

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

In the Matter of the Accusation Against:

**ARMINEH SARKISIAN,
Pharmacist License No. RPH 54025;**

Respondent

Agency Case No. 6857

OAH No. 2020070361

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 March 12, 2021.

It is so ORDERED on February 10, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name and title.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 STEPHEN D. SVETICH
Deputy Attorney General
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300 So. Spring Street, Suite 1702
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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
13 In the Matter of the Accusation Against:

14 **ARMINEH SARKISIAN**
15 **403 W. Pioneer Drive, #1**
Glendale, CA 91203

16 **Pharmacist License No. RPH 54025**

17 Respondent.

Case No. 6857

OAH No. 2020070361

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Anne Sodergren ("Complainant") is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Stephen D. Svetich, Deputy
26 Attorney General.

27 ///

2. Respondent Armineh Sarkisian (“Respondent”) is represented in this proceeding by attorney Herb L. Weinberg, whose address is: Fenton Law Group, LLP, 1990 S. Bundy Drive, Suite 777, Los Angeles, CA 90025

3. On or about August 29, 2002, the Board of Pharmacy (“Board”) issued Pharmacist License No. RPH 54025 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 6857, and will expire on July 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 6857 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 6, 2020. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 6857 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6857. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6857, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacist License .

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest those charges.

11. Respondent agrees that her Pharmacist License is subject to discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

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

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 54025 issued to Respondent Armineh Sarkisian shall be publicly reprovved by the Board under Business and Professions Code section 495 in resolution of Accusation No. 6857 (attached as Exhibit A).

IT IS FURTHER ORDERED that Respondents shall comply with the following terms and conditions:

1. **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision, Respondent shall enroll in a course in ethics, at her expense, approved in advance by the Board or its designee that complies with California Code of Regulations, title 16, section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of completion, Respondent shall submit a copy of the certificate of completion to the Board or its designee.

2. **Cost Recovery.** Respondent shall pay to the Board \$30,000.00 in costs associated with investigation and enforcement of this matter. Respondent shall not be permitted to renew her Pharmacist License until she has paid said costs in full.

3. **Violation of this Agreement.** In the event that Respondent fails to comply with any of the foregoing terms and conditions, Respondent understands and agrees that the original Accusation shall be reinstated. Respondent further understands and agrees that the Board may seek discipline against Respondent's Pharmacist License on the causes for discipline contained within the original Accusation and for any failure(s) to comply with this Disciplinary Order.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herb L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary

1 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
2 of the Board of Pharmacy.

3
4 DATED: _____
5 ARMINEH SARKISIAN
6 Respondent

7 I have read and fully discussed with Respondent Armineh Sarkisian the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
9 I approve its form and content.

10 DATED: _____
11 HERB L. WEINBERG
12 FENTON LAW GROUP, LLP
13 Attorney for Respondent

14 **ENDORSEMENT**

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

17 DATED: _____ Respectfully submitted,
18 XAVIER BECERRA
19 Attorney General of California
20 LINDA L. SUN
21 Supervising Deputy Attorney General

22 STEPHEN D. SVETICH
23 Deputy Attorney General
24 Attorneys for Complainant

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26 63802991.docx

1 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
2 of the Board of Pharmacy.

4 DATED: 12/9/2020


ARMINEH SARKISIAN
Respondent

7 I have read and fully discussed with Respondent Armineh Sarkisian the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
9 I approve its form and content.

10 DATED: _____

11 HERB L. WEINBERG
12 FENTON LAW GROUP, LLP
13 Attorney for Respondent

14 ENDORSEMENT

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

17 DATED: _____

Respectfully submitted,

18 XAVIER BECERRA
19 Attorney General of California
20 LINDA L. SUN
Supervising Deputy Attorney General

21
22 STEPHEN D. SVETICH
23 Deputy Attorney General
Attorneys for Complainant

24 LA2019505233
25 63802991.docx

1 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
2 of the Board of Pharmacy.

3
4 DATED: _____

5 ARMINEH SARKISIAN
6 Respondent

7 I have read and fully discussed with Respondent Armineh Sarkisian the terms and
8 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
9 I approve its form and content.

