

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

In the Matter of the Accusation Against:

**A & G VITALIFE, INC., dba
A & G CARE PHARMACY, GEVORK DANIELIAN,**

Pharmacy Permit No. PHY 52407;

and

GEVORK DANIELIAN,

Pharmacist License No. RPH 64447,

Respondents

Agency Case No. 6778

OAH No. 2020030021

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on December 9, 2020.

It is so ORDERED on November 9, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 ARTIN DEROHANIAN
Deputy Attorney General
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:

Case No. 6778

14 **A & G VITALIFE, INC. DBA A & G CARE**
PHARMACY, GEVORK DANIELIAN
15 **7233 Corbin Ave**
Winnetka, CA 91306

OAH No. 2020030021

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

16 **Permit No. PHY 52407,**

17 **and**

18 **GEVORK DANIELIAN**
19 **16991 Timber Ridge Dr.**
Granada Hills, CA 91344

20 **Pharmacist License No. RPH 64447**

21 Respondents.
22

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

26 **PARTIES**

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

1 Xavier Becerra, Attorney General of the State of California, by Artin DerOhanian, Deputy
2 Attorney General.

3 2. Respondent A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian
4 (Respondent A&G) is represented in this proceeding by attorney Herb Weinberg, Esq., whose
5 address is: FENTON LAW GROUP, LLP, 1990 S Bundy Drive Suite 777, Los Angeles, CA
6 90025.

7 3. Respondent Gevork Danielian (Respondent Danielian) is represented in this
8 proceeding by attorney Herb Weinberg, Esq., whose address is: Fenton Law Group, LLP, 1990 S
9 Bundy Drive Suite 777, Los Angeles, CA 90025. (Respondent Danielian and Respondent A&G
10 may be referred to collectively herein as Respondents).

11 4. On or about December 11, 2014, the Board issued Permit No. PHY 52407 to A & G
12 Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian (Respondent A&G). Gevork
13 Danielian is and has been the Pharmacist-In-Charge since December 11, 2014. The Permit was in
14 full force and effect at all times relevant to the charges brought in Accusation No. 6778, and will
15 expire on December 1, 2020, unless renewed.

16 5. On or about August 23, 2010, the Board issued Pharmacist License No. RPH 64447
17 to Gevork Danielian (Respondent Danielian). The License was in full force and effect at all times
18 relevant to the charges brought in Accusation No. 6778, and will expire on June 30, 2022, unless
19 renewed.

20 **JURISDICTION**

21 6. Accusation No. 6778 was filed before the Board, and is currently pending against
22 Respondents. The Accusation and all other statutorily required documents were properly served
23 on Respondents on January 22, 2020. Respondents timely filed their Notice of Defense
24 contesting the Accusation.

25 7. A copy of Accusation No. 6778 is attached as exhibit A and incorporated herein by
26 reference.

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1 **ADVISEMENT AND WAIVERS**

2 8. Respondents have carefully read, fully discussed with counsel, and understand the
3 charges and allegations in Accusation No. 6778. Respondents have also carefully read, fully
4 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
5 Order.

6 9. Respondents are fully aware of their legal rights in this matter, including the right to a
7 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
8 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
9 to the issuance of subpoenas to compel the attendance of witnesses and the production of
10 documents; the right to reconsideration and court review of an adverse decision; and all other
11 rights accorded by the California Administrative Procedure Act and other applicable laws.

12 10. Respondents voluntarily, knowingly, and intelligently waives and give up each and
13 every right set forth above.

14 **CULPABILITY**

15 11. Respondents understand and agree that the charges and allegations in Accusation No.
16 6778, if proven at a hearing, constitute cause for imposing discipline upon its Permit (PHY
17 52407) and License (RPH 6447).

18 12. For the purpose of resolving the Accusation without the expense and uncertainty of
19 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
20 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest
21 those charges.

22 13. Respondents agree that their Permit and License is subject to discipline and they
23 agree to be bound by the Board's terms as set forth in the Disciplinary Order below.

24 **CONTINGENCY**

25 14. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
26 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
27 communicate directly with the Board regarding this stipulation and settlement, without notice to
28 or participation by Respondents or its counsel. By signing the stipulation, Respondents

1 understand and agree that they may not withdraw their agreement or seek to rescind the
2 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
3 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
4 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
5 the parties, and the Board shall not be disqualified from further action by having considered this
6 matter.

