



California State Board of Pharmacy

1625 N. Market Blvd, N219, Sacramento, CA 95834

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www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>MIKE AVEDISSIAN</u>	Case No. <u>AC 4913</u>
Address of Record: <u>2223 SCOTT RD.</u> <u>BURBANK, CA 91504</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 4913, I hereby request to surrender my license, License No. RPH 43996. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pocket and wall license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Mike Avedissian
Applicant's Signature

06/10/2016
Date

[Signature]
Executive Officer's Approval

6/17/16
Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

MIKE AVEDISSIAN
2223 Scott Road
Burbank, CA 91504
Pharmacist License No. RPH 43996

Respondent.

Case No. 4913

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on April 1, 2016.

It is so ORDERED on March 2, 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
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804
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. 4913

11 **MIKE AVEDISSIAN**
12 **2223 Scott Road**
13 **Burbank, CA 91504**
Pharmacist License No. RPH 43996

OAH No. 2015030362
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondent.
15

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19
20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Langston M. Edwards, Deputy Attorney
24 General.

25 2. Respondent Mike Avedissian (Respondent) is represented in this proceeding by
26 attorney Noah E Jussim, Esq., whose address is: Noah E Jussim, Esq., 1800 Century Park East,
27 8th Floor, Los Angeles, CA 90067.
28

1 **CULPABILITY**

2 9. Respondent understands that the charges and allegations in Accusation No. 4913, if
3 proven at hearing, constitute cause for imposing discipline upon his Pharmacist License.

4 10. For the purpose of resolving the Accusation without the expense and uncertainty of
5 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
6 basis for the charges in the Accusation and that those charges constitute cause for discipline.
7 Respondent hereby gives up his right to contest that cause for discipline exists based on those
8 charges.

9 11. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
10 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

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

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

24 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH 43996 issued to Respondent
8 Mike Avedissian (Respondent) is revoked. However, the revocation is stayed and Respondent is
9 placed on probation for six (6) years on the following terms and conditions.

10 1. **Suspension**

11 As part of probation, Respondent is suspended from the practice of pharmacy for one year
12 beginning the effective date of this decision.

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

21 Respondent shall not engage in any activity that requires the professional judgment of a
22 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
23 Respondent shall not perform the duties of a pharmacy technician or a designated representative
24 for any entity licensed by the Board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in
26 any licensed premises in which he holds an interest at the time this decision becomes effective
27 unless otherwise specified in this order.

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

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2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

3. Report to the Board

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

4. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board

1 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
2 during the period of probation, shall be considered a violation of probation.

3 **5. Cooperate with Board Staff**

4 Respondent shall cooperate with the Board's inspection program and with the Board's
5 monitoring and investigation of Respondent's compliance with the terms and conditions of his
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **6. Continuing Education**

8 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
9 pharmacist as directed by the Board or its designee.

10 **7. Notice to Employers**

11 During the period of probation, Respondent shall notify all present and prospective
12 employers of the decision in Case No. 4913 and the terms, conditions and restrictions imposed on
13 Respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
15 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
16 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
17 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
18 individual(s) has/have read the decision in Case No. 4913, and terms and conditions imposed
19 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
20 supervisor(s) submit timely acknowledgment(s) to the Board.

21 If Respondent works for or is employed by or through a pharmacy employment service,
22 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
23 licensed by the Board of the terms and conditions of the decision in Case No. 4913 in advance of
24 the Respondent commencing work at each licensed entity. A record of this notification must be
25 provided to the Board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
27 (15) days of Respondent undertaking any new employment by or through a pharmacy
28 employment service, Respondent shall cause his direct supervisor with the pharmacy employment

1 service to report to the Board in writing acknowledging that he has read the decision in Case No.
2 4913 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to
3 ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

4 Failure to timely notify present or prospective employer(s) or to cause that/those
5 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
6 probation.

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

11 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
12 **Designated Representative-in-Charge, or Serving as a Consultant**

13 During the period of probation, Respondent shall not supervise any intern pharmacist, be
14 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
15 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
16 unauthorized supervision responsibilities shall be considered a violation of probation.

