

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

In the Matter of the Accusation Against:

**SUPERIOR PHARMACY
11755 Victory Blvd., Ste. 100A
North Hollywood, CA 91606**

Pharmacy Permit No. PHY 48287

**SUPERIOR PHARMACY II
11755 Victory Blvd., Suite 102
North Hollywood, CA 91606**

Pharmacy Permit No. PHY 49215

**MARGARITA KHLGHATYAN
574 E. Palm Ave. #101
Burbank, CA 91501**

Pharmacist License No. RPH 64079

**SUREN PETOYAN
574 E. Palm Ave. #101
Burbank, CA 91501**

**Pharmacy Technician Registration No. TCH
43450
Designated Representative No. EXC 20715**

Case No. 5513

and

Case No. 5514

**DEFAULT DECISION AND ORDER AS
TO NIVA PHARMACEUTICALS INC**

AND

MIHRAN STEPHANYAN

[Gov. Code, §11520]

**NIVA PHARMACEUTICALS INC.,
SUREN PETOYAN AND LUCY
DANIELIAN, OWNERS
1602 Victory Blvd.
Glendale, CA 91201**

Wholesaler License No. WLS 6239

**MIHRAN STEPANYAN
16350 Ventura Blvd., D272
Encino, CA 91436**

**Designated Representative No. EXC 22480
Pharmacy Technician Registration No. TCH
79133**

Respondents.

FINDINGS OF FACT

1. On or about August 26, 2019, Complainant Anne Sodergren, in her official capacity as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5513 and 5514 against Niva Pharmaceuticals Inc. with Suren Petoyan and Lucy Danielian as owners (Respondent Niva), and Mihran Stepanyan (Respondent Stepanyan), before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 30, 2013, the Board issued Original Wholesale Permit Number WLS 6239 to Respondent Niva with Suren Petoyan designated as President and the owner of fifty percent of the outstanding shares and Lucy Danielian as designated Director and the owner of fifty percent of the outstanding shares. The Original Wholesale Permit was in full force and effect at all times relevant to the charges brought herein, expired on October 16, 2015, and has not been renewed.

3. On or about December 20, 2007, the Board issued Pharmacy Technician Registration Number TCH 79133 to Respondent Stepanyan. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expired on September 30, 2019.

1 4. On or about December 6, 2013, the Board of Pharmacy issued Designated
2 Representative Number EXC 22480 to Respondent Stepanyan. The Certificate was in full force
3 and effect at all times relevant to the charges brought herein and will expire on December 1,
4 2019, unless renewed.

5 5. On or about August 29, 2019, Respondent Niva was served by Certified and First
6 Class Mail copies of the Accusation No. 5513 and 5514, Statement to Respondent, Notice of
7 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
8 11507.6, and 11507.7) at Respondent Niva's address of record which, pursuant to Business and
9 Professions Code section 4100, is required to be reported and maintained with the Board.
10 Respondent Niva's address of record was and is: 1602 Victory Blvd. Glendale, CA 91201.

11 6. On or about August 29, 2019, Respondent Stepanyan was served by Certified and
12 First Class Mail copies of the Accusation No. 5513 and 5514, Statement to Respondent, Notice of
13 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
14 11507.6, and 11507.7) at Respondent Stepanyan's address of record which, pursuant to Business
15 and Professions Code section 4100, is required to be reported and maintained with the Board.
16 Respondent Stepanyan's address of record was and is: Mihran Stepanyan, 16350 Ventura Blvd.,
17 D272, Encino, CA 91436.

18 7. On or about September 11, 2019, the Certified Mail of Accusation No. 5513 and
19 5514, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery
20 Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) served to Respondent
21 Stepanyan's address of record was returned to the Office of the Attorney General, marked
22 "Forward time EXP RTN to SEND." The forwarding address included on the return to sender
23 label stated Respondent Stepanyan's forwarding address was: 1730 Capistrano Circle, Glendale
24 CA, 91208-1907.

25 8. On or about September 17, 2019, Respondent Stepanyan was served all of the same
26 documents outlined in the preceding paragraph at the forwarding address for Respondent
27 Stepanyan which was: 1730 Capistrano Circle, Glendale, CA 91208-1907.

1 9. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505(c) and/or Business and Professions Code section 124.

3 10. Government Code section 11506(c) states, in pertinent part:

4 (c) The respondent shall be entitled to a hearing on the merits if the respondent
5 files a notice of defense . . . and the notice shall be deemed a specific denial of all
6 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
7 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
8 discretion may nevertheless grant a hearing.

9 11. The Board takes official notice of its records and the fact that Respondent Niva
10 Pharmaceuticals and Respondent Stepanyan failed to file a Notice of Defense within 15 days after
11 service upon them of the Accusation, and therefore waived their right to a hearing on the merits
12 of Accusation No. 5513 and 5514.

13 12. California Government Code section 11520(a) states, in pertinent part:

14 (a) If the respondent either fails to file a notice of defense . . . or to appear at
15 the hearing, the agency may take action based upon the respondent's express
16 admissions or upon other evidence and affidavits may be used as evidence without
17 any notice to respondent

18 13. Pursuant to its authority under Government Code section 11520, the Board finds
19 Respondent Niva and Respondent Stepanyan are in default. The Board will take action without
20 further hearing and, based on the relevant evidence contained in the Default Decision
21 Investigatory Evidence Packet in this matter, as well as taking official notice of all the
22 investigatory reports, exhibits and statements contained therein on file at the Board's offices
23 regarding the allegations contained in Accusation No. 5513 and 5514, finds that the charges and
24 allegations in Accusation No. 5513 and 5514, are separately and severally, found to be true and
25 correct by clear and convincing evidence.

