

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

In the Matter of the Accusation Against:

**MARKET PHARMACY INC. DBA MARKET PHARMACY LTC;
ARMEN GEORGE TATEVOSSIAN,
Pharmacy Permit No. PHY 51030**

and

**ARMEN GEORGE TATEVOSSIAN,
Pharmacist License No. RPH 47251**

Respondents

Case number 6870

OAH No. 2020060483

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval 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 5, 2021.

It is so ORDERED on February 3, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MICHELLE NIJM
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:
14 **MARKET PHARMACY INC. DBA**
MARKET PHARMACY LTC; ARMEN
15 **GEORGE TATEVOSSIAN**
9250 Reseda Boulevard, Unit 2D
16 **Northridge, CA 91324**
17 **Original Permit No. PHY 51030,**
18 **and**
19 **ARMEN GEORGE TATEVOSSIAN**
530 N. Kenwood One
20 **Glendale, CA 91206**
21 **Pharmacist License No. RPH 47251**
22 Respondents.

Case No. 6870

OAH No. 2020060483

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 Michelle Nijm, Deputy Attorney
2 General.

3 2. Respondent Market Pharmacy Inc. dba Market Pharmacy LTC; Armen George
4 Tatevossian, owner, (Respondent Market Pharmacy) and Respondent Armen George Tatevossian
5 (Respondent Tatevossian) are represented in this proceeding by attorney Noah Jussim.

6 3. On or about August 21, 2012, the Board of Pharmacy (Board) issued Original Permit
7 No. PHY 51030 to Respondent Market Pharmacy. The Original Permit was in full force and
8 effect at all times relevant to the charges brought in Accusation No. 6870, and will expire on
9 August 1, 2021, unless renewed.

10 4. On or about August 3, 1994, the Board of Pharmacy (Board) issued Original
11 Pharmacist License No. RPH 47251 to Respondent Tatevossian. The Pharmacist License was in
12 full force and effect at all times relevant to the charges brought in Accusation No. 6870, and will
13 expire on May 31, 2022, unless renewed.

14 **JURISDICTION**

15 5. Accusation No. 6870 was filed before the Board, and is currently pending against
16 Respondents. The Accusation and all other statutorily required documents were properly served
17 on Respondent on March 23, 2020. Respondents timely filed their Notices of Defense contesting
18 the Accusation.

19 6. A copy of Accusation No. 6870 is attached as exhibit A and incorporated herein by
20 reference.

21 **ADVISEMENT AND WAIVERS**

22 7. Respondents have carefully read, fully discussed with counsel, and understand the
23 charges and allegations in Accusation No. 6870. Respondents have also carefully read, fully
24 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
25 Order.

26 8. Respondents are fully aware of their legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
28 the witnesses against them; the right to present evidence and to testify on its own behalf; the right

1 to the issuance of subpoenas to compel the attendance of witnesses and the production of
2 documents; the right to reconsideration and court review of an adverse decision; and all other
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

4 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
5 every right set forth above.

6 **CULPABILITY**

7 10. Respondents understand and agree that the charges and allegations in Accusation No.
8 6870, if proven at a hearing, constitute cause for imposing discipline upon Respondent Market
9 Pharmacy's Original Permit and Respondent Tatevossian's Pharmacist License.

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

14 12. Respondents agrees that Respondent Market Pharmacy's Original Permit and
15 Respondent Tatevossian's Pharmacist License are subject to discipline and they agree to be bound
16 by the Board's imposition of discipline as set forth in the Disciplinary Order below.

17 **CONTINGENCY**

18 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
19 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
20 communicate directly with the Board regarding this stipulation and settlement, without notice to
21 or participation by Respondents or their counsel. By signing the stipulation, Respondents
22 understand and agree that they may not withdraw their agreement or seek to rescind the stipulation
23 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
24 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
25 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
26 and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Original Permit No. PHY 51030, issued to Respondent
15 Market Pharmacy Inc. dba Market Pharmacy LTC; Armen George Tatevossian and Pharmacist
16 License Number RPH, 47251 issued to Armen George Tatevossian, shall be public reprovved by
17 the Board under Business and Professions Code section 495 in resolution of Accusation No.
18 6870.

