

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

In the Matter of the Accusation Against:

**MID-VALLEY HEALTH SERVICES,
INC.,
dba MID-VALLEY HEALTH SERVICES
ANTRANIK BARSAMIAN, PRESIDENT
ROBERT BARSAMIAN,
aka ROBERT CHARLES BARSAMIAN,
VICE PRESIDENT/PHARMACIST-IN-
CHARGE
2800 Mitchell Road
Ceres, CA 95307**

**Pharmacy Permit No. PHY 37093
Sterile Compounding Permit No. LSC
100004**

and

**ROBET CHARLES BARSAMIAN
9481 Perrett Road
Patterson, CA 95363**

Pharmacist License No. RPH 37908

Respondents.

Case No. 6241

OAH No. 2018050941

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval is hereby 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 October 18, 2018.

It is so ORDERED on September 18, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Victor Law", is written over a horizontal line.

By

Victor Law, R.Ph.
Board President

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 SETH A. CURTIS
Deputy Attorney General
4 State Bar No. 236263
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
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7 *Attorneys for Complainant*

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10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

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17 **aka ROBERT CHARLES BARSAMIAN,**
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19 **CHARGE**
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25 **and**

26 **ROBERT CHARLES BARSAMIAN**
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**STIPULATED SETTLEMENT AND
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REPROVAL**

**[MID-VALLEY HEALTH SERVICES
INC., dba MID VALLEY HEALTH
SERVICES ONLY]**

[Bus. & Prof. Code § 495]

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

28 ///

1 **PARTIES**

2 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Xavier Becerra, Attorney General of the State of California, by Seth A. Curtis, Deputy Attorney
5 General.

6 2. Mid-Valley Health Services, Inc. dba Mid Valley Health Services, (Respondent) is
7 represented in this proceeding by attorney Gregory P. Matzen, whose address is:

8 2104 Big Sandy Court
9 Gold River, CA 95670-8399

10 **JURISDICTION**

11 3. On or about April 15, 1991, the Board issued Pharmacy Permit Number PHY 37093
12 to Mid-Valley Health Services, Inc., doing business as Mid Valley Health Services, with Antranik
13 Barsamian as president and Robert Barsamian, also known as Robert Charles Barsamian, as vice
14 president. On or about June 11, 2004, Robert Barsamian became the pharmacist-in-charge. The
15 pharmacy permit was in full force and effect at all times relevant to the charges brought in the
16 Accusation and will expire on April 1, 2019, unless renewed.

17 4. On or about May 9, 2014, the Board issued Sterile Compounding Permit Number
18 LSC 100004 to Respondent. The sterile compounding permit was in full force and effect at all
19 times relevant to the charges brought in the Accusation and will expire on April 1, 2019, unless
20 renewed.

21 5. Accusation No. 6241 was filed before the Board and is currently pending against
22 Respondent. The Accusation and all other statutorily required documents were properly served
23 on Respondent on April 11, 2018. Respondent timely filed its Notice of Defense contesting the
24 Accusation. A copy of Accusation No. 6241 is attached as Exhibit A and incorporated herein by
25 reference.

26 **ADVISEMENT AND WAIVERS**

27 6. Respondent and President Antranik Barsamian have carefully read, fully discussed
28 with counsel, and understand the charges and allegations in Accusation No. 6241. Respondent

1 and President Antranik Barsamian have also carefully read, fully discussed with counsel, and
2 understand the effects of this Stipulated Settlement and Disciplinary Order for Public Repeval
3 (Stipulation).

4 7. Respondent and President Antranik Barsamian are fully aware of the company's legal
5 rights in this matter, including the right to a hearing on the charges and allegations in the
6 Accusation; the right to be represented by counsel at its own expense; the right to confront and
7 cross-examine the witnesses against it; the right to present evidence and to testify on its own
8 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
9 production of documents; the right to reconsideration and court review of an adverse decision;
10 and all other rights accorded by the California Administrative Procedure Act and other applicable
11 laws.

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

14 **CULPABILITY**

15 9. Respondent admits the truth of each and every charge and allegation in Accusation
16 No. 6241.