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

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

16 17. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or formal proceeding, issue and enter the following
18 Disciplinary Order:

19 **DISCIPLINARY ORDER REGARDING RESPONDENT A&G**

20 IT IS HEREBY ORDERED THAT Permit No. PHY 52407 issued to Respondent A & G
21 Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian is surrendered as of the effective date
22 of this decision. Respondent A&G also agrees to the following orders:

23 Respondent shall relinquish the premises wall license and renewal license to the board
24 within ten (10) days of the effective date of this decision. The surrender of respondent's license
25 and the acceptance of the surrendered license by the board shall constitute the imposition of
26 discipline against respondent. This decision constitutes a record of discipline and shall become a
27 part of respondent's license history with the board.

28 Respondent shall, within ten (10) days of the effective date, arrange for the destruction of,

1 the transfer to, sale of or storage in a facility licensed and approved by the board of all controlled
2 substances and dangerous drugs and/or dangerous devices. Respondent shall further arrange for
3 the transfer of all records of acquisition and disposition of dangerous drugs to premises licensed
4 and approved by the board. Respondent shall further provide written proof of such disposition and
5 submit a completed Discontinuance of Business form according to board guidelines.

6 Respondent may only seek a new or reinstated license or permit from the board by way of a
7 new application for licensure. Respondent shall not be eligible to petition for reinstatement of
8 licensure.

9 Respondent may not reapply for any license or permit from the board for three (3) years
10 from the effective date of this decision. Respondent stipulates that should he apply for any license
11 from the board on or after the effective date of this decision, all allegations set forth in the
12 Accusation shall be deemed to be true, correct and admitted by respondent when the board
13 determines whether to grant or deny the application. Respondent shall satisfy all requirements
14 applicable to that license as of the date the application is submitted to the board. Respondent is
15 required to report this surrender as disciplinary action.

16 Respondent shall also, by the effective date of this decision, arrange for the continuation of
17 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
18 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
19 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary
20 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to
21 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the
22 board. For the purposes of this provision, "ongoing patients" means those patients for whom the
23 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
24 pharmacy has filled a prescription within the preceding sixty (60) days.

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1 **DISCIPLINARY ORDER REGARDING RESPONDENT DANIELIAN**

2 IT IS HEREBY ORDERED that Pharmacist License No. 64447 issued to Respondent
3 Gevork Danielian is revoked; however, the revocation is stayed and Respondent Danielian is
4 placed on probation for four (4) years on the following terms and conditions:

5 1. **Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations. Respondent shall report
7 any of the following occurrences to the board, in writing, within seventy- two (72) hours of such
8 occurrence:

9 an arrest or issuance of a criminal complaint for violation of any provision of the

10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
11 substances laws

12 a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal

13 criminal proceeding to any criminal complaint, information or indictment

14 a conviction of any crime

15 the filing of a disciplinary pleading, issuance of a citation, or initiation of another

16 administrative action filed by any state or federal agency which involves

17 respondent's license or which is related to the practice of pharmacy or the

18 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,

19 device or controlled substance.

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

21 2. **Report to the Board**

22 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
23 designee. The report shall be made either in person or in writing, as directed. Among other
24 requirements, respondent shall state in each report under penalty of perjury whether there has
25 been compliance with all the terms and conditions of probation.

26 Failure to submit timely reports in a form as directed shall be considered a violation of
27 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
28 total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's
11 monitoring and investigation of respondent's compliance with the terms and conditions of Entity
12 probation, including but not limited to: timely responses to requests for information by board
13 staff; timely compliance with directives from board staff regarding requirements of any term or
14 condition of probation; and timely completion of documentation pertaining to a term or condition
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

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

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 6778 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of Entity employer(s), and the name(s) and
26 telephone number(s) of all of Entity direct supervisor(s), as well as any pharmacist(s)-in- charge,
27 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
28 and the work schedule, if known. Respondent shall also include the reason(s) for leaving the

1 prior employment. Respondent shall sign and return to the board a written consent authorizing
2 the board or its designee to communicate with all of respondent's employer(s) and supervisor(s),
3 and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause (a) Entity direct supervisor,
8 (b) Entity pharmacist-in-charge, designated representative-in-charge, responsible manager, or
9 other compliance supervisor, and (c) the owner or owner representative of Entity employer, to
10 report to the board in writing acknowledging that the listed individual(s) has/have read the
11 decision in case number 6778, and terms and conditions imposed thereby. If one person serves in
12 more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
13 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
14 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
15 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
16 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
17 read the decision in case number 6778, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
20 of the decision in case number 6778, and the terms and conditions imposed thereby in advance of
21 respondent commencing work at such licensed entity. A record of this notification must be
22 provided to the board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of respondent undertaking any new employment by or through an employment service,
25 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
26 to report to the board in writing acknowledging that he or she has read the decision in case
27 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
28 ensure that these acknowledgment(s) are timely submitted to the board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a Pharmacist, or any position
6 for which a Pharmacist is a requirement or criterion for employment, whether the respondent is an
7 employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

14 During the period of probation, respondent shall not supervise any intern pharmacist, be the
15 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
16 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption
17 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

18 **9. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, respondent shall pay to the
20 board its costs of investigation and prosecution in the amount of \$20,389.00. Respondent shall
21 make said payments as follows: Monthly payments of \$566.36 due on or before the 1st of each
22 month following the effective date of the Order.