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

21 1. **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision,
22 Respondent Tatevossian shall enroll in a course in ethics, at his expense, approved in advance by
23 the Board or its designee that complies with Title 16 California Code of Regulations section
24 1773.5. Respondent Tatevossian shall provide proof of enrollment upon request. Within five (5)
25 days of completion, Respondent Tatevossian shall submit a copy of the certificate of completion
26 to the Board or its designee.

27 2. **Cost Recovery.** Respondents shall be jointly and severally liable to the Board for
28 \$21,083 in costs associated with investigation and enforcement of this matter. Respondents shall

not be permitted to renew Respondent Market Pharmacy's Original Permit or Respondent Tatevossian's Pharmacist License until they have paid said costs in full.

3. **Violation of this Agreement.** In the event that either Respondent fails to comply with any of the foregoing terms and conditions, Respondents understand and agree that the original Accusation shall be reinstated. Respondents further understand and agree that the Board may seek discipline against Respondent Market Pharmacy's Original Permit and Respondent Tatevossian'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, Noah Jussim. I understand the stipulation and the effect it will have on my Original 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:

MARKET PHARMACY INC. DBA MARKET
PHARMACY LTC
Respondent

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Noah Jussim. I understand the stipulation and the effect it will have on my Pharmacist 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:

ARMEN GEORGE TATEVOSSIAN
Respondent

not be permitted to renew Respondent Market Pharmacy's Original Permit or Respondent Tatevossian's Pharmacist License until they have paid said costs in full.

3. **Violation of this Agreement.** In the event that either Respondent fails to comply with any of the foregoing terms and conditions, Respondents understand and agree that the original Accusation shall be reinstated. Respondents further understand and agree that the Board may seek discipline against Respondent Market Pharmacy's Original Permit and Respondent Tatevossian'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, Noah Jussim. I understand the stipulation and the effect it will have on my Original 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:

11/16/2020

MARKET PHARMACY INC. DBA MARKET
PHARMACY LTC
Respondent

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Noah Jussim. I understand the stipulation and the effect it will have on my Pharmacist 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:

11/16/2020

ARMEN GEORGE TATEVOSSIAN
Respondent

1 I have read and fully discussed with Respondent Market Pharmacy and Respondent
2 Tatevossian the terms and conditions and other matters contained in the above Stipulated
3 Settlement and Disciplinary Order. I approve its form and content.

4 DATED: _____

NOAH JUSSIM
Attorney for Respondent

6
7 **ENDORSEMENT**

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

10 DATED: _____

Respectfully submitted,

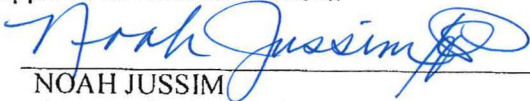
11
12 XAVIER BECERRA
Attorney General of California
13 SHAWN P. COOK
Supervising Deputy Attorney General

14
15 MICHELLE NIJM
Deputy Attorney General
16 *Attorneys for Complainant*
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20 LA2019505489
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1 I have read and fully discussed with Respondent Market Pharmacy and Respondent
2 Tatevossian the terms and conditions and other matters contained in the above Stipulated
3 Settlement and Disciplinary Order. I approve its form and content.

4 DATED: 11/16/20


5 NOAH JUSSIM
6 Attorney for Respondent

7 **ENDORSEMENT**

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

10 DATED: _____

11 Respectfully submitted,

12 XAVIER BECERRA
13 Attorney General of California
14 SHAWN P. COOK
15 Supervising Deputy Attorney General

16 MICHELLE NIJM
17 Deputy Attorney General
18 Attorneys for Complainant

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1 I have read and fully discussed with Respondent Market Pharmacy and Respondent
2 Tatevossian the terms and conditions and other matters contained in the above Stipulated
3 Settlement and Disciplinary Order. I approve its form and content.