10 DATED: 12/9/2020

11 HERB L. WEINBERG
12 FENTON LAW GROUP, LLP
13 Attorney for Respondent

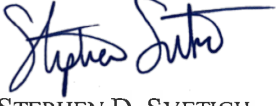
14 **ENDORSEMENT**

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

17 DATED: December 11, 2020

Respectfully submitted,

18 XAVIER BECERRA
19 Attorney General of California
20 LINDA L. SUN
Supervising Deputy Attorney General

21 
22 STEPHEN D. SVETICH
23 Deputy Attorney General
Attorneys for Complainant

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27
28

Exhibit A

Accusation No. 6857

1 XAVIER BECERRA
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 STEPHEN D. SVETICH
Deputy Attorney General
4 State Bar No. 272370
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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. 6857

13 **ARMINEH SARKISIAN**
14 **403 W. Pioneer Drive, #1**
Glendale, CA 91203

ACCUSATION

15 **Pharmacist License No. RPH 54025**

16 Respondent.
17

18 **PARTIES**

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

21 2. On or about August 29, 2002, the Board of Pharmacy issued Pharmacist License
22 Number RPH 54025 to Respondent Armineh Sarkisian ("Respondent"). The Pharmacist
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on July 31, 2020, unless renewed.

25 ///

26 ///

JURISDICTION

3. 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.

4. Section 4300 of the Code states, in pertinent part:

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

5. 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.

6. Section 4307 states in pertinent part:

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

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

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

1 “(b) ‘Manager, administrator, owner, member, officer, director, associate, partner, or any
2 other person with management or control of a license’ as used in this section and Section 4308,
3 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee. .
4 . .”

5 **STATUTORY PROVISIONS**

6 7. Section 4301 of the Code states:

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

9

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

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

14

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

16

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

20

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

23 8. Section 4022 of the Code states

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

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

27 (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
28 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:

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

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

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

10. Section 4105 of the Code states:

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

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

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

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

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

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

11. Section 4113 of the Code states, in pertinent part:

....

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

12. Section 4332 of the Code states:

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

REGULATORY PROVISIONS

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

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

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

COST RECOVERY

14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

DEFINITIONS

15. **Exelon (Generic Name: Rivastigmine):** Exelon is a dangerous drug pursuant to section 4022 of the Code. Exelon is used to treat Alzheimer's disease.

16. **Abilify (Generic Name: Aripiprazole):** Exelon is a dangerous drug pursuant to section 4022 of the Code. **Abilify** is used to treat psychosis.

1	Linzess	145 mcg	0	Capsules
2	Lyrica	50 mg	90 sealed	Capsules
3	Multaq	400 mg	0	Tablets
4	Cymbalta	30 mg	60	Capsules
5	Duloxetine	30 mg	30	Capsules
6	Cymbalta	60 mg	0	Capsules
7	Duloxetine	60 mg	210	Capsules
8	Abilify	5 mg	0	Tablets
9	Aripiprazole	5 mg	0	Tablets

Respondent signed the Stock-on-Hand Report stating, “[t]his tabulation is my entire stock on hand of [the] above listed drugs.”

Inspection on October 3, 2017

24. On or about October 3, 2017, Board investigators conducted a second inspection of the Pharmacy. Respondent was present and performed a stock-on-hand account for the following drugs:

TABLE 2			
DRUG	STRENGTH	COUNT	UNITS
Exelon	4.6 mg/24 hour	0	Patches
Rivastigmine	4.6 mg/24 hour	0	Patches
Linzess	145 mcg	0	Capsules
Lyrica	50 mg	29	Capsules
Multaq	400 mg	0	Tablets
Cymbalta	30 mg	60	Capsules
Duloxetine	30 mg	240	Capsules
Cymbalta	60 mg	0	Capsules
Duloxetine	60 mg	750	Capsules
Abilify	5 mg	0	Tablets

Aripiprazole	5 mg	0	Tablets
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Respondent signed the Stock-on-Hand Report stating, “[t]his tabulation is my entire stock on hand of [the] above listed drugs.” Respondent also confirmed that there were no prescriptions filled on October 3, 2017, before she performed the stock-on-hand count.

25. During the inspection, a Board inspector provided Respondent and the Pharmacy with Board instructions for audit performance and requested that the Pharmacy conduct an audit for the time frame from August 29, 2016, to October 2, 2017, for the following drugs: brand or generic Exelon 4.6 mg patch, Linzess 145 mcg, Lyrica 50 mg, Multaq 400 mg, Cymbalta 30 mg, Cymbalta 60 mg, and Abilify 5 mg, using the Board’s audit instructions.