26 14. The Board finds that the actual costs for Investigation of Board Case No. 5514 are
27 \$9,920.00 as of October 10, 2019.

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DETERMINATION OF ISSUES

Niva Pharmaceuticals Inc.

1. Based on the foregoing findings of fact, Respondent Niva Pharmaceuticals Inc. with Suren Petoyan and Lucy Danielian as owners, has subjected its Original Wholesale Permit No. WLS 6239 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent Niva's Original Wholesale Permit based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent Niva is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j), (o), and (q);

b. Respondent Niva is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated California Code of Regulations section 1709 (c);

Mihran Stepanyan

1. Based on the foregoing findings of fact, Respondent Stepanyan, has subjected his Designated Representative No. EXC 22480 and Pharmacy Technician Registration No. TCH 79133 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent Stepanyan's Designated Representative No. EXC 22480 and Pharmacy Technician Registration No. TCH 79133 based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent Stepanyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated California Code of Regulations section 1709 (c);

b. Respondent Stepanyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (g).

ORDER

IT IS SO ORDERED that Original Wholesale Permit No. WLS 6239, issued to Respondent Niva Pharmaceuticals Inc., with Suren Petoyan, Lucy Danielian, as the owners, is revoked.

IT IS SO ORDERED that Designated Representative No. EXC 22480, and Pharmacy Technician Registration No. TCH 79133, issued to Respondent Stepanyan is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondents may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondents. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on January 30, 2020

It is so ORDERED December 31, 2019

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Greg Lippe
Board President

14157315.DOCX
DOJ Matter ID:LA2019600146

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

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Designated Representative No. EXC 20715**

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A C C U S A T I O N

**NIVA PHARMACEUTICALS INC.,
SUREN PETOYAN AND LUCY
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**MIHRAN STEPANYAN
16350 Ventura Blvd., D272
Encino, CA 91436**

**Designated Representative No. EXC 22480
Pharmacy Technician Registration No. TCH
79133**

Respondents.

Complainant alleges:

PARTIES

1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

2. On or about November 16, 2005, the Board of Pharmacy issued Pharmacy Permit Number PHY 48287 to Superior Pharmacy (Respondent Superior) with Margarita Khlgatyan designated as the Pharmacist-in-Charge, and as designated president and owner. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2019, unless renewed.

3. On or about November 16, 2005, the Board of Pharmacy issued Pharmacy Permit Number PHY 49215 to Superior Pharmacy II (Respondent Superior II) with Margarita Khlgatyan designated as the Pharmacist-in-Charge, and as designated president and owner. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on October 1, 2019, unless renewed.

4. On or about July 23, 2010, the Board of Pharmacy issued Pharmacist License number RPH 64079 to Margarita Khlghatyan (Respondent Khlghatyan). The pharmacist license was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2019, unless renewed.

5. On or about October 28, 2002, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 43450 to Suren Petoyan (Respondent Petoyan). The Pharmacy Technician Registration will expire on September 30, 2020, unless renewed.

6. On or about August 11, 2010, the Board of Pharmacy issued Designated Representative Number EXC 20715 to Respondent Petoyan. The Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on August 1, 2019, unless renewed.

7. On or about July 30, 2013, the Board of Pharmacy issued Original Wholesale Permit Number WLS 6239 to Niva Pharmaceuticals Inc. (Respondent Niva) with Respondent Petoyan designated as President and the owner of fifty percent of the outstanding shares and Lucy Danielian (Respondent Danielian) as designated Director and the owner of fifty percent of the outstanding shares. The Original Wholesale Permit was in full force and effect at all times relevant to the charges brought herein, expired on October 16, 2015, and has not been renewed.

8. On or about December 20, 2007, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 79133 to Mihran Stepanyan (Respondent Stepanyan). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2019, unless renewed.

9. On or about December 6, 2013, the Board of Pharmacy issued Designated Representative Number EXC 22480 to Respondent Stepanyan. The Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on December 1, 2019, unless renewed

JURISDICTION

10. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

11. Section 4300 of the Code states in pertinent part:

“(a) Every license issued may be suspended or revoked.

“...

“(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.”

12. Section 4300.1 of the Code states:

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

BUSINESS AND PROFESSIONS CODE

13. Section 4059.5 of the Code states in pertinent part:

(a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the licensed premises and signed for and received by a pharmacist. Where a licensee is permitted to operate through a designated representative, or in the case of a reverse distributor a designated representative-reverse distributor, that individual shall sign for and receive the delivery.

14. Section 4081 of the Code states:

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

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the

1 pharmacist-in-charge or representative-in-charge, for maintaining the records and
2 inventory described in this section.

3 ...

4 15. Section 4113 of the Code states in pertinent part:

5 ...

6 (c) The pharmacist-in-charge shall be responsible for a pharmacy's
7 compliance with all state and federal laws and regulations pertaining to the
8 practice of pharmacy.

9 ...

10 16. Section 4160 of the Code states in pertinent part:

11 (a) A person shall not act as a wholesaler or third-party logistics provider of
12 any dangerous drug or dangerous device unless he or she has obtained a license
13 from the board.