17 **9. Reimbursement of Board Costs**

18 As a condition precedent to successful completion of probation, Respondent shall pay to the
19 Board its costs of investigation and prosecution in the amount of \$12,814.50 Respondent shall
20 make said payments according to a Board-approved payment plan.

21 There shall be no deviation from this schedule absent prior written approval by the Board or
22 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
23 probation.

24 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
25 reimburse the Board its costs of investigation and prosecution.

26 **10. Probation Monitoring Costs**

27 Respondent shall pay any costs associated with probation monitoring as determined by the
28 Board each and every year of probation. Such costs shall be payable to the Board on a schedule

1 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
2 shall be considered a violation of probation.

3 **11. Status of License**

4 Respondent shall, at all times while on probation, maintain an active, current license with
5 the Board, including any period during which suspension or probation is tolled. Failure to
6 maintain an active, current license shall be considered a violation of probation.

7 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
8 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
9 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
10 probation not previously satisfied.

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

12 Following the effective date of this decision, should Respondent cease practice due to
13 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
14 Respondent may tender his license to the Board for surrender. The Board or its designee shall
15 have the discretion whether to grant the request for surrender or take any other action it deems
16 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
17 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
18 record of discipline and shall become a part of the Respondent's license history with the Board.

19 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license
20 to the Board within ten (10) days of notification by the Board that the surrender is accepted.
21 Respondent may not reapply for any license from the Board for three (3) years from the effective
22 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
23 of the date the application for that license is submitted to the Board, including any outstanding
24 costs.

25 **13. Notification of a Change in Name, Residence Address, Mailing Address or**
26 **Employment**

27 Respondent shall notify the Board in writing within ten (10) days of any change of
28 employment. Said notification shall include the reasons for leaving, the address of the new

1 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
2 shall further notify the Board in writing within ten (10) days of a change in name, residence
3 address, mailing address, or phone number.

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

6 14. Tolling of Probation

7 Except during periods of suspension, Respondent shall, at all times while on probation, be
8 employed as a pharmacist in California for a minimum of 20 hours per calendar month. Any
9 month during which this minimum is not met shall toll the period of probation, i.e., the period of
10 probation shall be extended by one month for each month during which this minimum is not met.
11 During any such period of tolling of probation, Respondent must nonetheless comply with all
12 terms and conditions of probation.

13 Should Respondent, regardless of residency, for any reason (including vacation) cease
14 practicing as a pharmacist for a minimum of 20 hours per calendar month in California,
15 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and
16 must further notify the Board in writing within ten (10) days of the resumption of practice. Any
17 failure to provide such notification(s) shall be considered a violation of probation.

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

21 "Cessation of practice" means any calendar month during which Respondent is
22 not practicing as a pharmacist for at least 20 hours, as defined by Business and
23 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
24 month during which Respondent is practicing as a pharmacist for at least 20 hours as
25 a pharmacist as defined by Business and Professions Code section 4000 et seq.

26 15. Violation of Probation

27 If a Respondent has not complied with any term or condition of probation, the Board shall
28 have continuing jurisdiction over Respondent, and probation shall automatically be extended,

1 until all terms and conditions have been satisfied or the Board has taken other action as deemed
2 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
3 to impose the penalty that was stayed.

4 If Respondent violates probation in any respect, the Board, after giving Respondent notice
5 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
6 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
7 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
8 a petition to revoke probation or an accusation is filed against Respondent during probation, the
9 Board shall have continuing jurisdiction and the period of probation shall be automatically
10 extended until the petition to revoke probation or accusation is heard and decided and charges and
11 allegations in Accusation No. 4913 shall be deemed true and correct.

12 **16. Completion of Probation**

13 Upon written notice by the Board or its designee indicating successful completion of
14 probation, Respondent's license will be fully restored.

15 **17. Restricted Practice**

16 Respondent shall not dispense controlled substances during the first three (3) years of
17 probation. Respondent shall submit proof satisfactory to the Board of compliance with this term
18 of probation. Dispensing controlled substances during the first three years of probation, absent
19 modification of this term, shall be considered a violation of probation.