4 DATED: _____

NOAH JUSSIM
Attorney for Respondent

6
7 **ENDORSEMENT**

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

10 DATED: 11/16/2020

Respectfully submitted,

11
12 XAVIER BECERRA
Attorney General of California
13 SHAWN P. COOK
Supervising Deputy Attorney General

14 

15 MICHELLE NIJM
16 Deputy Attorney General
17 *Attorneys for Complainant*

18
19
20 LA2019505489

Exhibit A

Accusation No. 6870

1 XAVIER BECERRA
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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. 6870

13 **MARKET PHARMACY INC. DBA**
14 **MARKET PHARMACY LTC; ARMEN**
15 **GEORGE TATEVOSSIAN**
9250 Reseda Boulevard, Unit 2D
Northridge, CA 91324

ACCUSATION

16 **Original Permit No. PHY 51030,**

17 **and**

18 **ARMEN GEORGE TATEVOSSIAN**
19 **530 N. Kenwood One**
Glendale, CA 91206

20 **Pharmacist License No. RPH 47251**

21 Respondent.
22

23 **PARTIES**

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

26 2. On or about August 21, 2012, the Board of Pharmacy issued Original Permit Number
27 PHY 51030 to Respondent Market Pharmacy Inc., doing business as Market Pharmacy LTC
28 ("Respondent Pharmacy"). Respondent Armen George Tatevossian ("Respondent Tatevossian")

1 is and was the Chief Executive Officer, 100% Shareholder, President, Secretary, Treasurer/Chief
2 Financial Officer, and Pharmacist-in-Charge (“PIC”) of Respondent Pharmacy from August 21,
3 2012, to the date of this Accusation. The Original Permit was in full force and effect at all times
4 relevant to the charges brought herein and will expire on August 1, 2020, unless renewed.

5 3. On or about August 3, 1994, the Board of Pharmacy issued Pharmacist License
6 Number RPH 47251 to Respondent Tatevossian. The Pharmacist License was in full force and
7 effect at all times relevant to the charges brought herein and will expire on May 31, 2020, unless
8 renewed.

9 **JURISDICTION**

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

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

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

15 6. Section 4300.1 of the Code states:

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

22 7. Section 4307 states in pertinent part:

23 “(a) Any person who has been denied a license or whose license has been revoked or is
24 under suspension, or who has failed to renew his or her license while it was under suspension, or
25 who has been a manager, administrator, owner, member, officer, director, associate, partner, or
26 any other person with management or control of any partnership, corporation, trust, firm, or
27 association whose application for a license has been denied or revoked, is under suspension or has
28 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,

1 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,
2 administrator, owner, member, officer, director, associate, partner, or in any other position with
3 management or control of a licensee as follows:

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

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

8 “(b) ‘Manager, administrator, owner, member, officer, director, associate, partner, or any
9 other person with management or control of a license’ as used in this section and Section 4308,
10 may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee. .
11 . .”

12 **STATUTORY PROVISIONS**

13 8. Section 4059 of the Code states, in pertinent part:

14 (a) A person may not furnish any dangerous drug, except upon the prescription
15 of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
16 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
naturopathic doctor pursuant to Section 3640.7. . . .

17 9. Section 4063 of the Code states:

18 No prescription for any dangerous drug or dangerous device may be refilled
19 except upon authorization of the prescriber. The authorization may be given orally or
20 at the time of giving the original prescription. No prescription for any dangerous drug
that is a controlled substance may be designated refillable as needed.

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

22 (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
23 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
24 manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,
dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or
25 establishment holding a currently valid and unrevoked certificate, license, permit,
registration, or exemption under Division 2 (commencing with Section 1200) of the
26 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
27 drugs or dangerous devices.