23 There shall be no deviation from this schedule absent prior written approval by the board or
24 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
25 probation. Respondent shall be permitted to pay these costs in a payment plan approved by the
26 board or its designee, so long as full payment is completed no later than one (1) year prior to the
27 end date of probation.

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1 **10. Probation Monitoring Costs**

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

6 **11. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current License with
8 the board, including any period during which suspension or probation is tolled. Failure to
9 maintain an active, current License shall be considered a violation of probation.

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

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

15 Following the effective date of this decision, should respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 respondent may relinquish Entity license, including any indicia of licensure issued by the board,
18 along with a request to surrender the license. The board or its designee shall have the discretion
19 whether to accept the surrender or take any other action it deems appropriate and reasonable.
20 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
21 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
22 become a part of the respondent's license history with the board.

23 Upon acceptance of the surrender, respondent shall relinquish Entity pocket and/or wall
24 license, including any indicia of licensure not previously provided to the board within ten (10)
25 days of notification by the board that the surrender is accepted if not already provided.
26 Respondent may not reapply for any license from the board for three (3) years from the effective
27 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
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1 of the date the application for that license is submitted to the board, including any outstanding
2 costs.

3 **13. Practice Requirement – Extension of Probation**

4 Except during periods of suspension, respondent shall, at all times while on probation, be
5 employed as a Pharmacist in California for a minimum of 80 hours per calendar month. Any
6 month during which this minimum is not met shall extend the period of probation by one month.
7 During any such period of insufficient employment, respondent must nonetheless comply with all
8 terms and conditions of probation, unless respondent receives a waiver in writing from the board
9 or its designee.

10 If respondent does not practice as a Pharmacist in California for the minimum number of
11 hours in any calendar month, for any reason (including vacation), respondent shall notify the
12 board in writing within ten (10) days of the conclusion of that calendar month. This notification
13 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
14 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
15 practice at the required level. Respondent shall further notify the board in writing within ten (10)
16 days following the next calendar month during which respondent practices as a Pharmacist in
17 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
18 considered a violation of probation.

19 It is a violation of probation for respondent's probation to be extended pursuant to the
20 provisions of this condition for a total period, counting consecutive and non-consecutive months,
21 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
22 probation period on its website.

23 **14. Violation of Probation**

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

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in Accusation No. 6778 shall be deemed true and correct.

15. Completion of Probation

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

16. Remedial Education

Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, an appropriate program of remedial education related to pharmacy law and operations. The program of remedial education shall consist of at least 10 hours per year while on probation, which shall be completed within 4 year at respondent's own expense. Fifty percent (50%) of all education hours must be live webinar or in-person. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists.

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

Following the completion of each course, the board or its designee may require the respondent, at Entity own expense, to take an approved examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination

that course shall not count towards satisfaction of this term. Respondent shall take another course approved by the board in the same subject area.

17. No Ownership or Management of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

18. Diversion Training Program

Within the first year of probation, Respondent shall enroll in the board's diversion training program, "Prescription Drug Abuse and Diversion What a Pharmacist Needs to Know," at Respondent's expense. Respondent shall provide proof of enrollment upon request. Within thirty (30) days of completion, respondent shall submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll in the program, to initiate the program during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the board or its designee, shall be considered a violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herb Weinberg, Esq.. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

A & G VITALIFE, INC. DBA A & G CARE
PHARMACY, GEVORK DANIELIAN
Respondent

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herb Weinberg, Esq.. I understand the stipulation and the effect it will have on my License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

GEVORK DANIELIAN
Respondent

I have read and fully discussed with Respondent A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian (permit) and with Respondent Gevork Danielian (license), the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.


