

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

In the Matter of the Accusation Against:

VAKO MINAS AGAJANIAN dba AKHTAMAR PHARMACY,

Pharmacy Permit No. PHY 53780; and

TAMAR TATARIAN,

Pharmacy Technician Registration No. TCH 39187,

Respondents

Agency Case No. 6501

DECISION AND ORDER

The attached Stipulated Surrender of License Order 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 April 15, 2020.

It is so ORDERED on March 16, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 JOSHUA B. EISENBERG
Deputy Attorney General
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6501

13 **VAKO MINAS AGAJANIAN DBA**
AKHTAMAR PHARMACY
14 **1729 E. Washington Blvd**
Pasadena, CA 91104

15 **Permit No. PHY 53780**

16 **and**

17 **TAMAR TATARIAN**
18 **3300 Primavera St.**
Pasadena, CA 91107

19 **Pharmacy Technician Registration No. TCH**
20 **39187**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

**(RESPONDENT VAKO MINAS
AGAJANIAN DBA AKHTAMAR
PHARMACY)**

21 Respondents.

22
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of
27 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
28

1 this matter by Xavier Becerra, Attorney General of the State of California, by Joshua B.
2 Eisenberg, Deputy Attorney General.

3 2. Vako Minas Agajanian dba Akhtamar Pharmacy (Respondent) is represented in this
4 proceeding by attorney Herb L. Weinberg, whose address is 1990 S. Bundy Drive, Suite 777, Los
5 Angeles, CA 90025.

6 3. On or about September 1, 2015, the Board issued Pharmacy Permit No. PHY 53780
7 to Vako Minas Agajanian dba Akhtamar Pharmacy (Respondent). The Pharmacy Permit was in
8 full force and effect at all times relevant to the charges brought in Accusation No. 6501.
9 Pharmacy Permit No. PHY 53780 expired on September 1, 2018, and has not been renewed.

10 **JURISDICTION**

11 4. Accusation No. 6501 was filed before the Board, and is currently pending against
12 Respondent. The Accusation and all other statutorily required documents were properly served
13 on Respondent on October 23, 2019. Respondent timely filed his Notice of Defense contesting
14 the Accusation. A copy of Accusation No. 6501 is attached as Exhibit A and incorporated by
15 reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 6501. Respondent also has carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
20 Order.

21 6. Respondent is fully aware of his legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
23 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
24 to the issuance of subpoenas to compel the attendance of witnesses and the production of
25 documents; the right to reconsideration and court review of an adverse decision; and all other
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

1 **CULPABILITY**

2 8. Respondent understands that the charges and allegations in Accusation No. 6501, if
3 proven at a hearing, constitute cause for imposing discipline upon his Permit.

4 9. 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 10. Respondent understands that by signing this stipulation he enables the Board to issue
10 an order accepting the surrender of his Permit without further process.

11 **CONTINGENCY**

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

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

24 13. This Stipulated Surrender of License and 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 Surrender of License and Order
28

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

3 14. 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 Order:

5 **ORDER**

6 IT IS HEREBY ORDERED that Permit No. PHY 53780, issued to Respondent Vako Minas
7 Agajanian dba Akhtamar Pharmacy, is surrendered and accepted by the Board.

8 1. The surrender of Respondent's Permit and the acceptance of the surrendered license
9 by the Board shall constitute the imposition of discipline against Respondent. This stipulation
10 constitutes a record of the discipline and shall become a part of Respondent's license history with
11 the Board.

12 2. Respondent shall lose all rights and privileges as a Pharmacy in California as of the
13 effective date of the Board's Decision and Order.

14 3. If he ever applies for licensure or petitions for reinstatement in the State of California,
15 the Board shall treat it as a new application for licensure. Respondent must comply with all the
16 laws, regulations and procedures for licensure in effect at the time the application or petition is
17 filed, and all of the charges and allegations contained in Accusation No. 6501 shall be deemed to
18 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
19 the application or petition.

20 4. Respondent shall pay the agency its costs of investigation and enforcement in the
21 amount of \$30,528.50 prior to issuance of a new or reinstated license. Respondents shall be
22 jointly and severally liable for the payment of these costs.

23 5. If Respondent should ever apply or reapply for a new license or certification, or
24 petition for reinstatement of a license, by any other health care licensing agency in the State of
25 California, all of the charges and allegations contained in Accusation, No. 6501 shall be deemed
26 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
27 other proceeding seeking to deny or restrict licensure.