20 **18. Community Services Program**

21 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
22 Board or its designee, for prior approval, a community service program in which Respondent
23 shall provide free health-care related services on a regular basis to a community or charitable
24 facility or agency for at 300 hours during the period of probation. Within thirty (30) days of
25 Board approval thereof, Respondent shall submit documentation to the Board demonstrating
26 commencement of the community service program. A record of this notification must be
27 provided to the Board upon request. Respondent shall report on progress with the community
28 service program in the quarterly reports. Failure to timely submit, commence, or comply with the

1 program shall be considered a violation of probation.

2 **19. Remedial Education**

3 Within thirty (60) days of the effective date of this decision, Respondent shall submit to the
4 Board or its designee, for prior approval, an appropriate program of remedial education related to
5 a pharmacist's corresponding responsibility as provided by state statutes, rules and regulations
6 and prescription drug abuse. The program of remedial education shall consist of at least 20 hours,
7 which shall be completed within the first two (2) years of Respondent's probation, at
8 Respondent's own expense. Seventy-five percent (75%) of the approved remedial education
9 coursework must be completed in an "in-person" setting. All remedial education shall be in
10 addition to, and shall not be credited toward, continuing education (CE) courses used for license
11 renewal purposes.

12 Failure to timely submit or complete the approved remedial education shall be considered a
13 violation of probation. The period of probation will be automatically extended until such
14 remedial education is successfully completed and written proof, in a form acceptable to the
15 Board, is provided to the Board or its designee.

16 Following the completion of each course, the Board or its designee may require the
17 Respondent, at his own expense, to take an approved examination to test the Respondent's
18 knowledge of the course. If the Respondent does not achieve a passing score on the examination,
19 this failure shall be considered a violation of probation. Any such examination failure shall
20 require Respondent to take another course approved by the Board in the same subject area.

21 Respondent shall be restricted from the practice of dispensing controlled substances until
22 the remedial education program has been successfully completed.

23 **20. Supervised Practice**

24 During the period of probation, Respondent shall practice only under the supervision of a
25 licensed pharmacist not on probation with the Board. Upon and after the effective date of this
26 decision, Respondent shall not practice pharmacy and his license shall be automatically
27 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,
28 as required by the Board or its designee, either:

1 Continuous – At least 75% of a work week; Substantial - At least 50% of a work week;
2 Partial - At least 25% of a work week; Daily Review - Supervisor's review of probationer's daily
3 activities within 24 hours.

4 Within thirty (30) days of the effective date of this decision, Respondent shall have his
5 supervisor submit notification to the Board in writing stating that the supervisor has read the
6 decision in Case No. 4913 and is familiar with the required level of supervision as determined by
7 the Board or its designee. It shall be the Respondent's responsibility to ensure that his
8 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
9 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
10 acknowledgements to the Board shall be considered a violation of probation.

11 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
12 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
13 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)
14 days after employment commences, submit notification to the Board in writing stating the direct
15 supervisor and pharmacist-in-charge have read the decision in Case No. 4913 and is familiar with
16 the level of supervision as determined by the Board. Respondent shall not practice pharmacy and
17 his license shall be automatically suspended until the Board or its designee approves a new
18 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
19 acknowledgements to the Board shall be considered a violation of probation. Within ten (10) days
20 of leaving employment, Respondent shall notify the Board in writing.

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

1 During suspension, Respondent shall not engage in any activity that requires the
2 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
3 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
4 designated representative for any entity licensed by the Board.

5 Subject to the above restrictions, Respondent may continue to own or hold an interest in
6 any licensed premises in which he holds an interest at the time this decision becomes effective
7 unless otherwise specified in this order.

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

9 **21. No Supervision of Ancillary Personnel**

10 During the period of probation, Respondent shall not supervise any ancillary personnel,
11 including, but not limited to, pharmacy technicians or designated representatives in any entity
12 licensed by the Board.

13 Failure to comply with this provision shall be considered a violation of probation.

14 **22. No Ownership of Licensed Premises**

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

22 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
23 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
24 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns
25 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
26 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
27 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold
28 that interest, but only to the extent of that position or interest as of the effective date of this

1 decision. Violation of this restriction shall be considered a violation of probation.