DATED: _____

HERB WEINBERG
Attorney for Respondents

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herb Weinberg, Esq.. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 7/23/20


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DATED: 7/23/20


GEVORK DANIELIAN
Respondent

I have read and fully discussed with Respondent A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian (permit) and with Respondent Gevork Danielian (license), the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/23/2020


HERB WEINBERG
Attorney for Respondents

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

ARTIN DEROHANIAN
Deputy Attorney General
Attorneys for Complainant

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DATED: 7/23/2020

Respectfully submitted,

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



ARTIN DEROHANIAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6778

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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6778

13 **A & G VITALIFE, INC. DBA A & G CARE**
14 **PHARMACY, GEVORK DANIELIAN,**
15 **Owner**
16 **7233 Corbin Ave**
17 **Winnetka, CA 91306**

ACCUSATION

18 **Permit No. PHY 52407,**

19 **and**

20 **GEVORK DANIELIAN**
21 **16991 Timber Ridge Dr.**
22 **Granada Hills, CA 91344**

23 **Pharmacist License No. RPH 64447**

24 Respondents.

25 Complainant alleges as follows:

26 **PARTIES**

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

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2. On or about December 11, 2014, the Board of Pharmacy issued Permit Number PHY 52407 to A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian ("Respondent" and/or "A&G"). The Permit was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

3. On or about August 23, 2010, the Board of Pharmacy issued Pharmacist License Number RPH 64447 to Gevork Danielian ("Respondent" and/or "Danielian"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2020, unless renewed.

JURISDICTION

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

5. Section 4300 of the Code states:

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

....

(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.

6. 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.”

STATUTORY PROVISIONS

7. Section 480 of the Code states:

(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

...

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

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1 8. Section 4301 of the Code states:

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

5 ...

6 (b) Incompetence.

7 (c) Gross negligence.

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

10 (e) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
11 of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining
12 whether the furnishing of controlled substances is clearly excessive shall include, but not be
13 limited to, the amount of controlled substances furnished, the previous ordering pattern of the
14 customer (including size and frequency of orders), the type and size of the customer, and where
15 and to whom the customer distributes its product.

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

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

21 ...

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

24 ...

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

1 (p) Actions or conduct that would have warranted denial of a license.

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

4 (r) The selling, trading, transferring, or furnishing of drugs obtained pursuant to Section
5 256b of Title 42 of the United States Code to any person a licensee knows or reasonably should
6 have known, not to be a patient of a covered entity, as defined in paragraph (4) of subsection (a)
7 of Section 256b of Title 42 of the United States Code.

8 9. Section 4022 of the Code states

9 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use in
10 humans or animals, and includes the following:

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

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

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

18 10. Section 4024, subdivision (a), of the Code states

19 “Except as provided in subdivision (b), ‘dispense’ means the furnishing of drugs or devices
20 upon a prescription from a physician, dentist, optometrist, podiatrist, veterinarian, or naturopathic
21 doctor pursuant to Section 3640.7, or upon an order to furnish drugs or transmit a prescription
22 from a certified nurse-midwife, nurse practitioner, physician assistant, naturopathic doctor
23 pursuant to Section 3640.5, or pharmacist acting within the scope of his or her practice.”

24 11. Section 4037, subdivision (a), of the Code states

25 “Pharmacy” means an area, place, or premises licensed by the board in which the
26 profession of pharmacy is practiced and where prescriptions are compounded. “Pharmacy”
27 includes, but is not limited to, any area, place, or premises described in a license issued by the
28 board wherein controlled substances, dangerous drugs, or dangerous devices are stored,

1 possessed, prepared, manufactured, derived, compounded, or repackaged, and from which the
2 controlled substances, dangerous drugs, or dangerous devices are furnished, sold, or dispensed at
3 retail.

4 12. Section 4059, subdivision (a), of the Code states:

5 “(a) A person may not furnish any dangerous drug, except upon the prescription of a
6 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
7 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
8 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
9 3640.7.”

10 13. Section 4063 of the Code states:

11 “No prescription for any dangerous drug or dangerous device may be refilled except upon
12 authorization of the prescriber. The authorization may be given orally or at the time of giving the
13 original prescription. No prescription for any dangerous drug that is a controlled substance may
14 be designated refillable as needed.”

15 14. Section 4081 of the Code states:

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

25 (b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal
26 drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-
27 charge, for maintaining the records and inventory described in this section.

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1 (c) The pharmacist-in-charge or representative-in-charge shall not be criminally responsible
2 for acts of the owner, officer, partner, or employee that violate this section and of which the
3 pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or she did not
4 knowingly participate.

5 15. Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a
6 pharmacy and all other records required by Section 4081 shall be maintained on the premises and
7 available for inspection by authorized officers of the law for a period of at least three years. In
8 cases where the pharmacy discontinues business, these records shall be maintained in a
9 board-licensed facility for at least three years.

10 16. Section 4105 of the Code states:

11 (a) All records or other documentation of the acquisition and disposition of dangerous drugs
12 and dangerous devices by any entity licensed by the board shall be retained on the licensed
13 premises in a readily retrievable form.