28 ///

1 6. Respondent shall not apply for licensure or petition for reinstatement for three (3)
2 years from the effective date of the Board's Decision and Order.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my
6 Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
7 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

8
9 DATED: 2/2/2020


10 VAKO MINAS AGAJANIAN DBA
11 AKHTAMAR PHARMACY
Respondent

12 I have read and fully discussed with Respondent Vako Minas Agajanian dba Akhtamar
13 Pharmacy the terms and conditions and other matters contained in this Stipulated Surrender of
14 License and Order. I approve its form and content.

15 DATED: 2/4/2020


16 HERB L. WEINBERG
Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
19 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20
21 DATED: _____

Respectfully submitted,

22
23 XAVIER BECERRA
Attorney General of California
24 KENT D. HARRIS
Supervising Deputy Attorney General

25
26 JOSHUA B. EISENBERG
27 Deputy Attorney General
Attorneys for Complainant

28 LA2018601840
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1 6. Respondent shall not apply for licensure or petition for reinstatement for three (3)
2 years from the effective date of the Board's Decision and Order.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my
6 Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and
7 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

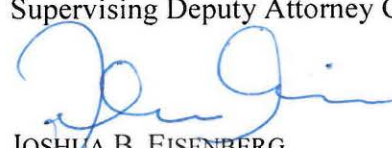
8
9 DATED: _____
10 VAKO MINAS AGAJANIAN DBA
11 AKHTAMAR PHARMACY
12 Respondent

12 I have read and fully discussed with Respondent Vako Minas Agajanian dba Akhtamar
13 Pharmacy the terms and conditions and other matters contained in this Stipulated Surrender of
14 License and Order. I approve its form and content.

15 DATED: _____
16 HERB L. WEINBERG
17 Attorney for Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
19 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20
21 DATED: 2/4/2020
22 Respectfully submitted,
23 XAVIER BECERRA
24 Attorney General of California
25 KENT D. HARRIS
26 Supervising Deputy Attorney General
27 
28 JOSHUA B. EISENBERG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6501

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 JOSHUA B. EISENBERG
Deputy Attorney General
4 State Bar No. 279323
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5 P.O. Box 944255
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6 Telephone: (916) 210-6115
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15 **AKHTAMAR PHARMACY**
1729 E. Washington Blvd
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A C C U S A T I O N

16 **Permit No. PHY 53780**

17 **and**

18 **TAMAR TATARIAN**
19 **3300 Primavera St.**
Pasadena, CA 91107

20 **Pharmacy Technician Registration No. TCH**
21 **39187**

22 Respondents.

23
24 Complainant alleges:

25 **PARTIES**

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

1 regulating controlled substances or of a violation of the statutes of this state
2 regulating controlled substances or dangerous drugs shall be conclusive evidence of
3 unprofessional conduct. In all other cases, the record of conviction shall be
4 conclusive evidence only of the fact that the conviction occurred. The board may
5 inquire into the circumstances surrounding the commission of the crime, in order to
6 fix the degree of discipline or, in the case of a conviction not involving controlled
7 substances or dangerous drugs, to determine if the conviction is of an offense
8 substantially related to the qualifications, functions, and duties of a licensee under
9 this chapter. A plea or verdict of guilty or a conviction following a plea of nolo
10 contendere is deemed to be a conviction within the meaning of this provision. The
11 board may take action when the time for appeal has elapsed, or the judgment of
12 conviction has been affirmed on appeal or when an order granting probation is made
13 suspending the imposition of sentence, irrespective of a subsequent order under
14 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
15 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
16 dismissing the accusation, information, or indictment.

17

18 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
19 abetting the violation of or conspiring to violate any provision or term of this
20 chapter or of the applicable federal and state laws and regulations governing
21 pharmacy, including regulations established by the board or by any other state or
22 federal regulatory agency.

23

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

26 8. Section 4022 of the Code states:

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

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

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

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

9. Section 4081 of the Code states, in pertinent part:

(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,

1 permit, registration, or exemption under Division 2 (commencing with Section
2 1200) of the Health and Safety Code or under Part 4 (commencing with Section
3 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock
4 of dangerous drugs or dangerous devices.

5 10. Section 4332 of the Code states:

6 Any person who fails, neglects, or refuses to maintain the records required by
7 Section 4081 or who, when called upon by an authorized officer or a member of
8 the board, fails, neglects, or refuses to produce or provide the records within a
9 reasonable time, or who willfully produces or furnishes records that are false, is
10 guilty of a misdemeanor.