28 (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. . . .

11. Section 4301 of the Code states, in pertinent part:

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

. . . .

(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.

. . . .

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

. . . .

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 17184 states, in pertinent part:

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

14. 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.

1 **COST RECOVERY**

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

8 **DEFINITIONS**

9 16. **Lamictal (Generic Name: Lamotrigine):** Lamictal is a dangerous drug pursuant to
10 section 4022 of the Code. Lamictal is used to treat bipolar disorder.

11 17. **Seroquel (Generic Name: Quetiapine):** Seroquel is a dangerous drug pursuant to
12 section 4022 of the Code. Seroquel is used to treat bipolar disorder.

13 18. **Effexor XR (Generic Name: Venlafaxine):** Effexor XR is a dangerous drug
14 pursuant to section 4022 of the Code. Effexor XR is used to treat depression.

15 19. **Desyrel (Generic Name: Trazodone):** Desyrel is a dangerous drug pursuant to
16 section 4022 of the Code. Desyrel is used to treat depression.

17 **FACTUAL ALLEGATIONS**

18 20. On or about May 11, 2017, the Board received an online complaint from Dr. H.,¹ a
19 medical doctor, against Respondent Pharmacy. The complaint alleged that Respondent Pharmacy
20 filled multiple refill prescriptions for Patient M. D.² identifying Dr. H. as the prescriber although
21 he did not authorize the refills at issue. The Board initiated an investigation into Respondent
22 Pharmacy's activities with respect to the complaint.

23 ///

24 ///

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27 _____
28 ¹ Only Dr. H.'s title and initial are used to protect his identity.

² Only the patient's initials are used to protect his or her identity.

Inspection on August 2, 2017

21. On or about August 2, 2017, a Board investigator conducted an inspection of Respondent Pharmacy as part of the Board's investigation. Respondent Tatevossian and Respondent Pharmacy's technician were present and assisted the Board's investigator with his requests. During the inspection, Respondent Tatevossian conducted a stock-on-hand count, which showed the following:

TABLE 1 – STOCK-ON-HAND ON 8/2/2017			
DRUG	STRENGTH	COUNT	UNITS
Lyrica	200 mg	82	Capsules
Seroquel	25 mg	15	Tablets
Quetiapine	25 mg	2,369	Tablets
Lamictal	150 mg	0	Tablets
Lamotrigine	150 mg	1,429	Tablets

22. The technician provided the Board's investigator with drug usage reports for the drugs identified in Table 1, above, with the exception of Lamictal 150 mg, for the time period from June 28, 2016, to August 1, 2017. The technician informed the investigator that a report for brand Lamictal 150 mg could not be provided because there was no dispensings from June 28, 2016, to August 1, 2017.

23. Respondent Tatevossian indicated that he was aware of Dr. H.'s allegation that Respondent Pharmacy dispensed refill prescriptions attributed to Dr. H. that Dr. H. had not authorized. Respondent Tatevossian stated that two former technicians were documented as having received approvals from Dr. H. for the refills for Patient M. D.³ Respondent Pharmacy and Respondent Tatevossian suspended one of the pharmacy technicians for recording authorizations from Dr. H. for refills for Patient M. D. when Dr. H. had not provided such authorizations.

³ At the time of the prescriptions at issue, Respondent Pharmacy did not require its employees to record their name or initials when recording an oral prescription refill approval. Thus, Respondent Pharmacy and Respondent Tatevossian were unable to conclusively determine which former technician is responsible for which unauthorized refills.

Audit from June 26, 2016, to August 2, 2017

24. A Board investigator conducted an audit using actual stock-on-hand quantities for August 2, 2017, the ending date,⁴ for the following drugs: Lyrica 200 mg, Lamotrigine 150 mg, Quetiapine 25 mg, and Seroquel 25 mg. To complete his audit, the Board investigator collected invoices from all of Respondent's suppliers and drug usage reports provided by Respondent Pharmacy and Respondent Tatevossian.