14 (b) The licensee may remove the original records or documentation from the licensed
15 premises on a temporary basis for license-related purposes. However, a duplicate set of those
16 records or other documentation shall be retained on the licensed premises.

17 (c) The records required by this section shall be retained on the licensed premises for a
18 period of three years from the date of making.

19 (d) Any records that are maintained electronically shall be maintained so that the
20 pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the
21 case of a veterinary food-animal drug retailer or wholesaler, the designated representative on
22 duty, shall, at all times during which the licensed premises are open for business, be able to
23 produce a hard copy and electronic copy of all records of acquisition or disposition or other drug
24 or dispensing-related records maintained electronically.

25 (e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request,
26 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),
27 and (c) be kept on the licensed premises.

1 (2) A waiver granted pursuant to this subdivision shall not affect the board's authority
2 under this section or any other provision of this chapter.

3 17. Section 4307(a) of the Code states that:

4 Any person who has been denied a license or whose license has been revoked or is under
5 suspension, or who has failed to renew his or her license while it was under suspension, or who
6 has been a manager, administrator, owner member, officer, director, associate, or partner of any
7 partnership, corporation, firm, or association whose application for a license has been denied or
8 revoked, is under suspension or has been placed on probation, and while acting as the manger,
9 administrator, owner, member, officer, director, associate, or partner had knowledge or
10 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
11 placed on probation, shall be prohibited from serving as a manger, administrator, owner, member,
12 officer, director, associate, or partner of a licensee as follows:

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

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

17 . . .

18 18. Section 11150 of the Health and Safety Code states:

19 "No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic doctor
20 acting pursuant to Section 3640.7 of the Business and Professions Code, or pharmacist acting
21 within the scope of a project authorized under Article 1 (commencing with Section 128125) of
22 Chapter 3 of Part 3 of Division 107 or within the scope of Section 4052.1, 4052.2, or 4052.6 of
23 the Business and Professions Code, a registered nurse acting within the scope of a project
24 authorized under Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division
25 107, a certified nurse-midwife acting within the scope of Section 2746.51 of the Business and
26 Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of the Business
27 and Professions Code, a physician assistant acting within the scope of a project authorized under
28 Article 1 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or Section

1 3502.1 of the Business and Professions Code, a naturopathic doctor acting within the scope of
2 Section 3640.5 of the Business and Professions Code, or an optometrist acting within the scope of
3 Section 3041 of the Business and Professions Code, or an out-of-state prescriber acting pursuant
4 to Section 4005 of the Business and Professions Code shall write or issue a prescription.”

5 19. Section 11165, subdivision (d), of the Health and Safety Code states:

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

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

16 (2) The prescriber's category of licensure, license number, national provider identifier (NPI)
17 number, the federal controlled substance registration number, and the state medical license
18 number of any prescriber using the federal controlled substance registration number of a
19 government-exempt facility.

20 (3) Pharmacy prescription number, license number, NPI number, and federal controlled
21 substance registration number.

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

23 (5) Quantity of the controlled substance dispensed.

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

26 (7) Number of refills ordered.

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

28 (9) Date of origin of the prescription.

1 (10) Date of dispensing of the prescription.

2 20. Section 11171 of the Health and Safety Code states:

3 “No person shall prescribe, administer, or furnish a controlled substance except under the
4 conditions and in the manner provided by this division.”

5 **REGULATORY PROVISIONS**

6 21. California Code of Regulations, title 16, section 1714, subdivision (d), states:

7 “(d) Each pharmacist while on duty shall be responsible for the security of the prescription
8 department, including provisions for effective control against theft or diversion of dangerous
9 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy
10 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.”

11 22. California Code of Regulations, title 16, section 1715 states:

12 “(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section
13 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's
14 compliance with federal and state pharmacy law. The assessment shall be performed before July 1
15 of every odd-numbered year. The primary purpose of the self-assessment is to promote
16 compliance through self-examination and education.

17 (b) In addition to the self-assessment required in subdivision (a) of this section, the
18 pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

19 (1) A new pharmacy permit has been issued, or

20 (2) There is a change in the pharmacist-in-charge, and he or she becomes the new
21 pharmacist-in-charge of a pharmacy.

22 (3) There is a change in the licensed location of a pharmacy to a new address.

23 ...

24 (d) Each self-assessment shall be kept on file in the pharmacy for three years after it is
25 performed.

26 23. California Code of Regulations, title 16, section 1716, states:

27 “Pharmacists shall not deviate from the requirements of a prescription except upon the prior
28 consent of the prescriber or to select the drug product in accordance with Section 4073 of the

1 Business and Professions Code. Nothing in this regulation is intended to prohibit a pharmacist
2 from exercising commonly-accepted pharmaceutical practice in the compounding or dispensing
3 of a prescription.”