2 23. Ethics Course

3 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
4 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its
5 designee. Failure to initiate the course during the first year of probation, and complete it within
6 the second year of probation, is a violation of probation.

7 Respondent shall submit a certificate of completion to the Board or its designee within five
8 days after completing the course.

9
10 ACCEPTANCE

11 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
12 discussed it with my attorney, Noah E Jussim, Esq., I understand the stipulation and the effect it
13 will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
14 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
15 of the Board of Pharmacy.

16
17 DATED: 9/11/15

Mike Avedissian
MIKE AVEDISSIAN
Respondent

19 I have read and fully discussed with Respondent Mike Avedissian the terms and conditions
20 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
21 its form and content.

22
23 DATED: 9/17/15

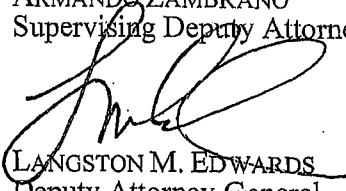
Noah E. Jussim
Noah E. Jussim, Esq.
Attorney for Respondent

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ENDORSEMENT

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

Dated: 9/16/15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4913

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804
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. 4913

11 **PHARMACY CENTRAL;**
12 **MIKE AVEDISSIAN (President and**
Pharmacist-in-Charge)
13 **ZHOZEF GADIMYAN (Secretary)**
14 **3009 S. Vermont Ave.**
Los Angeles, CA 90007

ACCUSATION

15 **Pharmacy Permit No. PHY 47521**

16 **MIKE AVEDISSIAN**
17 **2223 Scott Road**
Burbank, CA 91504

18 **Pharmacist License No. RPH 43996**

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

23 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

25 2. On or about August 15, 2006, the Board of Pharmacy ("Board") issued Pharmacy
26 Permit Number PHY 47521 to Pharmacy Central with Mike Avedissian as the President and
27 Pharmacist in Charge and Zhozef Gadimyan as the Secretary ("Respondent Pharmacy"). The
28 Pharmacy Permit expired on August 1, 2012, and has not been renewed. The board received

1 notification on July 12, 2013 that Respondent Pharmacy discontinued business effective June 29,
2 2012. Records were transferred to The Pharmacy Depot and the inventory was transferred to
3 Remedy Pharmacy.

4 3. On or about February 27, 1991, the Board of Pharmacy issued Pharmacist License
5 No. RPH 43996 to Mike Avedissian ("Respondent Avedissian"). The Pharmacist License was in
6 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
7 2016, unless renewed.

8
9 **JURISDICTION**

10 4. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
11 Consumer Affairs, under the authority of the following laws. All section references are to the
12 Business and Professions Code unless otherwise indicated.

13 5. Section 4300, subdivision (a), states, in pertinent part that every license issued may be
14 suspended or revoked.

15 6. Section 4300.1 states:

16 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
17 operation of law or by order or decision of the board or a court of law, the placement of a license
18 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
19 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
20 proceeding against, the licensee or to render a decision suspending or revoking the license."
21

22 **STATUTORY PROVISIONS**

23 7. Section 4301 of the Code states:

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

27 ...

28

1 (d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
2 of Section 11153 of the Health and Safety Code.

3 ...

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

6 ...

7 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
8 violation of or conspiring to violate any provision or term of this chapter or of the applicable
9 federal and state laws and regulations governing pharmacy, including regulations established by
10 the board or by any other state or federal regulatory agency.”

11 8. Section 4022 states:

12 “Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in
13 humans or animals, and includes the following:

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

16 (b) Any device that bears the statement: “Caution: federal law restricts this device to sale by
17 or on the order of a _____,” “Rx only,” or words of similar import, the blank to be filled in
18 with the designation of the practitioner licensed to use or order use of the device.

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

21 9. Health and Safety Code section 11153, subdivision (a), states:

22 “A prescription for a controlled substance shall only be issued for a legitimate medical
23 purpose by an individual practitioner acting in the usual course of his or her professional practice.
24 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
25 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
26 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
27 an order purporting to be a prescription which is issued not in the usual course of professional
28 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of

1 controlled substances, which is issued not in the course of professional treatment or as part of an
2 authorized narcotic treatment program, for the purpose of providing the user with controlled
3 substances, sufficient to keep him or her comfortable by maintaining customary use.”