14 ...

15 17. Section 4301 of the Code states in pertinent part:

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

19 (c) Gross negligence.

20 ...

21 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
22 deceit, or corruption, whether the act is committed in the course of relations as a
23 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

26 ...

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

...

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

chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency...

...

(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board.

...

18. Section 4307 of the Code states, in pertinent part:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license" as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

19. Section 4169 of the Code states, in pertinent part:

(a) A person or entity shall not do any of the following:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy.

...

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

...

20. Section 4040.5 of the Code states:

“Reverse distributor” means every person who acts as an agent for pharmacies, drug wholesalers, third-party logistics providers, manufacturers, and other entities by receiving, inventorying, warehousing, and managing the disposition of outdated or nonsaleable dangerous drugs or dangerous devices.

HEALTH AND SAFETY CODE

21. Health and Safety Code section 11209 states:

(a) No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or pharmacy receiving area, nor shall any person receive controlled substances on behalf of a pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a receipt showing the type and quantity of the controlled substances received. Any discrepancy between the receipt and the type or quantity of controlled substances actually received shall be reported to the delivering wholesaler or manufacturer by the next business day after delivery to the pharmacy.

22. Health and Safety Code section 111255 states:

Any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

CALIFORNIA CODE OF REGULATIONS

23. California Code of Regulations, title 16, (Regulations) section 1714.1 states in pertinent part:

This section is to ensure that pharmacists are able to have duty free breaks and meal periods to which they are entitled under Section 512 of the Labor Code and the orders of the Industrial Welfare Commission, without unreasonably impairing the ability of a pharmacy to remain open.

...

(e) The temporary absence authorized by this section shall be limited to the minimum period authorized for pharmacists by section 512 of Labor Code or orders of the Industrial Welfare Commission, and any meal shall be limited to 30 minutes. The pharmacist who is on break shall not be required to remain in the pharmacy area during the break period.

...

24. California Code of Regulations, title 16, (Regulations) section 1709 states in pertinent part:

(c) The following shall constitute a transfer of permit and require application for a change of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a single transaction or in a series of transactions, to any person or entity, which transfer results in the transferee's holding 50% or more of the beneficial interest in that license.

CODE OF FEDERAL REGULATIONS

25. Code of Federal Regulations, section 1305.05 states, in pertinent part:

(a) A registrant may authorize one or more individuals, whether or not located at his or her registered location, to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for each such individual, if the power of attorney is retained in the files, with executed Forms 222 where applicable, for the same period as any order bearing the signature of the attorney. The power of attorney must be available for inspection together with other order records.

COST RECOVERY

26. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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.

FACTUAL BACKGROUND

SEPTEMBER 5, 2013, INSPECTION

27. On September 5, 2013, Board Inspector K.R. conducted inspections of Respondent Superior's facility and Respondent Superior II's facility, both in North Hollywood. Respondent Petoyan was present. During the inspections, the inspector found the following issues.

a. Respondent Superior

1 28. Inspector K.R. found multiple trays of over 680 patient prescription labels that were
2 not filled but had been processed through a third party payer. The labels dated from July 1, 2013,
3 to on or around September of 2013.

4 29. Respondent Superior dispenses “blister packs” of medication. Blister packs are a
5 sheet of plastic bubbles in which one dose of medication is enclosed in each bubble. The back of
6 the sheet of plastic bubbles is then covered by foil so that one dose of the medication can be
7 punched through the foil for use each time a dose is taken. Respondent Petoyan explained they
8 had dispensed blister packs of medication to patients at care facilities. If the entire blister pack
9 was not used for any reason and the remaining medication was returned to the pharmacy,
10 Respondents would remove the remaining medication from the blister pack and return the
11 medication to inventory to be re-dispensed to another patient.

12 30. Inspector K.R. observed a large container in the restroom that was full of punched-out
13 bubble pack cards. Respondent Petoyan informed the Inspector that the medications were
14 returned by board and care facilities and reused by the pharmacy.

15 31. Inspector K.R. noticed some of the Abilify bottles on Respondent Superior’s shelving
16 appeared to have had labels removed from them.

17 32. Inspector K.R. observed employee Steven Michael Margolin (Margolin) performing
18 tasks that require a license. The Inspector observed Margolin setting up prescription bottles and
19 counting medication. Margolin’s pharmacist license was revoked by the Board on or around
20 October 27, 2010.

21 **b. Respondent Superior II**

22 33. Respondent Petoyan informed Inspector K.R. about his new pharmacy, Respondent
23 Superior II, which is a closed door pharmacy that was opened by Respondent Khlghatyan in the
24 same building as Respondent Superior. Respondent Petoyan stated no business had been
25 conducted from it as of September 5, 2013.

26 34. Inspector K.R. inspected Respondent Superior II, and during the inspection, the
27 inspector noticed the following issues.

1 35. Inspector K.R. noticed a sporadic placement of drug stock bottles and patient labeled
2 bottles in the pharmacy. The patient labeled bottles were from another pharmacy, ASAP
3 Pharmacy, located at 367 North Chevy Chase Drive, Unit B, Glendale, California. On some of the
4 bottles, the patient labels had been removed. Respondent Petoyan stated that the drug stock
5 bottles from ASAP Pharmacy that were found at Respondent Superior II, were actually from
6 Respondent Superior. Respondent Petoyan further stated that prior to Respondent Superior
7 receiving its Medi-Cal license, Respondent Superior worked with ASAP Pharmacy to provide
8 prescriptions to their patients.