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

5 “Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions
6 Code shall be considered to include complete accountability for all dangerous drugs handled by
7 every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories
8 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
9 3 years after the date of the inventory.”

10 25. California Code of Regulations, title 16, section 1761, subdivision (a), states:

11 “No pharmacist shall compound or dispense any prescription which contains any significant
12 error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such
13 prescription, the pharmacist shall contact the prescriber to obtain the information needed to
14 validate the prescription.”

15 **DRUG CLASSIFICATION**

16 26. *Amphetamine Salts* is produced under trade name Adderall, which is commonly used
17 to treat Attention Deficient Hyperactivity Disorder (ADHD). Amphetamine salts is a dangerous
18 drug as defined in section 4022, a schedule II controlled substance as defined by section 11055,
19 subdivision (b)(l) of the Health and Safety Code, and a Schedule II controlled substance as
20 defined by Section 1308.12 (d)(l) of Title 21 of the Code of Federal Regulations.

21 27. *Oxycodone* is a semisynthetic narcotic analgesic with multiple action qualitatively
22 similar to those of morphine. It is a dangerous drug as defined in section 4022, a schedule II
23 controlled substance and narcotic as defined by section 11055, subdivision (d) of the Health and
24 Safety Code, and a Schedule II controlled substance as defined by Section 1308.12 (b)(l) of Title
25 21 of the Code of Federal Regulations. Oxycodone can produce drug dependence of the morphine
26 type and, therefore has the potential for being abused. Oxycodone is a dangerous drug pursuant to
27 Business and Professions Code § 4022.

28. *Hydrocodone w/APAP* or hydrocodone with acetaminophen tablets are produced by several drug manufacturers under trade names such as Vicodin, Norco or Lortab. Hydrocodone is a dangerous drug as defined in section 4022, a Schedule II controlled substance as defined by section 11055, subdivision (b) of the Health and Safety Code, and a Schedule II controlled substance as defined by section 1308.12, subdivision (b) of Title 21 of the Code of Federal Regulations. Repeated administration of hydrocodone over a course of several weeks may result in psychic and physical dependence.

COST RECOVERY

29. 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 ALLEGATIONS AND BACKGROUND

30. Respondent Danielian (RPH 64447) is the Owner and Pharmacist-In-Charge of A&G Care Pharmacy (PHY 52407). In early 2019, a routine inspection was conducted by Board of Pharmacy of the State of California into Respondents A&G and Danielian. The in-person inspections of A&G and Danielian occurred on 1/15/2019 and 2/25/2019. Danielian was present for the inspection and subsequent interactions with a Board investigator.

31. During the course of the investigation into A&G and Danielian, an investigator found A&G and Danielian failed to maintain records of acquisition and disposition of dangerous drugs; dispensed erroneous prescriptions; failed to complete a required pharmacy self-assessment, failed to comply with reporting requirements to the Department of Justice, and participated in unprofessional conduct. The investigation substantiated these violations.

FIRST CAUSE FOR DISCIPLINE

(Records of Dangerous Drugs)

32. Respondent A & G Care Pharmacy and Respondent Gevork Danielian are subject to disciplinary action under Code section 4081 (a) and (b) in that they failed to maintain records of acquisition and disposition of various drugs.

33. On 2/25/2019, an investigator requested the controlled substance inventory of Schedule II medications that was conducted in the spring or summer of 2018. An investigator were told inventories were conducted on 7/3/2018 and 7/9/2019. An investigator asked for Schedule II Product Usage Reports for 7/9/2018-2/25/2019 and for 7/3/2018-2/25/2019, and numbers of drugs on hand.

34. An investigator also contacted A&G and Danielian's suppliers and received information about medications purchased to complete their audit.

35. As a result of the audit, a Board investigator found from about 07/03/2018 to 02/25/2019, A&G and Danielian failed to maintain records of acquisition and disposition to account for approximately 1129 tablets of Hydrocodone/APAP 10/325mg; 885 tablets of Oxycodone 30mg; and 360 tablets of Amphetamine salts 30mg. Failure to maintain all records of acquisition and disposition, as required is a violation of Business and Professions Code 4081(a) and (b), as defined by California Code of Regulations 1718.

SECOND CAUSE FOR DISCIPLINE

(Erroneous Prescriptions)

36. Respondent A & G Care Pharmacy and Respondent Gevork Danielian are subject to disciplinary action under California Code of Regulations 1761(a) in that they dispensed forged prescriptions that were not authorized or written by the purported prescribers.