4
5 **REGULATORY PROVISION**

6 10. California Code of Regulations, Title 16, section 1761, states:

7 “(a) No pharmacist shall compound or dispense any prescription which contains any
8 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
9 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
10 validate the prescription.

11 (b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense a
12 controlled substance prescription where the pharmacist knows or has objective reason to know
13 that said prescription was not issued for a legitimate medical purpose.”

14
15 **COST RECOVERY**

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

20
21 **DRUG CLASSIFICATIONS**

22 12. Norco, an acetaminophen (apap) and hydrocodone combination narcotic, is a
23 controlled substance as defined under Health and Safety Code section 11056, subdivision (e)(4),
24 and a dangerous drug pursuant to Business and Professions Code section 4022.

25 13. Xanax, the brand name for alprazolam, is a controlled substance as defined under
26 Health and Safety Code section 11057, subdivision (d)(1), and a dangerous drug pursuant to
27 Business and Professions Code section 4022.

28 //

1 BOARD INVESTIGATION

2 14. On or about February 6, 2013, pursuant to a request from the Drug Enforcement
3 Administration, Board inspectors began an investigation of Respondent Pharmacy. Respondent
4 Pharmacy was closed and Board inspectors traveled to T.P.D., where Respondent Pharmacy's
5 records were kept. Investigators were told by personnel from T.P.D. that they would need
6 permission from Respondent Avedissian before records could be released.

7 15. A review of the Controlled Substance Utilization Review (CURES) data between
8 January 1, 2010, and November 20, 2012, for Respondent Pharmacy revealed the following:

9 a. Respondent Pharmacy dispensed 26,813 controlled substance prescriptions. In
10 comparison, neighboring pharmacy Vi.P. dispensed 2,130 controlled substance prescriptions,
11 neighboring pharmacy Ve.P. dispensed 7,600 controlled substance prescriptions and a
12 neighboring CVS Pharmacy dispensed 7,178 controlled substance prescriptions.

13 b. Dr. T.R. wrote 9,088 prescriptions that were dispensed at Respondent Pharmacy,
14 accounting for 33.89% of Respondent Pharmacy's total controlled substance prescriptions. Dr.
15 T.R. wrote one (1) prescription that was dispensed at Vi.P. and no prescriptions that were
16 dispensed at either Ve.P. or the neighboring CVS Pharmacy.

17 c. Dr. D.G. wrote 638 prescriptions that were dispensed at Respondent Pharmacy,
18 accounting for 2.38% of Respondent Pharmacy's total controlled substance prescriptions. Dr.
19 D.G. wrote no prescriptions that were dispensed at either Vi.P., Ve.P., or the neighboring CVS
20 Pharmacy. Dr. D.G.'s address of record with the California Medical Board is in Ponte Vedra
21 Beach Florida, approximately 2,437 miles away from Respondent Pharmacy. No other Pharmacy
22 in California dispensed a controlled substance written by Dr. D.G. during this time period.

23 d. Respondent Pharmacy dispensed 14,264 prescriptions of apap/hydrocodone bitartrate
24 325 mg-10mg tablets, accounting for 53.46% of Respondent Pharmacy's total controlled
25 substance prescriptions. That same controlled substance made up 3.66% of Vi.P.'s total
26 prescriptions, 0.28% of Ve.P.'s total prescriptions and 3.47% of the neighboring CVS Pharmacy's
27 total prescriptions.

28

1 e. Respondent Pharmacy dispensed 4,477 prescriptions of apap/hydrocodone bitartrate
2 500 mg-10mg tablets, accounting for 16.78% of Respondent Pharmacy's total controlled
3 substance prescriptions. That same controlled substance was not dispensed at any of the
4 neighboring pharmacies.

5 f. Respondent Pharmacy dispensed 3,665 prescriptions of apap/hydrocodone bitartrate
6 650 mg-10mg tablets, accounting for 13.74% of Respondent Pharmacy's total controlled
7 substance prescriptions. That same controlled substance made up 0.14% of Vi.P.'s total
8 prescriptions, 0.79% of Ve.P.'s total prescriptions and 0.07% of the neighboring CVS Pharmacy's
9 total prescriptions.