9 36. Respondent Petoyan stated that if a patient needed a medication that was covered on
10 Medi-Cal, Respondent Superior would fill the prescription for the patient and dispense it. Next
11 the prescription information would be transferred to ASAP Pharmacy who would process,
12 dispense and bill the prescription to Medi-Cal. ASAP Pharmacy would then “replace” the
13 medication that was dispensed by Respondent Superior. No explanation was provided as to why
14 or how these drug stock bottles ended up in Respondent Superior II.

15 37. Inspector K.R. noticed papers and records stored at Respondent Superior II.
16 Respondent Petoyan told Inspector K.R. that Respondent Superior II was used to store some of
17 Respondent Superior’s records.

18 38. On or around September 5, 2013, Inspector K.R. obtained the following bottles of
19 medication that had been found at Respondent Superior II’s facility that had either been labeled
20 by ASAP Pharmacy or had the residue of a patient label on the bottle.

21 a. Three (3) bottles of Abilify 10 mg were found. One bottle was RX 7173789 for
22 patient C.J. and was filled by ASAP Pharmacy on September 19, 2012. Two bottles contained
23 partial labeling, and one of the two bottles had been opened and only contained 59 pills.

24 b. Five (5) bottles of Seroquel XR 300 mg were found. Two (2) of the bottles
25 contained only partial labeling. One bottle had partial labeling from ASAP Pharmacy. Two
26 bottles contained patient labeling from ASAP Pharmacy. The following bottles provided patient
27 labeling and were filled by ASAP Pharmacy: RX 7163384 for patient G.C. filled on June 22,
28 2012, and RX 7166051 for patient L.B. filled on July 19, 2012.

1 c. Seven (7) bottles of Seroquel XR 400 mg were found. Two bottles contained partial
2 labeling from ASAP Pharmacy. Five (5) bottles provided patient labeling from ASAP Pharmacy.
3 The following bottles provided patient labeling and were filled by ASAP Pharmacy: RX
4 7166055, for Patient D.W. filled July 19, 2012; RX 7162321 for Patient D.D. filled June 13,
5 2012; RX 7162674 for Patient G.G. filled July 25, 2012; RX 7162625 for Patient J.U. filled July
6 25, 2012; RX 7162625 for Patient J.U. filled June 22, 2012.

7
8 **SEPTEMBER 23, 2013, INSPECTION**

9 39. On September 23, 2013, Inspector K.R. conducted an inspection of ASAP Pharmacy
10 facility, assisted by Pharmacist-in-Charge Vahe Simonian. During the inspection, the inspector
11 found the following issues.

12 40. Simonian told Inspector K.R. he had taken prescription transfers from Respondent
13 Superior for Medi-Cal patients because Respondent Superior did not have its Medi-Cal license.
14 Simonian stated that the prescriptions were either delivered to the patients or an employee of
15 Respondent Superior would pick the prescriptions up from ASAP Pharmacy

16 41. Simonian told Inspector K.R. that the transfers from Respondent Superior were
17 transmitted by telephone or facsimile.

18 42. Simonian stated that he believed Margolin was a pharmacist because Margolin had
19 represented himself as a pharmacist to ASAP Pharmacy.

20 43. While Inspector K.R. was at ASAP Pharmacy, the Pharmacy received a call from
21 Margolin. Margolin requested to transfer some prescriptions to ASAP Pharmacy. Margolin over
22 the phone told Simonian that "Omar Sheriff" had served a warrant on Respondent Superior and
23 taken all their drug stock and they had no medications to fill prescriptions.

24 44. Simonian did not accept the transfer because he was told that Margolin is not a
25 licensed pharmacist.

26 45. Patient M.H. had four prescriptions filled by ASAP Pharmacy on September 20,
27 2013. The prescriptions were transferred from Respondent Superior. The transferring pharmacist
28

1 noted on each prescription was "Steve." Simonian confirmed that Margolin transferred all four of
2 patient M.H.'s prescriptions.

3 46. Inspector K.R. found that Patient D.W.'s profile showed RX#7166055 for Seroquel
4 XR 400 mg was filled July 19, 2012, by ASAP Pharmacy. Inspectors recovered the filled
5 prescription bottle during an earlier inspection at Respondent Superior II's facility.

6 47. Inspector K.R. found that Patient L.B.'s profile showed RX#7166052 for Seroquel
7 XR 300 mg was filled July 19, 2012, by ASAP Pharmacy. Inspectors recovered the filled
8 prescription bottle during an earlier inspection at Respondent Superior II's facility.

9 48. Inspector K.R. found that Patient C.J.'s profile showed RX# 7173789 for Abilify 10
10 mg was filled July 19, 2012, by ASAP Pharmacy. Inspectors recovered the filled prescription
11 bottle during an earlier inspection at Respondent Superior II's facility.

12 49. Inspector K.R. found that Patient J.U.'s profile showed RX# 7162565 for Seroquel
13 XR 400 mg was filled on June 22, 2012, and July 24, 2012, by ASAP Pharmacy. Inspectors
14 recovered the filled prescription bottles during an earlier inspection at Respondent Superior II's
15 facility. ASAP's prescription record indicated the prescription was transferred by "Maggie."