37. During the course of investigation, a Board investigator sought random prescription books for Schedule II medications, Schedule III-V medications, and for non-controlled medications. Danielian provided a book of filled Schedule II medications that he selected. Upon review of random prescriptions from this book, the investigator noted several issues with the prescriptions.

38. On 1/15/2019, inspectors found A&G and Danielian dispensed at least six (6) forged prescriptions that were not authorized or written by the purported prescribers (Dr. L, Dr. M, and Dr. G).

39. The erroneous prescriptions dispensed by the pharmacy include:

Drug Dispensed	Quantity Dispensed	Date Dispensed	Rx Number	Patient's Name	Prescriber's Name Listed
Oxycodone 30 mg	120	9/21/2018	2002803	GS	Dr. G.
Oxycodone 30 mg	120	9/21/2018	2002806	SD	Dr. G.
Oxycodone 30 mg	120	10/29/2018	2002893	CL	Dr. M.
Oxycodone 30 mg	120	10/29/2018	2008889	JP	Dr. G.
Amphetamine salts 30 mg	90	10/9/2018	2002827	NM	Dr. M.
Amphetamine salts 30mg	90	10/9/2018	2002831	MS	Dr. L

40. An investigator contacted the three (3) doctors whose name appeared on the above prescriptions. Each of the contacted doctors denied they wrote the prescriptions found at A&G. All of the doctors stated the signature did not correspond to their respective signatures, and each doctor found multiple faults with all the prescriptions found and dispensed at A&G.

41. Dispensing erroneous prescriptions without proper validation from a prescriber is a violation of California Code of Regulations section 1761(a).

THIRD CAUSE FOR DISCIPLINE

(Failure to Perform Pharmacy Self-Assessment)

42. Respondent A & G Care Pharmacy and Respondent Gevork Danielian are subject to disciplinary action for violating California Code of Regulations, title 16, section 1715(a), in that a Board inspection showed they did not complete a Community Pharmacy Self-Assessment Form in 2017.

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43. On 01/15/2019, an investigator asked for various tests and confirmations. When asked about the latest completed Community Pharmacy Self-Assessment, Danielian turned over the latest Self-Assessment completed on March 2, 2015. According to Danielian, he did not complete a Community Pharmacy Self-Assessment before July 1, 2017, let alone a completed Community Pharmacy Self-Assessment in 2017.

44. On 01/18/2019, the investigator received a fax of a Community Pharmacy Self-Assessment for Danielian dated 01/16/2019.

45. Failure to complete a Community Pharmacy Self-Assessment before July 1 of every odd-numbered year is a violation of California Code of Regulations, section 1715(a).

FOURTH CAUSE FOR DISCIPLINE

(Failure to Report to Department of Justice)

46. Respondent A & G Care Pharmacy and Respondent Gevork Danielian are subject to disciplinary action under Health and Safety Code section 11165(d) in that they failed to report dispensed prescriptions for controlled substances to the Department of Justice as required by law.

47. The Controlled Substance Utilization Review and Evaluation System (CURES) is California's Prescription Drug Monitoring Program. Pharmacies in California are required to report all prescriptions filled for Schedule II, III and IV controlled substances to the CURES database on a weekly basis. The data is collected statewide and can be used by healthcare professionals to evaluate and determine whether patients are utilizing controlled substances safely and correctly.

48. An investigator found A&G and Danielian failed to report dispensed prescriptions for controlled substances to the Department of Justice, which are required to be made no later than seven (7) days from dispensing. An investigator requested A&G and Danielian's confirmations for submission of controlled substance dispensing data to Controlled Substance Utilization Review and Evaluation System (CURES). Danielian provided an investigator with an email from Atlantic Associates received on August 9, 2018. Danielian stated that he transmits data every couple of weeks.

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49. A Board investigator received Respondents' CURES Pharmacy Compliance Report from the California State Board of Pharmacy. According to the CURES Pharmacy Compliance Report, A&G and Danielian submitted controlled prescription data in 2018 as follows:

Date Submitted	Month Filled	Total Rx Filled
4/18/2018	March	190
4/18/2018	April	97
8/09/2018	April	84
8/09/2018	May	168
8/09/2018	June	199
12/06/2018	June	1
8/09/2018	July	185
12/06/2018	July	1
08/09/2018	August	55

50. In 2018, A&G and Danielian only transmitted data to CURES on 04/18/2019, 08/09/2018, and 12/06/2018, for a total of 980 prescriptions for Schedule II-Schedule IV medications.