10 16. A review of the Patient Activity Reports ("PARS") data between January 1, 2010, and
11 November 20, 2012, for Respondent Pharmacy revealed the following:

12 a. Patient C.W. Between March 2, 2010, and July 13, 2011, Respondents dispensed
13 300 tablets of apap/ hydrocodone bitartrate 10/325, 100 tablets of apap / hydrocodone bitartrate
14 10/500, 700 tablets of apap / hydrocodone bitartrate 10/650, and 100 tablets of Alprazolam 2 mg
15 to Patient C.W. All of these controlled substances were prescribed by Dr. T.R. and the
16 Alprazolam was dispensed on July 13, 2011, which is after Dr. T.R. surrendered his DEA
17 registration on July 8, 2011.

18 b. Patient L.W. On or about February 29, 2012, Respondents dispensed 100 tablets of
19 Alprazolam 2 mg to Patient L.W. The prescription was written by Dr. D.G. at the highest dose of
20 Alprazolam, a lower dose of the controlled substance was not prescribed and no follow-up was
21 performed.

22 c. Patient R.S. On or about February 26, 2012, Respondents dispensed 100 tablets of
23 Alprazolam 2 mg to Patient R.S. The prescription was written by Dr. D.G. at the highest dose of
24 Alprazolam. The pharmacist failed to inquire regarding the high dose, failed to obtain patient
25 history regarding the medication and failed to follow up with the patient's physician.

26 d. Patient R.N. Between May 17, 2010, and June 14, 2011, Respondents dispensed 700
27 tablets of apap / hydrocodone bitartrate 10/500, 300 tablets of apap / hydrocodone bitartrate
28

1 10/650 and 300 tablets of Alprazolam 2 mg to Patient R.N. All of these controlled substances
2 were prescribed by Dr. T.R.

3 e. Patient S.K. On or about February 28, 2012, Respondents dispensed 100 tablets of
4 Alprazolam 2 mg to Patient S.K. The prescription was written by Dr. D.G. at the highest dose of
5 Alprazolam, a lower dose of the controlled substance was not prescribed and no follow-up was
6 required.

7 f. Patient K.J. Between February 5, 2010, and June 15, 2011, Respondents
8 dispensed 600 tablets of apap / hydrocodone bitartrate 10/325, 400 tablets of apap / hydrocodone
9 bitartrate 10/500, and 100 tablets of apap / hydrocodone bitartrate 7.5/750 to Patient K.J. All of
10 these controlled substances were prescribed by Dr. T.R. Patient K.J. then had no dispensing of
11 controlled substances for approximately five months for before seeing Dr. O. and Dr. A. between
12 November 7, 2011, and July 17, 2012; however, Patient K.J. did not receive a prescription for
13 pain medications from those doctors.

14 g. Patient H.D. Between May 3, 2010, and July 13, 2011, Respondents dispensed
15 100 tablets of apap / hydrocodone bitartrate 10/325, 100 tablets of apap / hydrocodone bitartrate
16 10/500, 600 tablets of apap / hydrocodone bitartrate 10/650 and 100 tablets of Alprazolam 2 mg to
17 Patient H.D. All of these controlled substances were prescribed by Dr. T.R. and the Alprazolam
18 was dispensed on July 13, 2011, which is after Dr. T.R. surrendered his DEA registration on July
19 8, 2011.

20 h. Patient D.D. On or about February 29, 2012, Respondents dispensed 100 tablets of
21 apap / hydrocodone bitartrate 10/325 to Patient D.D. The prescription was written by Dr. D.G. for
22 only this one occasion.

23 i. Patient A.C. Between April 15, 2010, and June 16, 2011, Respondents dispensed
24 800 tablets of apap / hydrocodone bitartrate 10/325, 100 tablets of apap / hydrocodone bitartrate
25 10/500, and 100 tablets of Alprazolam 2 mg to Patient A.C. All of these controlled substances
26 were prescribed by Dr. T.R.