11 11. California Code of Regulations, title 16, section 1718, states:

12 “Current Inventory” as used in Sections 4081 and 4332 of the Business and
13 Professions Code shall be considered to include complete accountability for all
14 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

15 The controlled substances inventories required by Title 21, CFR, Section 1304
16 shall be available for inspection upon request for at least 3 years after the date of
17 the inventory.

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

22 **FACTUAL BACKGROUND**

23 13. Respondent Tatarian and her husband, Vako Minas Agajanian were the owners of
24 Respondent Pharmacy in Pasadena, California, which opened in September 2015. Respondent
25 Tatarian acted in the capacity of a pharmacy technician and the manager of Respondent
26 Pharmacy.

27 **Department of Health Care Services Inspection of Respondent Pharmacy**

28 14. On or about February 10, 2017, James Zee, a Pharmaceutical Consultant I with the
Medical Review Branch of the Department of Health Care Services, made an unannounced onsite
visit to Respondent Pharmacy in response to Respondent Pharmacy’s request for a change of
ownership, business address, and for the use of a previous owner’s Medi-Cal national provider
identification (NPI). During his onsite visit, Mr. Zee conducted an audit and inventory review of
Respondent Pharmacy for the following drugs: Abilify 5 mg and 10 mg, Latuda 40 mg and 60
mg, and Nexium 40 mg, which revealed negligible shortage (overpayment) of \$61.47 for Nexium

1 40 mg. In conjunction with the audit, Respondent Pharmacy provided invoices for Latuda 40 mg
2 and Nexium 40 mg, showing that the identified drugs had been purchased from Grace Pharmacy.
3 The invoices indicated that 4 bottles of Latuda 40 mg (30 tablets per container) and 17 bottles of
4 Nexium 40 mg (30 capsules per container) were purchased from Grace Pharmacy between July 1,
5 2016 and December 31, 2016.

6 **Board's Inspection of Respondent Pharmacy**

7 15. On or about September 6, 2017, Board Inspector Sarah Bayley (Inspector Bayley)
8 conducted an inspection of Respondent Pharmacy. The inspection was conducted in the presence
9 of pharmacist-in-charge S.M. and pharmacy technician and manager, Respondent Tatarian.
10 During the inspection, Inspector Bayley collected records for Latuda 40 mg and 60 mg and
11 Nexium NR 40 mg. During the inspection, Inspector Bayley also requested a Stock on Hand for
12 Latuda and Nexium 40 mg and a dispensing utilization report for the period between March 1,
13 2017 and September 6, 2017.

14 **Inspection of Grace Pharmacy**

15 16. On or about October 25, 2017, Inspector Bayley conducted an inspection of Grace
16 Pharmacy in the presence of pharmacist-in-charge M.B. During the inspection, Inspector Bayley
17 inquired regarding the supplying of dangerous drugs or devices to Respondent Pharmacy and
18 discovered the following:

19 a. Respondent Pharmacy and Grace Pharmacy occasionally borrowed medications
20 from each other to fill prescriptions for same day dispensing. Each pharmacy would return
21 borrowed drugs to the other within a couple of days.

22 b. Grace Pharmacy never sold any drugs to Respondent Pharmacy and no money
23 was ever exchanged between the pharmacies.

24 c. The drug Latuda was never exchanged between the two pharmacies.

25 ///

26 ///

27 ///

28 ///

1 17. On or about November 7, 2017, Inspector Bayley sent a letter to Respondent
2 Pharmacy requesting any supporting records that would substantiate Respondent Pharmacy's
3 claim that it purchased 4 bottles of Latuda 40 mg and 17 bottles of Nexium 40 mg from Grace
4 Pharmacy between July 1, 2016 and December 31, 2016. Respondent Pharmacy never submitted
5 any proof of the alleged purchase from Grace Pharmacy.

6 18. On or about February 16, 2018, Inspector Bayley requested Respondent Pharmacy to
7 submit dispensing records for Latuda 40 mg and Nexium 40 mg for the period between July 1,
8 2016 and September 6, 2017. On or about February 19, 2018, Respondent Pharmacy submitted
9 the dispensing records. On or about February 20, 2018, Respondent Tatarian submitted a revised
10 dispensing report for Nexium 40 mg.