51. Failure to report controlled substance dispensing information by the pharmacy to the Department of Justice no later than seven (7) days from dispensing is a violation of Health and Safety Code section 11165(d).

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Dishonesty, Fraud, Deceit)

52. Respondent A & G Care Pharmacy and Respondent Gevork Danielian are subject to disciplinary action under Code section 4301(f) in that they provided records to an investigator that was later modified.

53. On 2/25/2019, A&G and Danielian provided documents that were later modified with incorrect information: quantity of dispensed medications and prescribers' names were changed.

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54. Regarding one prescription, a copy of the prescription was collected during an inspection and included a back-tag label which listed #120 tablets and not 30 tablets, dispensed with Dr. M. as the prescriber and not Dr. L. An investigator noted the modifications made to the pharmacy records.

55. Regarding another prescription, a copy of the prescription listed 90 tablets as quantity dispensed on the back-tag label, not 60. The listed prescriber is Dr. L., not Dr. A. as listed in the pharmacy revised dispensing report. Also, another prescription was never listed in the first dispensing report provided by Danielian. An investigator note the modifications made to the pharmacy records.

56. Providing modified records to mislead an investigator is a violation of Business and Professions Code section 4301(f).

SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Subvert or Attempt to Subvert Investigation)

57. Respondent A & G Care Pharmacy and Respondent Gevork Danielian are subject to disciplinary action under Code sections 4301 (q), in that they tried to conceal original inventory log pages that were selected for investigation.

58. On 2/25/2019, a Board investigator requested the perpetual inventory log of Schedule II medications. An investigator selected original pages of the perpetual inventory log starting around July 2018 for all manufacturers of the following drugs; Hydrocodone 10/325, Oxycodone 30mg, and Amphetamine salts 30mg. An investigator requested the original pages of the logs and advised Danielian to make copies for his records. While making copies, Danielian misplaced a few pages of the original documents a Board investigator advised they were collecting. When confronted about the missing pages, Danielian stated he provided all the pages of the log back to the Board investigator. However, the Board investigator were able to recover most of the missing pages in a pile of documents placed to the side by Danielian. The Board investigator were not able to locate one page of the perpetual inventory log.

59. Subverting the investigation is a violation of Business and Professions Code section 4301(q).

1 **OTHER MATTERS**

2 60. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
3 Number PHY 52407 issued to A&G Vitalife, Inc. dba A&G Care Pharmacy, Gevork Danielian,
4 then Respondent A&G Vitalife, Inc. dba A&G Care Pharmacy, Gevork Danielian shall be
5 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
6 or partner of a licensee for five years if Pharmacy Permit Number PHY 52407 is placed on
7 probation or until Pharmacy Permit Number PHY 52407 is reinstated if it is revoked.

8 61. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
9 Number PHY 52407 issued to A&G Vitalife, Inc. dba A&G Care Pharmacy, Gevork Danielian
10 while Gevork Danielian has been an officer and owner and had knowledge of or knowingly
11 participated in any conduct for which the licensee was disciplined, Respondent Gevork Danielian
12 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
13 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 52407 is placed
14 on probation or until Pharmacy Permit Number PHY 52407 is reinstated if it is revoked.

15 62. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
16 RPH 64447 issued to Gevork Danielian, Respondent Gevork Danielian shall be prohibited from
17 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
18 licensee for five years if Pharmacist License Number RPH 64447 is placed on probation or until
19 Pharmacist License Number RPH 64447 is reinstated if it is revoked.

20 **PRAYER**

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

23 1. Revoking or suspending Permit Number PHY 52407, issued to A & G Vitalife, Inc.
24 dba A & G Care Pharmacy, Gevork Danielian;

25 2. Revoking or suspending Pharmacist License Number RPH 64447, issued to Gevork
26 Danielian;

27 3. Prohibiting A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian
28 from serving as a manager, administrator, owner, member, officer, director, associate, or partner

of a licensee for five years if Pharmacy Permit Number PHY 52407 is placed on probation or until Pharmacy Permit Number PHY 52407 is reinstated if Pharmacy Permit Number 52407 issued to A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian is revoked;

4. Prohibiting Gevork Danielian from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 52407 is placed on probation or until Pharmacy Permit Number PHY 52407 is reinstated if Pharmacy Permit Number 52407 issued to A & G Vitalife, Inc. dba A & G Care Pharmacy, Gevork Danielian is revoked;

5. Prohibiting Gevork Danielian from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 64447 is placed on probation or until Pharmacist License Number RPH 64447 is reinstated if Pharmacist License Number RPH 64447 issued to Gevork Danielian is revoked;

6. Ordering A & G Care Pharmacy and Gevork Danielian to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: January 21, 2020



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

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