right to contest those charges.

14 11. Respondent agrees that her Pharmacist License No. RPH 68228 is subject to
15 discipline and she agrees to be bound by the Board's probationary terms as set forth in the
16 Disciplinary Order below.

17 **CONTINGENCY**

18 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
19 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
20 communicate directly with the Board regarding this stipulation and settlement, without notice to
21 or participation by respondent or her counsel. By signing the stipulation, respondent understands
22 and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the
23 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
24 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
25 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
26 and the Board shall not be disqualified from further action by having considered this matter.

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1 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
2 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
3 signatures thereto, shall have the same force and effect as the originals.

4 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
5 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
6 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
7 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
8 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
9 writing executed by an authorized representative of each of the parties.

10 15. In consideration of the foregoing admissions and stipulations, the parties agree that
11 the Board may, without further notice or formal proceeding, issue and enter the following
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 **IT IS HEREBY ORDERED** that Registered Pharmacist License No. RPH issued to
15 Respondent Pamela Liao is revoked. However, the revocation is stayed and respondent is placed
16 on probation for three (3) years on the following terms and conditions.

17 **1. Obey All Laws**

18 Respondent shall obey all state and federal laws and regulations.

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

- 21 • an arrest or issuance of a criminal complaint for violation of any provision of the
22 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
23 substances laws
24 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
25 criminal complaint, information or indictment
26 • a conviction of any crime
27 • discipline, citation, or other administrative action filed by any state or federal agency
28 which involves respondent's Pharmacist License or which is related to the practice of

1 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
2 for any drug, device or controlled substance.

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

4 **2. Report to the Board**

5 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
6 designee. The report shall be made either in person or in writing, as directed. Among other
7 requirements, respondent shall state in each report under penalty of perjury whether there has
8 been compliance with all the terms and conditions of probation. Failure to submit timely reports
9 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
10 in submission of reports as directed may be added to the total period of probation. Moreover, if
11 the final probation report is not made as directed, probation shall be automatically extended until
12 such time as the final report is made and accepted by the board.

13 **3. Interview with the Board**

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

19 **4. Cooperate with Board Staff**

20 Respondent shall cooperate with the board's inspection program and with the board's
21 monitoring and investigation of respondent's compliance with the terms and conditions of her
22 probation. Failure to cooperate shall be considered a violation of probation.

23 **5. Continuing Education**

24 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
25 pharmacist as directed by the board or its designee.

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1 **6. Notice to Employers**

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 4802 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

5 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
6 respondent undertaking any new employment, respondent shall cause her direct supervisor,
7 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
8 tenure of employment) and owner to report to the board in writing acknowledging that the listed
9 individual(s) has/have read the decision in case number 4802, and terms and conditions imposed
10 thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s)
11 submit timely acknowledgment(s) to the board.

12 If respondent works for or is employed by or through a pharmacy employment service,
13 respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
14 licensed by the board of the terms and conditions of the decision in case number 4802 in advance
15 of the respondent commencing work at each licensed entity. A record of this notification must be
16 provided to the board upon request.

17 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
18 (15) days of respondent undertaking any new employment by or through a pharmacy employment
19 service, respondent shall cause her direct supervisor with the pharmacy employment service to
20 report to the board in writing acknowledging that she has read the decision in case number 4802
21 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
22 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

23 Failure to timely notify present or prospective employer(s) or to cause that/those
24 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
25 probation.

26 "Employment" within the meaning of this provision shall include any full-time,
27 part-time, temporary, relief or pharmacy management service as a pharmacist or any
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1 position for which a pharmacist license is a requirement or criterion for employment,
2 whether the respondent is an employee, independent contractor or volunteer.

3 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
4 **Designated Representative-in-Charge, or Serving as a Consultant**

5 During the period of probation, respondent shall not supervise any intern pharmacist, be the
6 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
7 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
8 unauthorized supervision responsibilities shall be considered a violation of probation.

9 **8. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 board its costs of investigation and prosecution in the amount of \$5,762.00. Respondent
12 understands and agrees that said costs are not dischargeable in bankruptcy.