11 19. Based on the records obtained during the Board's audit, Respondent Pharmacy
12 purchased Nexium 40 mg from the following wholesalers and independent pharmacies in the
13 quantities listed below:

Wholesalers (WLS) or Independent Pharmacies (PHY)	Nexium 40 mg (30 capsules/container) NDC No: 00186-5040-31	Total Tablets or Capsules
Anda Inc. (WLS)	302	9,060
HD Smith (WLS)	259	7,770
Grace Pharmacy (PHY)	17	510
Sunset Center Pharmacy (PHY)	35	1,050

21
22 20. On or about March 6, 2018, Respondent Tatarian emailed Inspector Bayley a copy of
23 Respondent Pharmacy's audit records. The records included purchasing records from Anda, HD
24 Smith, and Sunset Center Pharmacy & Medical Supply. The submitted invoices from Sunset
25 Center Pharmacy showed that Respondent Pharmacy purchased 35 bottles of Nexium 40 mg from
26 Sunset Center Pharmacy as follows:

27 ///

28 ///

Date	Purchasing Quantity for Nexium 40 mg (30 capsules/container)	Total Capsules	Cost (\$)
1/3/17	6	180	1,445.40
1/11/17	6	180	1,445.40
1/30/17	4	120	963.60
2/13/17	5	150	1,204.50
3/3/17	4	120	963.60
3/9/17	5	150	1,204.50
3/21/17	5	150	1,204.50

21. A comparison of Respondent Pharmacy's invoices allegedly showing the purchase of Nexium from Sunset Center Pharmacy with Respondent Pharmacy's drug dispensed report for Nexium revealed that Respondent Pharmacy did not dispense Nexium 40 mg on the dates of the purchase invoices, nor did they dispense enough prescriptions to justify the quantities listed on the invoices, as identified in the chart below:

Date	Amount of capsules purchased	Prescriptions dispensed on date of invoice	Quantity Dispensed	Previous prescription filled
1/3/17	180	0	0	12/29/16 Rx 92420; Qty: 30 Rx 95183; Qty: 30
1/11/17	180	0	0	12/29/16 Rx 92420; Qty: 30 Rx 95183; Qty: 30
1/30/17	120	0	0	1/27/17 Rx 92428; Qty: 30
2/13/17	150	0	0	1/27/17 Rx 92428; Qty: 30
3/3/17	120	0	0	3/2/17 Rx 100128; Qty: 30
3/9/17	150	0	0	3/2/17 Rx 100128; Qty: 30
3/21/17	150	0	0	3/2/17 Rx 100128; Qty: 30

///

///

1 **Sunset Center Pharmacy**

2 22. The Board's records revealed that Sunset Center Pharmacy filed a discontinuance of
3 business on August 21, 2017. Inspector Bayley contacted the pharmacy's former owner, M.B.,
4 and former pharmacist-in-charge, C.S. M.B. never responded to Inspector Bayley's
5 correspondence. However, during three days of telephone and email interviews, C.S. confirmed
6 that she had never interacted with Respondents or S.M. and she had no knowledge of any drug
7 sales to Respondent Pharmacy.

8 23. The Board's final audit revealed a negative variance, which showed that Respondent
9 Pharmacy had more records of drug sales than records of acquisition for Latuda 40 mg and
10 Nexium 40 mg, as follows:

11

12 Drug Name	13 Initial Inventory on 7/1/16 by Respondent Tatarian	Total Purchasing	Total Dispensing	Stock on Hand on 9/6/17 during Board's inspection	Discrepancies
14 Latuda 40 mg (30 tablets)	0	210	420	0	-210 (7 bottles)
15 Nexium 40 mg (30 capsules)	360	16,830	18,690	120	-1,380 (46 bottles)

16
17

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Criminal Conviction)**

20 24. Respondent Tatarian is subject to disciplinary action under Code section 4301(l) in
21 that Respondent Tatarian was convicted of crimes substantially related to the qualifications,
22 functions, and duties of a licensee, in that on or about December 14, 2018, in the matter entitled
23 *United States of America vs. Tamar Tatarian*; United States District Court, Central District of
24 California; Case No. 2:18-CR-00361-JFW, a jury found Respondent Tatarian guilty of one count
25 of health care fraud, in violation of Title 18, United States Code, Section 1347, and two counts of
26 wire fraud, in violation of Title 18, United States Code, Section 1343. The circumstances are as
27 follows:

28 ///

1 a. The majority of Respondent Pharmacy's patients had prescription drug
2 insurance coverage through Medicare Part D. The Medicare Program and Medicare drug plans
3 are federal health care benefit programs.

4 b. Beginning shortly after she opened Respondent Pharmacy, but no later than
5 October 2015, Respondent Tatarian began submitting and causing the submission of false and
6 fraudulent claims to Medicare Part D drug plans for certain prescription drugs. These claims
7 falsely represented that Respondent Pharmacy had dispensed certain prescription drugs to
8 Medicare Part D patients when, in fact, defendant had not purchased enough of those drugs from
9 prescriptions drug wholesalers and so could not have dispensed the drugs to the patients.