16 50. Inspector K.R. found that Patient D.D.'s profile showed RX# 7162321 for Seroquel
17 XR 400 mg was filled June 13, 2012, by ASAP Pharmacy. Inspectors recovered the filled
18 prescription bottle during an earlier inspection at Respondent Superior II's facility.

19 51. Inspector K.R. found that Patient G.G.'s profile showed RX# 7162674 for Seroquel
20 XR 400 mg was filled June 13, 2012, by ASAP Pharmacy. Inspectors recovered the filled
21 prescription bottle during an earlier inspection at Respondent Superior II's facility.

22 52. Simonian was unaware that Respondent Superior was also dispensing the prescriptions
23 to the patients and that Respondent Superior would collect the drugs that ASAP Pharmacy had
24 dispensed to the patient in order to prevent a patient from having double the amount of drugs than
25 was actually originally prescribed. Simonian further stated that he had never done any business
26 with Respondent Superior II.

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OCTOBER 27, 2014, INSPECTION

53. On October 27, 2014, Inspector S.B. conducted an inspection of Respondent Niva's facility in Glendale. Respondent Petoyan, Respondent Danelian, and Respondent Stepanyan were all present. During the inspection, the inspectors found the following issues.

54. When Inspector S.B. first arrived at Respondent Niva Pharmacy, it was closed. Inspector S.B. contacted owner Respondent Petoyan. Respondent Petoyan, Respondent Danelian and Respondent Stepanyan arrived at Respondent Niva's facility thirty minutes later.

55. Inspector S.B. noticed that Respondent Niva's facility was empty, and that there were no drugs or records on site.

56. Respondent Petoyan, Respondent Danelian and Respondent Stepanyan informed Inspector S.B. that Respondent Niva's facility had been closed since January 22, 2014.

57. Respondent Danelian and Respondent Petoyan stated that Respondent Niva's facility did not conduct any business after obtaining its license in July 30, 2013. Respondents Danelian and Petoyan stated that this was the reason Respondent Petoyan decided to sell Respondent Niva to Respondent Stepanyan.

58. On or around January 22, 2014, Respondent Stepanyan bought 100% of Respondent Niva Pharmacy. To date the Board has not received a change of ownership form regarding the sale.

59. On or around July 1, 2014, Respondent Stepanyan filed a renewal for Respondent Niva Pharmacy. The Renewal showed Respondent Stepanyan signed under penalty of perjury that he was the President of Niva.

February 24, 2016, INSPECTION

60. On February 24, 2016, Inspectors K.R and M.K. conducted an inspection of Respondent Superior and Respondent Superior II's facility, assisted by Respondent Petoyan and Respondent Khlghatyan. During the inspection, the inspectors found the following issues.

a. Respondent Superior:

61. Upon entering Respondent Superior's facility, Inspectors K.R. and M.K. observed Margolin behind the counter of the pharmacy in the prescription filling area. He informed the

1 Inspectors that he was not a pharmacist and that the pharmacist left for lunch at 10:45 a.m. The
2 pharmacist, Respondent Khlghatyan, arrived back at the pharmacy at approximately 11:40 a.m.
3 During the time Respondent Khlghatyan was gone there was no pharmacist in Respondent
4 Superior's facility.

5 62. Respondent Khlghatyan provided the inspectors with a copy of the policy and
6 procedure for pharmacy operations during temporary absence of a pharmacist. The policy stated
7 meal periods be limited to thirty (30) minutes.

8 63. Inspector K.R. observed medication packages in Respondent Superior's restroom
9 trash. This included bubble packs from the following other pharmacies: Rose Pharmacy, Trinity
10 Care Pharmacy, and ASAP Pharmacy. Respondent Petoyan stated the bubble packs found were
11 taken back for destruction and were from facilities Respondent Superior provided pharmacy
12 services to.

13 64. The Inspectors obtained three Form 222¹ orders that were signed by Margolin. The
14 following are the three Form 222 orders that were written:

15 a. Form 222 Number 124241589 dated December 15, 2014, written to supplier
16 Amerisource Bergen.

17 b. Form 222 Number 124241597 dated February 10, 2015, written to supplier
18 Amerisource Bergen.

19 c. Form 222 Number 124241598 dated February 18, 2015, written to supplier
20 Amerisource Bergen.

21 65. During the inspection, the Inspectors discovered there was no power of attorney on
22 file with Respondent Superior for Margolin.

23 **b. Respondent Superior II**

24 66. Respondent Khlghatyan provided the inspectors a tour of Superior II pharmacy.
25 Respondent Khlghatyan stated that they were only servicing one home named Glen Terra.

27 ¹ The DEA Form 222 is a triplicate form that is required by the DEA to allow the
28 exchange of controlled substances from the registrant to another party who is also registered with
the DEA.

1 67. Inspectors noticed that there were many labeled bubble pack cards on the shelves, and
2 that the dates were not current, with many being from 2015.

3 68. Inspectors noticed that outside of Respondent Superior II's facility door there was a
4 sign that stated to take all deliveries to Suite 100 A, Respondent Superior.

5 69. On or around March 1, 2016, Inspector K.R. contacted the delivery drivers for
6 Amerisource Bergen. Delivery drivers J.V. and A.V. told Inspector K.R. that Margolin told them
7 to leave the totes to be delivered to Respondent Superior II at Respondent Superior.