13 Respondent may make payments in a plan approved by the Board or its designee. There
14 shall be no deviation from this schedule absent prior written approval by the Board or its
15 designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
16 probation:

17 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
18 reimburse the board its costs of investigation and prosecution.

19 **9. Probation Monitoring Costs**

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

24 **10. Status of License**

25 Respondent shall, at all times while on probation, maintain an active, current license with
26 the board, including any period during which suspension or probation is tolled. Failure to
27 maintain an active, current license shall be considered a violation of probation.
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1 If respondent's license expires or is cancelled by operation of law or otherwise at any time
2 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
3 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
4 probation not previously satisfied.

5 **11. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should respondent cease practice due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 respondent may tender her license to the board for surrender. The board or its designee shall have
9 the discretion whether to grant the request for surrender or take any other action it deems
10 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
11 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
12 record of discipline and shall become a part of the respondent's license history with the board.

13 Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to
14 the board within ten (10) days of notification by the board that the surrender is accepted.

15 Respondent may not reapply for any license from the board for three (3) years from the effective
16 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
17 of the date the application for that license is submitted to the board, including any outstanding
18 costs.

19 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
20 **Employment**

21 Respondent shall notify the board in writing within ten (10) days of any change of
22 employment. Said notification shall include the reasons for leaving, the address of the new
23 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
24 shall further notify the board in writing within ten (10) days of a change in name, residence
25 address, mailing address, or phone number.

26 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
27 phone number(s) shall be considered a violation of probation.

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1 **13. Tolling of Probation**

2 Except during periods of suspension, respondent shall, at all times while on probation, be
3 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
4 Any month during which this minimum is not met shall toll the period of probation, i.e., the
5 period of probation shall be extended by one month for each month during which this minimum is
6 not met. During any such period of tolling of probation, respondent must nonetheless comply
7 with all terms and conditions of probation.

8 Should respondent, regardless of residency, for any reason (including vacation) cease
9 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,
10 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
11 must further notify the board in writing within ten (10) days of the resumption of practice. Any
12 failure to provide such notification(s) shall be considered a violation of probation.

13 It is a violation of probation for respondent's probation to remain tolled pursuant to the
14 provisions of this condition for a total period, counting consecutive and non-consecutive months,
15 exceeding thirty-six (36) months.

16 "Cessation of practice" means any calendar month during which respondent is
17 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and
18 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
19 month during which respondent is practicing as a pharmacist for at least forty (40)
20 hours as a pharmacist as defined by Business and Professions Code section 4000 et
21 seq.

22 **14. Violation of Probation**

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

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1 If respondent violates probation in any respect, the board, after giving respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
4 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
5 a petition to revoke probation or an accusation is filed against respondent during probation, the
6 board shall have continuing jurisdiction and the period of probation shall be automatically
7 extended until the petition to revoke probation or accusation is heard and decided.

8 Further, **If respondent violates probation in any respect, any and all allegations against**
9 **the respondent in the First Amended Accusation Case No. 4802 will be deemed admitted by**
10 **the respondent, and accordingly, paragraphs 9 to 11 on page 3 of this Stipulated Settlement**
11 **will be stricken and replaced with the following language: "Respondent admits the truth of**
12 **each and every charge and allegation in Accusation No. 4802. Respondent agrees that her**
13 **Pharmacists License is subject to discipline and she agrees to be bound by the Board's**
14 **probationary terms as set forth in the Disciplinary Order below."**

15 **15. Completion of Probation**

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

18 **16. Remedial Education**

19 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
20 board or its designee, for prior approval, an appropriate program of remedial education related to
21 the pharmacy law, compounding law and the role a Pharmacist-In-Charge (PIC). The program of
22 remedial education shall consist of at least twelve (12) hours, which shall be completed within the
23 first two years of the effective date of this decision at respondent's own expense. All remedial
24 education shall be in addition to, and shall not be credited toward, continuing education (CE)
25 courses used for license renewal purposes.

26 Failure to timely submit or complete the approved remedial education shall be considered a
27 violation of probation. The period of probation will be automatically extended until such
28 remedial education is successfully completed and written proof, in a form acceptable to the board,

1 is provided to the board or its designee.