26. During the inspection, the Board’s inspectors requested Product Usage Reports for the drugs identified in Table 2, above, for the time period August 29, 2016, to October 2, 2017. Respondent provided the requested reports for Abilify 5 mg, brand and generic Cymbalta 30 mg, brand and generic Cymbalta 60 mg, brand Exelon 4.6 mg patches, Linzess 145 mcg, and Lyrica 50 mg. However, Respondent told the Board’s investigators that no Product Usage Reports could be produced for Multaq 400 mg, generic Abilify 5 mg tablets, or generic Exelon 4.6 mg patches.¹ A Board inspector provided Respondent with two sets of flash drives and requested all dispensing information for all the drugs identified in Table 2, above, to be produced electronically on the flash drives.

27. On or about October 12, 2017, a Board investigator received a letter from the Respondent that she could not produce Product Usage Reports for Multaq 400 mg because the Pharmacy’s electronic records reflected zero prescriptions for that drug from August 29, 2016, to October 2, 2017. Respondent disclosed, however, that the electronic records are incorrect since she was able to locate a physical prescription the Pharmacy filled for Multaq 400 mg.

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¹ This means that there were no dispensing records for that time period.

Inspection on November 6, 2017

28. On or about November 6, 2017, a Board investigator conducted a third inspection of the Pharmacy. Respondent was present during the inspection. Respondent promised to provide the two flash drives (provided to Respondent at the inspection on October 3, 2017) with all requested information by November 10, 2017. The Board received the two flash drives with the requested information as promised.

Request for Self Audit

29. As alleged above, during the inspection on October 3, 2017, the Board requested that the Pharmacy conduct an audit for the time frame from August 29, 2016, to October 2, 2017, for the following drugs: brand or generic Exelon 4.6 mg patch, Linzess 145 mcg, Lyrica 50 mg, Multaq 400 mg, Cymbalta 30 mg, Cymbalta 60 mg, and Abilify 5 mg, using the Board's audit instructions. The Pharmacy did not comply with the Board's request.

30. On or about November 20, 2017, a Board investigator sent an email with attachments to the Pharmacy reiterating the Board's request for an audit of the drugs outlined in Paragraph 29, above, and providing the same instructions that the investigator provided to Respondent during the October 3, 2017, inspection.

31. On or about November 29, 2017, the Board received an email from the Pharmacy's attorney stating that Respondent was ill and that the audit would be completed by December 7, 2017. The Board did not receive the audit as promised.

32. On or about December 16, 2017, a Board investigator sent an email to the Pharmacy's attorney informing him that the Board did not receive the audit as promised. Then on or about December 20, 2017, the Board sent an email and facsimile to the Pharmacy's attorney requesting completion and return of a notice that neither Respondent nor the Pharmacy has completed and submitted the audit to the Board as requested.

33. As of the date of this Accusation, neither Respondent nor the Pharmacy has completed and submitted the requested audit to the Board.

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Audit from August 29, 2016, to October 2, 2017

34. Because Respondent failed to produce a self-audit as requested by the Board and as alleged in Paragraphs 29-33, above, a Board investigator conducted an audit using actual stock-on-hand quantities for the starting and ending inventories for the following drugs: brand or generic Exelon 4.6 mg patch, Linzess 145 mcg, Lyrica 50 mg, Multaq 400 mg, Cymbalta 30 mg, Cymbalta 60 mg, and Abilify 5 mg. To complete the audit, the Board investigator used the stock-on-hand counts conducted on August 29, 2016 and October 3, 2017. The Board investigator also collected invoices from all of Respondent's suppliers and drug usage reports provided by Respondent.

35. The Board's audit revealed the following information regarding acquisitions of the drugs at issue:

TABLE 3 – ACQUISITIONS, AUDIT FROM 8/29/16 to 10/2/2017			
Drug	Beginning Inventory	Purchased Quantity	TOTAL ACQUISITIONS
Abilify 5 mg	0	210	210
Aripiprazole 5 mg	0	0	0
Multaq 400 mg	0	60	60
Linzess 145 mcg	0	2,100	2,100
Lyrica 50 mg	90	630	720
Cymbalta 30 mg	60	60	60
Duloxetine 30 mg	30	1,830	1,860
Cymbalta 60 mg	0	0	0
Duloxetine 60 mg	210	3,930	4,140

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36. The Board's audit revealed the following information regarding dispositions of the drugs at issue:

TABLE 4 – DISPOSITIONS, AUDIT FROM 8/29/16 to 10/2/2017				
Drug	Disposition	Returns, Sales to Other Licensees	Ending Inventory	TOTAL DISPOSITIONS
Abilify 5 mg	270	0	0	270
Aripiprazole 5 mg	0	0	0	0
Multaq 400 mg	0	0	0	0
Linness 145 mcg	2,550	0	0	2,550
Lyrica 50 mg	690	0	29	719
Cymbalta 30 mg	0	60	0	60
Duloxetine 30 mg	1,800	0	240	2,040
Cymbalta 60 mg	60	0	0	60
Duloxetine 60 mg	3,450	0	750	4,200

37. The Board's audit concluded the following regarding the drugs at issue:

TABLE 5 – TOTAL VARIANCES, AUDIT FROM 8/29/16 to 10/2/2017			
Drug	Total Acquisitions	Total Dispositions	VARIANCE
Abilify 5 mg	210	270	-60
Aripiprazole 5 mg	0	0	0
Multaq 400 mg	60	0	60
Linness 145 mcg	2,100	2,550	-450
Lyrica 50 mg	720	719	1
Cymbalta 30 mg	60	60	0
Duloxetine 30 mg	1,860	2,040	-180
Cymbalta 60 mg	0	60	-60
Duloxetine 60 mg	4,140	4,200	-60

38. The Board's audit concluded that Multaq 400 mg had a positive variance of +60 and Lyrica 50 mg had a positive variance of +1, meaning that there was no disposition record for all the drugs purchased and/or the drugs were not in the inventory. Thus, either these drugs were missing or the prescription documents were missing.

39. The Board's audit concluded that the following drugs had a negative variance: Abilify 50 mg, -60; Linzess 145 mcg, -450; Duloxetine 30 mg, -180; Cymbalta 60 mg, -60; and Duloxetine 60 mg, -60. A negative variance means that there were records for more drug sales than acquired.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Violating California Statutes Applicable to Pharmacy)

40. Respondent's pharmacist license is subject to disciplinary action pursuant to sections 4301, subdivisions (j) and (o), and 4113, subdivision (c), in that Respondent exhibited unprofessional conduct by failing to comply with the provisions of the following California statutes:

(a) Section 4081, subdivision (a), of the Code: An audit of the Pharmacy's disposition records from August 29, 2016, to October 2, 2017, while Respondent was the PIC for the Pharmacy, revealed that the Pharmacy failed to maintain a current inventory of all dangerous drugs. A positive variance from the purchase records represents that there was no disposition record for all drugs purchased and/or the drugs were not in the inventory. A negative variance from the purchase represents that there were records for more drug sales than acquired. The audit resulted in a positive variance for Multaq 400 mg (+60) and Lyrica 50 mg (+1), and a negative variance for Abilify 5 mg (-60), Linzess 145 mcg (-450), duloxetine 30 mg (-180), Cymbalta 60 mg (-60), and duloxetine 60 mg (-60).

(b) Section 4105, subdivision (d), of the Code: This section requires that the Pharmacy maintain all electronically-maintained records in a manner such that the PIC or pharmacist on duty shall be able to produce a hard copy and electronic copy of all such records of acquisition or disposition or other drug or dispensing-related records. On October 3, 2017, while Respondent was PIC of the Pharmacy, the Board requested drug

usage reports for Multaq 400mg, generic Abilify 5mg and Exelon 4.6 mg patches. The Pharmacy maintained these records electronically. The Pharmacy was unable to produce a hardcopy or an electronic copy of all records of acquisition or disposition or other drug or dispensing-related records regarding the requested drugs while the licensed premises was open for business.

Complainant realleges paragraphs 14-39, above, as if fully set forth herein.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

41. Respondent's pharmacist license is subject to disciplinary action pursuant to section 4301, subdivision (f), in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption. On or about October 3, 2017, while Respondent was the PIC of the Pharmacy, Respondent performed stock-on-hand counts of Abilify 5 mg, Aripiprazole 5 mg, Exelon 4.6 mg, Rivastigmine 4.6 mg, Lyrica 50 mg, Linzess 145 mcg, Multaq 400 mg, Cymbalta 30 mg, Duloxetine 30 mg, Cymbalta 60 mg, and Duloxetine 60 mg. Respondent signed the stock-on-hand report, stating, "this tabulation is my entire stock on hand of [the] above listed drugs." Later, on February 14, 2018, counsel for the Pharmacy admitted that the stock-on-hand report Respondent signed and submitted to the Board was not complete and did not constitute the complete stock-on-hand for the referenced drugs. Complainant realleges paragraphs 14-39, above, as if fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Knowingly Making or Signing Any Document that Falsely Represents the Existence or Nonexistence of a State of Facts)