8 70. Inspectors were provided sixty six (66) receipts/manifests for Respondents Superior
9 and Superior II that were signed by Respondent Superior staff members and dated between
10 January 4, 2016, to March 1, 2016. Respondent Superior had at least 25 controlled substance
11 deliveries and Respondent Superior II had eight (8) controlled substance deliveries. The
12 following individuals signed for these deliveries:

13 a. Margolin signed a total of thirty-four (34) times for Respondent Superior, at
14 least twenty (20) of the orders he signed for contained controlled substances. Margolin signed a
15 total of nineteen times for Respondent Superior II; at least eight of these orders contained
16 controlled substances.

17 b. M.R., a pharmacy technician, signed four times for Respondent Superior; at
18 least three (3) of these orders contained controlled substances.

19 c. N.P., an intern, signed four times for Respondent Superior; one of these orders
20 contained controlled substances.

21 **Respondent Niva**

22 71. On September 25, 2013, Inspector K.R. requested acquisition and disposition records
23 from Respondent Niva. Respondent Petoyan was listed as CEO of Respondent Niva. Acquisition
24 and disposition records were not provide to the Inspector.

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Respondent Superior

FIRST CAUSE FOR DISCIPLINE

(Failure to have a Pharmacist on Duty)

72. Respondent Superior is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (o), for violating Regulation section 1714.1(e), in that Respondent Superior was without a pharmacist for greater than thirty minutes. Respondent Khlghatyan took a break on or around February 24, 2016, leaving Respondent Superior unattended for a period of at least forty minutes, as set forth more particularly in Paragraphs 58-61.

SECOND CAUSE FOR DISCIPLINE

(Failure to have a licensed pharmacy staff receive dangerous drugs)

73. Respondent Superior is subject to disciplinary action under Code section 4301, subdivisions (o) and (j), in that Respondent violated Code section 4059.5, subdivision (a) when Respondents allowed unlicensed pharmacy staff to receive and sign for delivery of dangerous drugs, as set forth more particularly in paragraphs 62-68.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with Compounding Quality Assurance)

74. Respondent Superior is subject to disciplinary action under Code section 4301, subdivisions (o) and (j), in that Respondent violated Health and Safety Code section 11209, subdivision (b) when Respondents allowed unlicensed pharmacy staff to receive and sign for delivery of controlled substances, as set forth more particularly in paragraph's 60-68.

FOURTH CAUSE FOR DISCIPLINE

(Allowing Unlicensed Individuals to Act as a Pharmacist)

75. Respondent Superior is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code section 4051 subdivisions (a) and (b). The circumstances are that on or about September 20, 2013, Respondents allowed Steve Margolin to transfer prescriptions over the phone for patient MH to ASAP Pharmacy, as set forth more particularly in paragraphs 37-43.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Maintain Acquisition and Disposition Records)**

3 76. Respondent Superior is subject to disciplinary action for unprofessional conduct
4 pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code section 4081,
5 subdivision (a) by failing to keep for at least three years, and/or make available for inspection, its
6 records of manufacture sale, acquisition, receipt, shipment, or disposition of dangerous drugs for
7 Abilify 10 mg and Seroquel XR 300mg, as set forth in paragraphs 29-50.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Failure to have a Power of Attorney)**

10 77. Respondent Superior is subject to disciplinary action for unprofessional conduct
11 pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code of Federal
12 Regulation section 1305.05 subdivision (a). The circumstances are that on or around December
13 15, 2014; February 10, 2015; and February 18, 2015; Respondent allowed Margolin to order
14 Schedule II controlled substances on behalf of Respondent Superior with out a Power of
15 Attorney, as set forth more particularly in Paragraphs 62-63.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to have a Wholesaler License)**

18 78. Respondent Superior is subject to disciplinary action for unprofessional conduct
19 pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code section 4016
20 subdivision (a). The circumstances are that on or around February 24, 2016, Inspectors
21 discovered that Respondent Superior was acting as a reverse distributor without a wholesaler
22 license, as set forth more particularly in Paragraphs 26-28 and 60-61.

23 **Respondent Superior II**

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Failure to have licensed pharmacy staff receive dangerous drugs)**

26 79. Respondent Superior II is subject to disciplinary action under Code section 4301,
27 subdivisions (o) and (j), in that Respondent violated Code section 4059.5, subdivision (a) when
28

Respondent allowed unlicensed pharmacy staff to receive and sign for delivery of dangerous drugs, as set forth more particularly in paragraphs 62-68.

NINTH CAUSE FOR DISCIPLINE

(Failure to Comply with Compounding Quality Assurance)

80. Respondent Superior II is subject to disciplinary action under Code section 4301, subdivisions (o) and (j), in that Respondent violated Health and Safety Code section 11209, subdivision (b) when Respondent allowed unlicensed pharmacy staff to receive and sign for delivery of controlled substances, as set forth more particularly in paragraphs 60-68.

TENTH CAUSE FOR DISCIPLINE

(Failure to Maintain Acquisition and Disposition Records)

81. Respondent Superior is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code section 4081 subdivision (a) by failing to keep for at least three years, and/or make available for inspection, its records of manufacture sale, acquisition, receipt, shipment, or disposition of dangerous drugs for Abilify 10 mg and Seroquel XR 300mg, as set forth in paragraphs 37-50.