27
28

1 j. Patient M.A. On or about February 29, 2012, Respondents dispensed 100 tablets of
2 apap / hydrocodone bitartrate 10/325 to Patient M.A. The prescription was written by Dr. D.G.
3 for only this one occasion.

4
5 **CAUSE FOR DISCIPLINE**

6 **(Failure to Assume Corresponding Responsibility)**

7 17. Respondent Pharmacy and Respondent Avedissian (collectively, "Respondents") are
8 subject to disciplinary action under section 4301, subdivisions (d) and (j), for violating Health and
9 Safety Code section 11153, subdivision (a), and section 4301, subdivision (o), for violating
10 California Code of Regulations, Title 16, section 1761, in that between January 1, 2010, and
11 November 20, 2012, Respondents failed to comply with their corresponding responsibility by
12 failing to validate the legitimacy of prescriptions and/or reviewing the patients' drug therapy, by
13 dispensing prescriptions without regard to objective factors¹, by dispensing irregular/uncertain
14 prescriptions, and/or by excessively furnishing controlled substances. Complainant refers to, and
15 by this reference incorporates, the allegations contained in paragraphs 14 through 16, and all
16 subparagraphs inclusive, as though set forth fully herein.

17
18 **DISCIPLINE CONSIDERATIONS**

19 18. To determine the degree of discipline, if any, to be imposed on Respondents,
20 Complainant alleges the following:

21 **Prior Discipline Against Respondent Avedissian**

22 a. On or about March 14, 1997, the Board of Pharmacy brought a disciplinary action
23 against Respondent Avedissian entitled *In the Matter of the Accusation Against Mike Avedissian*
24 *and ABM Pharmacy*, Board case number 1836. On or about February 7, 1998, Respondent
25 Avedissian's license was suspended for fourteen (14) days and placed on probation for three (3)

26
27 ¹ Objective factors include, but are not limited to checking the prescription drug monitoring program,
28 verifying physician's DEA license, verifying the status of physician's medical license, determining the geographic
distance between physician and patient, verifying patient identification, etc.

1 years for violating Business and Professions Code sections 4350.5, 4351 and 4080 by improperly
2 storing controlled substances and billing Medi-Cal for prescriptions that were never dispensed.
3 That decision is now final and is incorporated by reference as if fully set forth.

4 **Prior Citations Against Respondent Pharmacy and Respondent Avedissian**

5 b. On or about January 19, 2011, in Citation Number CI 2007 34672, the Board issued a
6 fine in the amount of \$5,000.00 to Respondent Pharmacy for violating section 4081 by filling
7 erroneous or uncertain prescriptions and California Code of Regulations, title 16, section 1761,
8 subdivision (a), by dispensing prescriptions that contained errors, omissions, irregularities,
9 uncertainties, ambiguities, or alterations. The fine has been paid.

10 c. On or about January 19, 2011, in Citation Number CI 2009 43944, the Board issued a
11 fine in the amount of \$5,000.00 to Respondent Avedissian for violating section 4081 by filling
12 erroneous or uncertain prescriptions and California Code of Regulations, title 16, section 1761,
13 subdivision (a), by dispensing prescriptions that contained errors, omissions, irregularities,
14 uncertainties, ambiguities, or alterations. The fine has been paid.

15
16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Permit Number PHY 47521, issued to Pharmacy
20 Central with Mike Avedissian as the President and Pharmacist in Charge and Zhozef Gadimyan as
21 the Secretary;

22 2. Ordering Pharmacy Central to pay the Board of Pharmacy the reasonable costs of the
23 investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3;

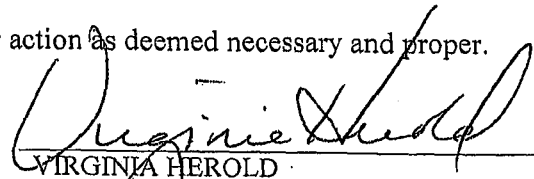
25 3. Revoking or suspending Pharmacist License No. RPH 43996, issued to Mike
26 Avedissian;

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4. Ordering Mike Avedissian to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 1/17/15



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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