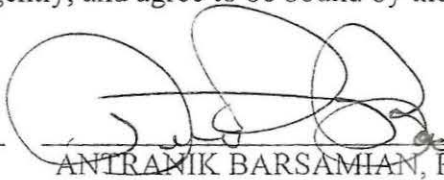
17 10. Respondent agrees that its Pharmacy Permit is subject to discipline and agrees to be
18 bound by the Disciplinary Order below.

19 **CONTINGENCY**

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

1 Public Repeval and have fully discussed it with our attorney, Gregory P. Matzen. I understand
2 the Stipulation and the effect it will have on our Pharmacy Permit, and Sterile Compounding
3 Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval
4 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
5 Board of Pharmacy.

6 DATED: 7-12-18



ANTRANIK BARSAMIAN, PRESIDENT, MID-
VALLEY HEALTH SERVICES, INC. dba MID
VALLEY HEALTH SERVICES
Respondent

10 I have read and fully discussed with Respondent's president, Antranik Barsamian, the terms
11 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary
12 Order for Public Repeval. I approve its form and content.

14 DATED: 7/18/18



GREGORY P. MATZEN
Attorney for Respondent

ENDORSEMENT

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

21 Dated: 7/23/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General



SETH A. CURTIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6241

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 SETH A. CURTIS
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15 **ROBERT BARSAMIAN,**
16 **aka ROBERT CHARLES BARSAMIAN,**
VICE PRESIDENT/PHARMACIST-IN-
CHARGE
2800 Mitchell Road
Ceres, CA 95307

A C C U S A T I O N

17 **Pharmacy Permit No. PHY 37093**
18 **Sterile Compounding Permit No. LSC 100004**

19 **and**

20 **ROBERT CHARLES BARSAMIAN**
21 **9481 Perrett Road**
Patterson, CA 95363

22 **Pharmacist License No. RPH 37908**

23 Respondents.

24 Complainant alleges:

25 **PARTIES**

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

28 //

1 (3) Suspending his or her right to practice for a period not exceeding one
year.

2 (4) Revoking his or her license.

3 (5) Taking any other action in relation to disciplining him or her as the
4 board in its discretion may deem proper . . .

5 8. Code section 4300.1 states:

6 The expiration, cancellation, forfeiture, or suspension of a board-issued
7 license by operation of law or by order or decision of the board or a court of law, the
8 placement of a license on a retired status, or the voluntary surrender of a license by a
9 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.

10 **STATUTORY AND REGULATORY PROVISIONS**

11 9. Code section 4301 states, in pertinent part:

12 The board shall take action against any holder of a license who is guilty
13 of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited
to, any of the following:

14

15 (j) The violation of any of the statutes of this state . . . regulating
16 controlled substances and dangerous drugs.

17

18 (o) Violating or attempting to violate, directly or indirectly, or assisting in
19 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
20 pharmacy, including regulations established by the board or by any other state or
federal regulatory agency . . .

21 10. Code section 4113, subdivision (c), states that “[t]he pharmacist-in-charge shall be
22 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining
23 to the practice of pharmacy.”

24 11. Health and Safety Code section 11165, subdivision (d), states:

25 For each prescription for a Schedule II, Schedule III, or Schedule IV
26 controlled substance, as defined in the controlled substances schedules in federal law
and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of
27 Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other
dispenser shall report the following information to the Department of Justice as soon
28 as reasonably possible, but not more than seven days after the date a controlled
substance is dispensed, in a format specified by the Department of Justice:

1 (1) Full name, address, and, if available, telephone number of the ultimate
2 user or research subject, or contact information as determined by the Secretary of the
United States Department of Health and Human Services, and the gender, and date of
birth of the ultimate user.

3 (2) The prescriber's category of licensure, license number, national
4 provider identifier (NPI) number, if applicable, the federal controlled substance
5 registration number, and the state medical license number of any prescriber using the
6 federal controlled substance registration number of a government-exempt facility.

7 (3) Pharmacy prescription number, license number, NPI number, and
8 federal controlled substance registration number.

9 (4) National Drug Code (NDC) number of the controlled substance
10 dispensed.

11 (5) Quantity of the controlled substance dispensed.

12 (6) International Statistical Classification of Diseases, 9th revision (ICD-
13 9) or 10th revision (ICD-10) Code, if available.

14 (7) Number of refills ordered.

15 (8) Whether the drug was dispensed as a refill of a prescription or as a
16 first-time request.