ELEVENTH CAUSE FOR DISCIPLINE

(Engaging in prohibited acts)

82. Respondent Superior II is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondents violated Code section 4169 subdivision (a)(1) and (5). The circumstances are that on or around September 5, 2013, Inspector K.R. found prescription drugs dispensed by ASAP Pharmacy to patients in Respondent Superior II's active drug stock, as set forth more particularly in Paragraphs 31-36.

TWELFTH CAUSE FOR DISCIPLINE

(Adulterated Drugs and Devices)

83. Respondent Superior II is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondents violated Health and Safety Code section 111255. The circumstances are that on or around September 5, 2013, Inspectors

1 discovered that Respondent Superior II had five bottles of Seroquel XR 400 mg, two bottles of
2 Seroquel XR 300 mg, and one bottle of Abilify 10 mg with patient labels dispensed by ASAP
3 Pharmacy on the pharmacy's shelving in active stock, as set forth more particularly in Paragraphs
4 31-36.

5 **Respondent Khlghatyan**

6 Respondent Khlghatyan was pharmacist-in-charge of Respondent Superior and Respondent
7 Superior II at all relevant times. Respondent Khlghatyan is therefore responsible under Code
8 section 4113(c) for Respondents Superior and Superior II's compliance with all state and federal
9 laws and regulations pertaining to the practice of pharmacy.

10 **THIRTEENTH CAUSE FOR DISCIPLINE**

11 **(Failure to have a pharmacist on Duty)**

12 84. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct
13 pursuant to section 4301, subdivision (o), for violating Regulation section 1714.1(e), as
14 pharmacist-in-charge, in that Respondent Superior was without a pharmacist for greater than
15 thirty minutes. The circumstances are set forth in paragraph 70 above.

16 **FOURTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to have a licensed pharmacy staff receive dangerous drugs)**

18 85. Respondent Khlghatyan is subject to disciplinary action under Code section 4301,
19 subdivisions (o) and (j), as a pharmacist-in-charge, in that Respondent violated Code section
20 4059.5, subdivision (a). The circumstances are set forth in paragraphs 71 and 77 above.

21 **FIFTEENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Compounding Quality Assurance)**

23 86. Respondent Khlghatyan is subject to disciplinary action under Code section 4301,
24 subdivisions (o) and (j), as a pharmacist-in-charge, in that Respondent violated Health and Safety
25 Code section 11209, subdivision (b). The circumstances are set forth in paragraphs 72 and 78
26 above.

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1 **SIXTEENTH CAUSE FOR DISCIPLINE**

2 **(Allowing unlicensed individuals Act as a Pharmacist)**

3 87. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct
4 pursuant to section 4301, subdivisions (j) and (o), as a pharmacist-in-charge, in that Respondent
5 violated Code section 4051 subdivisions (a) and (b). The circumstances are set forth in paragraph
6 73 above.

7 **SEVENTEENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Acquisition and Disposition Records)**

9 88. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct
10 pursuant to section 4301, subdivisions (j) and (o), as pharmacist-in-charge, in that Respondent
11 violated Code section 4081 subdivision (a) by failing to keep for at least three years, and/or make
12 available for inspection, its records of manufacture sale, acquisition, receipt, shipment, or
13 disposition of dangerous drugs. The circumstances are set forth in paragraphs 74 and 79 above.

14 **EIGHTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to have a Power of Attorney)**

16 89. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct
17 pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code of Federal
18 Regulation section 1305.05 subdivision (a). The circumstances are set forth in paragraph 75
19 above.

20 **NINETEENTH CAUSE FOR DISCIPLINE**

21 **(Failure to have a Wholesaler License)**

22 90. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct
23 pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Code section 4016
24 subdivision (a). The circumstances are set forth in paragraph 75 above.

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TWENTY CAUSE FOR DISCIPLINE

(Adulterated Drugs and Devices)

91. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated Health and Safety Code section 111255. The circumstances are set forth in paragraph 81 above.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Engaging in Fraud)

92. Respondent Khlghatyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (f), in that Respondent was involved in a billing fraud scheme using ASAP Pharmacy prior to Respondent Superior receiving a Medi-Cal license, as set forth more particularly in Paragraphs 25-69.

Respondent Petoyan

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Engaging in Fraud)

93. Respondent Petoyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (f), in that Respondent was involved in a billing fraud scheme using ASAP Pharmacy prior to Respondent Superior receiving a Medi-Cal license, as set forth more particularly in Paragraphs 25-69.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Failure to Transfer a Permit and Submit a Change of Ownership)

94. Respondent Petoyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondents violated California Code of Regulations section 1709 (c) when Respondents Petoyan, and Danielian failed to complete an application of ownership when they transferred their ownership to Respondent Stepanyan.

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Respondent Niva

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Failure to Maintain Acquisition and Disposition Records)

95. Respondent Niva is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j), (o), and (q), in that Respondents failed to provide the requested acquisition and disposition records requested by the board on or around September 25, 2013, as set forth more particularly in Paragraph 69.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Failure to Transfer a Permit and Submit a Change of Ownership)

96. Respondents Niva is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated California Code of Regulations section 1709 (c) when Respondents Petoyan, and Danielian failed to complete an application of ownership when they transferred their ownership of Respondent Niva to Respondent Stepanyan, as set forth more particularly in Paragraphs 51-57.