42. Respondent's pharmacist license is subject to disciplinary action pursuant to section 4301, subdivision (g), in that Respondent knowingly made or signed a document that falsely represents the existence or nonresistance of a state of facts. On or about October 3, 2017, while Respondent was the PIC of the Pharmacy, Respondent performed stock-on-hand counts of Abilify 5 mg, Aripiprazole 5 mg, Exelon 4.6 mg, Rivastigmine 4.6 mg, Lyrica 50 mg, Linzess 145 mcg,

1 Multaq 400 mg, Cymbalta 30 mg, Duloxetine 30 mg, Cymbalta 60 mg, and Duloxetine 60 mg.
2 Respondent signed the stock-on-hand report, stating, “this tabulation is my entire stock on hand
3 of [the] above listed drugs.” Later, on February 14, 2018, counsel for the Pharmacy admitted that
4 the stock-on-hand report Respondent signed and submitted to the Board was not complete and did
5 not constitute the complete stock-on-hand for the referenced drugs. Complainant realleges
6 paragraphs 14-39, above, as if fully set forth herein.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct – Subverting an Investigation)**

9 43. Respondent’s pharmacist license is subject to disciplinary action pursuant to sections
10 4301, subdivision (q), and 4113, subdivision (c), of the Code in the following ways:

11 (a) On or about October 23, 2017, and November 20, 2017, while Respondent was
12 PIC of the Pharmacy, the Board requested that the Pharmacy perform an audit for the
13 August 29, 2016, to October 3, 2017, time period for the following drugs: Abilify 5 mg,
14 Cymbalta 30 mg, Cymbalta 60 mg, Exelon 4.6 mg patches, Linzess 145 mcg, Lyrica 50 mg,
15 and Multaq 400 mg. On or about November 29, 2017, the Board received an email from
16 the Pharmacy’s attorney stating that Respondent was ill and the audit would be completed
17 by December 7, 2017. Neither Respondent nor the Pharmacy ever provided a copy of the
18 audit to the Board.

19 (ii) On or about October 3, 2017, while Respondent was the PIC of the Pharmacy,
20 Respondent performed stock-on-hand counts of Abilify 5 mg, Aripiprazole 5 mg, Exelon
21 4.6 mg, Rivastigmine 4.6 mg, Lyrica 50 mg, Linzess 145 mcg, Multaq 400 mg, Cymbalta
22 30 mg, Duloxetine 30 mg, Cymbalta 60 mg, and Duloxetine 60 mg. Respondent signed the
23 stock-on-hand report, stating, “this tabulation is my entire stock on hand of [the] above
24 listed drugs.” Later, on February 14, 2018, counsel for the Pharmacy admitted that the
25 stock-on-hand report Respondent signed and submitted to the Board was not complete and
26 did not constitute the complete stock-on-hand for the referenced drugs.

27 (iii) On or about October 3, 2017, while Respondent was PIC of the Pharmacy, the
28 Board requested that the Pharmacy provide product usage reports for various drugs.

Neither Respondent nor the Pharmacy provided the requested reports for Multaq 400mg, generic Abilify 5 mg, or generic Exelon 4.6 mg patches.

Complainant realleges paragraphs 14-39, above, as if fully set forth herein.

OTHER MATTERS

44. Pursuant to Code section 4307, if discipline is imposed against Respondent's pharmacist license, Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if her pharmacist license is placed on probation or until her pharmacist license is reinstated if it is revoked.

DISCIPLINARY CONSIDERATION

45. On or about April 18, 2017, the Board issued Citation No. CI 2016 74800 to Respondent for violating California Code of Regulations, title 16, section 1716, for incorrectly dispensing diazepam 2 mg instead of the prescribed clonazepam 2 mg. Citation No. CI 2016 74800 assessed an administrative fine of \$1,000.00. Respondent paid the administrative fine, and Citation No. CI 2016 74800 is now final and non-appealable.

PRAYER

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

1. Revoking or suspending Pharmacist License Number RPH 54025, issued to Armineh Sarkisian;
2. Ordering Armineh Sarkisian 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,
3. Prohibiting Armineh Sarkisian from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if her pharmacist license is placed on probation or until her pharmacist license is reinstated if it is revoked;

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

DATED: March 26, 2020



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

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