2 Following the completion of each course, the board or its designee may require the
3 respondent, at her own expense, to take an approved examination to test the respondent's
4 knowledge of the course. If the respondent does not achieve a passing score on the examination,
5 this failure shall be considered a violation of probation. Any such examination failure shall
6 require respondent to take another course approved by the board in the same subject area.

7 **17. Supervised Practice**

8 During the period of probation, respondent shall practice only under the supervision of a
9 licensed pharmacist not on probation with the board. Upon and after the effective date of this
10 decision, respondent shall not practice pharmacy and her license shall be automatically suspended
11 until a supervisor is approved by the board or its designee.

12 The supervision shall be, as required by the board or its designee, set as:

13 **Daily Review-** Supervisor's review of probationer's daily activities within 24 hours. "Daily
14 review" as this term is used herein shall not require that the supervising pharmacists be engaged
15 in physical supervision of respondent's activities in real time, but shall require that the
16 supervising pharmacist, by no later than close of business on each day following, review all
17 transactions performed by respondent and records associated with those transactions to ensure
18 compliance with state and federal statutes and regulations and with the requirements of this
19 decision.

20 **If respondent violates probation in any respect, the board or its designee shall have**
21 **the power to impose any of the following supervision restrictions:**

22 Continuous – At least 75% of a work week

23 Substantial - At least 50% of a work week

24 Partial - At least 25% of a work week

25 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

26 Within thirty (30) days of the effective date of this decision, respondent shall have her
27 supervisor submit notification to the board in writing stating that the supervisor has read the
28 decision in case number 4802 and is familiar with the required level of supervision as determined

1 by the board or its designee. It shall be the respondent's responsibility to ensure that her
2 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
3 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
4 acknowledgements to the board shall be considered a violation of probation.

5 If respondent changes employment, it shall be the respondent's responsibility to ensure that
6 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
7 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment
8 commences, submit notification to the board in writing stating the direct supervisor and
9 pharmacist-in-charge have read the decision in case number 4802 and is familiar with the level of
10 supervision as determined by the board. Respondent shall not practice pharmacy and her license
11 shall be automatically suspended until the board or its designee approves a new supervisor.
12 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
13 acknowledgements to the board shall be considered a violation of probation.

14 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

15 During suspension, respondent shall not enter any pharmacy area or any portion of the
16 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
17 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
18 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
19 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
20 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
21 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
22 and controlled substances. Respondent shall not resume practice until notified by the board.

23 During suspension, respondent shall not engage in any activity that requires the
24 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
25 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
26 designated representative for any entity licensed by the board.

27 Subject to the above restrictions, respondent may continue to own or hold an interest in any
28 licensed premises in which she holds an interest at the time this decision becomes effective unless

1 otherwise specified in this order.

2 Failure to comply with this suspension shall be considered a violation of probation.

3 **18. No Ownership of Licensed Premises**

4 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
5 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
6 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
7 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
8 days following the effective date of this decision and shall immediately thereafter provide written
9 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
10 documentation thereof shall be considered a violation of probation.

11 **19. Ethics Course**

12 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
13 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
14 Failure to initiate the course during the first year of probation, and complete it within the second
15 year of probation, is a violation of probation.

16 Respondent shall submit a certificate of completion to the board or its designee within five
17 days after completing the course.

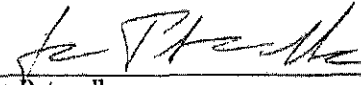
18 **ACCEPTANCE**

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
20 discussed it with my attorney, Ivan Petrzela of California Pharmacy Lawyers. I understand the
21 stipulation and the effect it will have on my Pharmacist License . I enter into this Stipulated
22 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
23 bound by the Decision and Order of the Board of Pharmacy.

24
25 DATED: 12-21-2015


26 PAMELA LIAO
27 Respondent
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1 I have read and fully discussed with Respondent Pamela Liao the terms and conditions and
2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its
3 form and content.

4 DATED: 12-22-2015 
5 Ivan Petrzelka
6 California Pharmacy Lawyers
7 Attorney for Respondent
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ENDORSEMENT

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

Dated: _____

Respectfully submitted,

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

MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

LA2013509843
61789118.doc

Exhibit A
Accusation No. 4802