Respondent Danielian

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Failure to Transfer a Permit and Submit a Change of Ownership)

97. Respondents Danielian is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated California Code of Regulations section 1709 (c) when Respondents Petoyan and Danielian failed to complete an application of ownership when they transferred their ownership of Respondent Niva to Respondent Stepanyan, as set forth more particularly in Paragraphs 51-57.

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Respondent Stepanyan

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Failure to Transfer a Permit and Submit a Change of Ownership)

98. Respondent Stepanyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (j) and (o), in that Respondent violated California Code of Regulations section 1709 (c) when Respondents Petoyan and Danielian failed to complete an application of ownership when they transferred their ownership of Respondent Niva to Respondent Stepanyan, as set forth more particularly in Paragraphs 51-57.

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Fraudulent completion of Renewal Form)

99. Respondent Stepanyan is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (g) in that on or around July 1, 2014, Respondent Stepanyan signed a wholesaler permit renewal form as the President and Owner of Respondent Niva, however there was never an application for change of ownership submitted with the Board, as set forth more particularly in paragraphs 51 to 57.

OTHER MATTERS

100. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48287 issued to Superior Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit PHY 48287 is placed on probation or until Pharmacy Permit PHY 48287 is reinstated if it is revoked.

101. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48287 issued to Superior Pharmacy while Maragarita Khlghatyan has been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee is disciplined, Maragarita Khlghatyan shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 48287 is placed on probation or until Pharmacy Permit Number PHY 48287 is reinstated if revoked.

1 102. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
2 PHY 49215 issued to Superior Pharmacy II shall be prohibited from serving as a manager,
3 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
4 Pharmacy Permit PHY 49215 is placed on probation or until Pharmacy Permit PHY 49215 is
5 reinstated if it is revoked.

6 103. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
7 PHY 49215 issued to Superior Pharmacy II while Maragarita Khlghatyan has been an officer and
8 owner and had knowledge of or knowingly participated in any conduct for which the licensee is
9 disciplined, Maragarita Khlghatyan shall be prohibited from serving as a manager, administrator,
10 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
11 Permit Number PHY 49215 is placed on probation or until Pharmacy Permit Number PHY 49215
12 is reinstated if revoked.

13 104. Pursuant to Code section 4307, if discipline is imposed on Wholesaler License
14 Number WLS 6239 issued to Niva Pharmaceuticals shall be prohibited from serving as a
15 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
16 five years if Wholesaler License Number WLS 6239 is placed on probation or until Wholesaler
17 License Number WLS 6239 is reinstated if it is revoked.

18 105. Pursuant to Code section 4307, if discipline is imposed on Wholesaler License
19 Number WLS 6239 issued to Niva Pharmaceuticals while Suren Petoyan, Mihran Stepanyan
20 and/or Lucy Danielian have been an officer and owner and had knowledge of or knowingly
21 participated in any conduct for which the licensee is disciplined, Suren Petoyan, Mihran
22 Stepanyan, and Lucy Danielian shall be prohibited from serving as a manager, administrator,
23 owner, member, officer, director, associate, or partner of a licensee for five years if Wholesaler
24 License Number WLS 6239 is placed on probation or until Wholesaler License Number WLS
25 6239 is reinstated if revoked.

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PRAYER

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

1. Revoking or suspending Pharmacy Number PHY 48287, issued to Superior Pharmacy;

2. Revoking or suspending Pharmacy Number PHY49215, issued to Superior Pharmacy II;

3. Revoking or suspending Pharmacist License Number RPH 64079, issued to Margarita Khlghatyan.;

4. Prohibiting Margarita Khlghatyan from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for five years if Pharmacy Permit Number PHY 48287 is placed on probation or until Pharmacy Permit Number PHY 48287 is reinstated if Pharmacy Permit Number 48287 issued to Superior Pharmacy is revoked;

5. Prohibiting Margarita Khlghatyan from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for five years if Pharmacy Permit Number PHY 49215 is placed on probation or until Pharmacy Permit Number PHY 49215 is reinstated if Pharmacy Permit Number 49215 issued to Superior Pharmacy II is revoked;

6. Revoking or suspending Pharmacy Technician Registration Number TCH 43450, issued to Suren Petoyan;

7. Revoking or suspending Certificate Number EXC 20715, issued to Suren Petoyan;

8. Revoking or suspending Original Wholesale Permit Number WLS 6239, issued to Niva Pharmaceuticals Inc.;

9. Revoking or suspending Pharmacy Technician Registration Number TCH 79133, issued to Mihran Stepanyan;

10. Revoking or suspending Certificate Number EXC 22480, issued to Mihran Stepanyan;

11. Prohibiting Suren Petoyan from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Wholesaler License Number

WLS 6239 is placed on probation or until Wholesaler License Number WLS 6239 is reinstated if Wholesaler License Number WLS 6239 issued to Niva Pharmaceuticals Inc. is revoked;

12. Prohibiting Lucy Danielian from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Wholesaler License Number WLS 6239 is placed on probation or until Wholesaler License Number WLS 6239 is reinstated if Wholesaler License Number WLS 6239 issued to Niva Pharmaceuticals Inc. is revoked;

13. Prohibiting Mihran Stepanyan from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Wholesaler License Number WLS 6239 is placed on probation or until Wholesaler License Number WLS 6239 is reinstated if Wholesaler License Number WLS 6239 issued to Niva Pharmaceuticals Inc. is revoked;

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

DATED: August 26, 2019



ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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