17 (9) Date of origin of the prescription.

18 (10) Date of dispensing of the prescription.

19 12. Section 4307(a) of the Code states that:

20 Any person who has been denied a license or whose license has been revoked or
21 is under suspension, or who has failed to renew his or her license while it was under
22 suspension, or who has been a manager, administrator, owner member, officer,
23 director, associate, partner, or any other person with management or control of any
24 partnership, corporation, firm, or association whose application for a license has been
25 denied or revoked, is under suspension or has been placed on probation, and while
26 acting as the manger, administrator, owner, member, officer, director, associate,
27 partner, or any other person with management or control had knowledge or knowingly
28 participated in any conduct for which the license was denied, revoked, suspended, or placed
on probation, shall be prohibited from serving as a manger, administrator, owner, member,
officer, director, associate, partner, or any other person 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.

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Title 16, California Code of Regulations (“CCR”), section 1751.7 states, in pertinent part:

....

(b)(1) The pharmacy and each individual involved in the compounding of sterile drug preparations must successfully demonstrate competency on aseptic technique and aseptic area practices before being allowed to prepare sterile drug preparations. The validation process shall be carried out in the same manner as normal production, except that an appropriate microbiological growth medium is used in place of the actual product used during sterile preparation. The validation process shall be representative of the types of manipulations, products and batch sizes the individual is expected to prepare and include a media-fill test. The validation process shall be as complicated as the most complex manipulations performed by staff and contain the same amount or greater amount of volume transferred during the compounding process. The same personnel, procedures, equipment, and materials must be used in the testing. Media used must have demonstrated the ability to support and promote growth. Completed medium samples must be incubated in a manner consistent with the manufacturer's recommendations. If microbial growth is detected, then each individual's sterile preparation process must be evaluated, corrective action taken and documented, and the validation process repeated.

(2) Each individual's competency must be revalidated at least every twelve months for sterile to sterile compounding and at least every six months for individuals compounding sterile preparations from non-sterile ingredients . . .

COST RECOVERY

13. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

14. On or about February 6, 2017, a Board Inspector conducted an annual sterile compounding license renewal inspection at Mid Valley Health Services. During the inspection, the Board Inspector reviewed the training records for the pharmacy staff. The documents showed that the technician staff had all of the appropriate training and process validation for compounding; however, there was no process validation for compounding performed by the pharmacists subsequent to 2014. Pharmacist S. S. told the Board Inspector that since the pharmacists did not compound very often, they did not perform the process validation. During the inspection, the Board Inspector obtained from the Board a CURES (Controlled Substance

1 Utilization Review and Evaluation System)¹ compliance report for the pharmacy. The report
2 showed that the pharmacy had not submitted any data to the CURES database since 2014.

3 **Respondent Mid Valley Health Services**

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Failure to Report Controlled Substance Prescriptions to CURES)**

6 15. Respondent Mid Valley Health Services' pharmacy permit and sterile compounding
7 permit are subject to disciplinary action for unprofessional conduct pursuant to Code section
8 4301, subdivision (j), in that Respondent violated a state law regulating controlled substances, as
9 follows: Respondent failed to report to the California Department of Justice any CURES data for
10 Schedule II, III, and IV controlled substances since 2014, in violation of Health and Safety Code
11 section 11165, subdivision (d).

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Failure to Conduct Annual Process Validation)**

14 16. Respondent Mid Valley Health Services' pharmacy permit and sterile compounding
15 permit are subject to disciplinary action for unprofessional conduct pursuant to Code section
16 4301, subdivision (o), in that Respondent violated Title 16, CCR, section 1751.7, subdivisions
17 (b)(1) and (2), as follows: Respondent failed to conduct and/or document annual process
18 validation for pharmacists who compounded sterile drug preparations or who supervised or
19 checked the compounding of sterile drug preparations performed by the pharmacy's technicians,
20 since 2014.

21
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25 _____
26 ¹ CURES is a database of Schedule II, III and IV controlled substance prescriptions
27 dispensed in California, which serves regulatory oversight agencies and law enforcement.
28 CURES is committed to the reduction of prescription drug abuse and diversion without affecting
legitimate medical practice or patient care. Access to CURES is limited to licensed prescribers
and licensed pharmacists strictly for patients in their direct care, and regulatory board staff and
law enforcement personnel for official oversight or investigatory purposes.