10 c. An audit was conducted by the Medical Review Board of the Department of
11 Health Care Services in February 2017, as described in paragraph 14 above, which put
12 Respondents on notice that Respondent Pharmacy's drug purchases were being scrutinized. In
13 response, Respondent Tatarian attempted to conceal her fraudulent conduct by creating false and
14 fraudulent invoices, which reflected wholesale drug purchases by Respondent Pharmacy that
15 never took place.

16 d. On May 5, 2017, May 15, 2017, May 26, 2017, and August 16, 2017,
17 Respondent Tatarian provided to a confidential cooperating witness (CCW), by email and in
18 person, handwritten lists of prescription drugs that Respondent Tatarian asked be reflected on
19 fake wholesale invoices. At Respondent Tatarian's direction, the CCW then created and gave to
20 Respondent Tatarian fake, backdated wholesale invoices that reflected the handwritten lists that
21 Respondent Tatarian gave the CCW, thus making it appear as if Respondent Tatarian had actually
22 purchased the drugs for which she had billed Medicare, when, in fact, she had not.

23 e. In February 2018, the Medicare Drug Integrity Contractor (NBI MEDIC)
24 performed a reconciliation that compared the prescription drug claims submitted by Respondent
25 Pharmacy to Medicare drug plans for 79 drugs, to the amount of those 79 drugs Respondent
26 Pharmacy purchased from its wholesalers for the time period between October 2, 2015 through
27 October 30, 2017. The NBI MEDIC determined that, for 64 of the 79 drugs reviewed,
28

1 Respondent Pharmacy had purchased insufficient drugs from its wholesalers, and calculated that
2 the shortage resulted in a total loss to Medicare of approximately \$1,351,843.

3 f. In December 2018, the NBI MEDIC performed an updated reconciliation,
4 which analyzed claims submitted by Respondent Pharmacy to Medicare drug plans for the same
5 79 drugs for an additional 8-month period, extending the period of time of the reconciliation
6 through the date that Respondent Tatarian was arrested, from October 2, 2015 through June 22,
7 2018. Between October 2, 2015, and June 22, 2018, Respondent Pharmacy was paid by Medicare
8 a total of \$5,313,537.80 for the 79 drugs analyzed by the NBI MEDIC, and a total of
9 \$8,551,253.33 for all drug claims submitted to Medicare. The updated reconciliation revealed that
10 Respondent Pharmacy had a shortage for 64 of the 79 drugs reviewed and that the shortage
11 resulted in a total loss to Medicare of approximately \$1,537,710.73.

12 e. Respondent Tatarian was sentenced to a four-year prison term and was ordered to pay
13 \$1.5 million in restitution to Medicare.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Forging Purchasing Invoices)**

16 25. Respondents are subject to disciplinary action under Code section 4301(g) in that
17 Respondent Tatarian knowingly falsified purchasing invoices, as more particularly described in
18 paragraphs 14-24, above.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Maintain a Current Inventory)**

21 26. Respondents are subject to disciplinary action under section 4081(a) as defined by
22 California Code of Regulations title 16, section 1718 in that Respondents failed to maintain a
23 current inventory of dangerous drugs, as more particularly described in paragraph 23, above.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Act of Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

26 27. Respondents are subject to disciplinary action under Code section 4301(f) in that
27 Respondents committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption, as
28 more particularly described in paragraphs 14-24, above.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of Pharmacy Law)**

3 28. Respondents are subject to disciplinary action under Code section 4301(o) in that
4 Respondents directly violated applicable federal and state laws and regulations governing
5 pharmacy, as more particularly described in paragraphs 14-24, above.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Subverting an Investigation of the Board)**

8 28. Respondent Tatarian is subject to disciplinary action under section 4301 (q) in that
9 Respondent Tatarian engaged in conduct that subverted or attempted to subvert an investigation
10 of the Board, as more particularly described in paragraphs 14-24, above.

11 **PRAYER**

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

- 14 1. Revoking or suspending Permit Number PHY 53780, issued to Vako Minas
15 Agajanian dba Akhtamar Pharmacy;
- 16 2. Revoking or suspending Pharmacy Technician Registration Number TCH 39187,
17 issued to Tamar Tatarian;
- 18 3. Ordering Vako Minas Agajanian and Tamar Tatarian to pay the Board of Pharmacy
19 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
20 Professions Code section 125.3; and,
- 21 4. Taking such other and further action as deemed necessary and proper.
- 22

23 DATED: October 22, 2019



24 ANNE SODERGREN
25 Interim Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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