1 participated in any conduct for which the licensee was disciplined, Robert Barsamian shall be
2 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
3 or partner of a licensee for five years if Pharmacy Permit Number PHY 37093 is placed on
4 probation or until Pharmacy Permit Number PHY 37093 is reinstated if revoked.

5 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
6 Number RPH 37908 issued to Robert Barsamian, Robert Barsamian shall be prohibited from
7 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
8 licensee for five years if Pharmacist License Number RPH 37908 is placed on probation or until
9 Pharmacist License Number RPH 37908 is reinstated if it is revoked.

10 MATTERS IN AGGRAVATION

11 22. To determine the degree of discipline to be assessed against Respondents Mid Valley
12 Health Services and Robert Barsamian, Complainant alleges as follows:

13 a. On or about April 17, 2015, the Board issued Citation and Fine No. CI 2014 63400
14 against Respondent Mid Valley Health Services for violating Title 16, CCR, section 1714,
15 subdivision (b). During a Board inspection on November 12, 2014, the rear entrance to the
16 pharmacy and the metal gate which led to the pharmacy were unsecured. Further, the keys to the
17 narcotic cabinet were not restricted to a pharmacist. In addition, two 20 ml vials of the controlled
18 substance morphine 50 mg/ml were missing. Pharmacist-in-charge Respondent Robert
19 Barsamian could not explain the drug loss. The Board ordered Respondent Mid Valley Health
20 Services to pay a fine of \$500 by May 17, 2015. Respondent paid the citation.

21 b. On or about April 17, 2015, the Board issued Citation and Fine No. CI 2014 65108
22 against Respondent Robert Barsamian for violating Title 16, CCR, section 1714, subdivision (b).
23 During a Board inspection on November 12, 2014, the rear entrance to the pharmacy and the
24 metal gate which led to the pharmacy were unsecured. Further, the keys to the narcotic cabinet
25 were not restricted to a pharmacist. In addition, two 20 ml vials of the controlled substance
26 morphine 50 mg/ml were missing. Respondent could not explain the drug loss. The citation has
27 been completed.

28 //

1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 37093, issued to Mid-Valley
5 Health Services, Inc., doing business as Mid Valley Health Services;

6 2. Revoking or suspending Sterile Compounding Permit Number LSC 100004, issued to
7 Mid-Valley Health Services, Inc., doing business as Mid Valley Health Services;

8 3. Revoking or suspending Pharmacist License Number RPH 37908, issued to Robert
9 Barsamian, also known as Robert Charles Barsamian;

10 4. Prohibiting Mid-Valley Health Services, Inc., doing business as Mid Valley Health
11 Services from serving as a manager, administrator, owner, member, officer, director, associate, or
12 partner of a licensee for five years if Pharmacy Permit Number PHY 37093 is placed on
13 probation or until Pharmacy Permit Number PHY 37093 is reinstated if Pharmacy Permit Number
14 PHY 37093 issued to Mid-Valley Health Services, Inc., doing business as Mid Valley Health
15 Services is revoked;

16 5. Prohibiting Robert Barsamian from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
18 Number PHY 37093 is placed on probation or until Pharmacy Permit Number PHY 37093 is
19 reinstated if Pharmacy Permit Number PHY 37093 issued to Mid-Valley Health Services, Inc.,
20 doing business as Mid Valley Health Services is revoked;

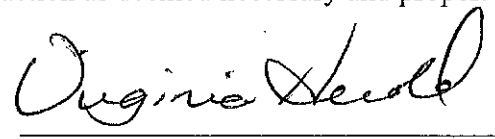
21 6. Prohibiting Robert Barsamian from serving as a manager, administrator, owner,
22 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
23 Number RPH 37908 is placed on probation or until Pharmacist License Number RPH 37908 is
24 reinstated if Pharmacist License Number RPH 37908 issued to Robert Barsamian is revoked;

25 7 Ordering Mid-Valley Health Services, Inc., doing business as Mid Valley Health
26 Services, and Robert Barsamian, also known as Robert Charles Barsamian, to pay the Board of
27 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
28 Business and Professions Code section 125.3; and

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

DATED: 3/30/18



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

SA2017108820