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

TABLE 2 – ACQUISITIONS, AUDIT FROM 6/26/16 to 8/2/2017			
DRUG	BEGINNING INVENTORY	PURCHASED QUANTITY	TOTAL ACQUISITIONS
Lyrica 200 mg	0	1,350	1,350
Lamotrigine 150 mg	0	11,660	11,660
Quetiapine 25 mg	0	20,000	20,000
Seroquel 25 mg	0	200	200

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⁴ The beginning inventory figures for each of these drugs is zero, as reported by Respondent Pharmacy and Respondent Tatevossian on or about August 22, 2017, in a self-audit conducted pursuant to the Board's request.

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

TABLE 3 – DISPOSITIONS, AUDIT FROM 6/26/16 to 8/2/2017				
DRUG	DISPOSITIONS	RETURNS, SALES TO OTHER LICENSEES	ENDING INVENTORY	TOTAL DISPOSITIONS
Lyrica 200 mg	1,276	0	82	1,358
Lamotrigine 150 mg	5,126	1	1,429	6,556
Quetiapine 25 mg	37,676	0	2,369	40,045
Seroquel 25 mg	368	0	15	383

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

TABLE 4 – TOTAL VARIANCES, AUDIT FROM 6/26/16 to 8/2/2017			
DRUG	TOTAL ACQUISITIONS	TOTAL DISPOSITIONS	VARIANCE
Lyrica 200 mg	1,350	1,358	-8
Lamotrigine 150 mg	11,660	6,556	+5,104
Quetiapine 25 mg	20,000	40,045	-20,045
Seroquel 25 mg	200	383	-183

28. The Board's audit concluded that Lamotrigine 150 mg had a positive variance of +5,104, 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.

29. The Board's audit concluded that the following drugs had a negative variance: Lyrica 200 mg, -8; Quetiapine 25 mg, -20,045; and Seroquel 25 mg, -183. A negative variance means that there were records for more drug sales than acquired.

Unauthorized Prescriptions

30. After reviewing the prescription records for Patient M. D., Dr. H. concluded that he did not authorize the following refills dispensed by Respondent Pharmacy:

TABLE 5 – UNAUTHORIZED REFILLS DISPENSED BY RESPONDENT PHARMACY FOR PATIENT M. D.			
NO.	PRESCRIPTION NUMBER	DRUG	DATE LISTED FOR PRESCRIPTION APPROVAL
1	6301760	Trazodone 100 mg	May 31, 2016
2	6308850	Venlafaxine XR 75 mg	July 28, 2016
3	6308851	Lamotrigine 150 mg	July 28, 2016
4	6308852	Quetiapine 25 mg	July 28, 2016
5	6316513	Quetiapine 25 mg	September 29, 2016
6	6316514	Lamotrigine 150 mg	September 29, 2016
7	6316515	Venlafaxine XR 75 mg	September 29, 2016
8	6316516	Trazodone 100 mg	September 29, 2016
9	6329666	Quetiapine 25 mg	December 28, 2016
10	6329667	Trazodone 100 mg	December 28, 2016
11	6329668	Venlafaxine XR 75 mg	December 28, 2016
12	6329670	Lamotrigine 150 mg	December 28, 2016

31. In his complaint, Dr. H. stated that his office did not see Patient M. D. from April 14, 2016, to April 24, 2017. Nurses at his clinic are allowed to authorize refills for up to one month, but the patient must be seen by a medical doctor for further refill authorizations. A review of Patient M. D.'s medical records confirmed that she had no documented visits with Dr. H. between April 14, 2016, and February 3, 2017.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Violating California Statutes**

3 **Applicable to Pharmacy – Respondent Pharmacy)**

4 32. Respondent Pharmacy's Pharmacy Permit is subject to disciplinary action pursuant to
5 section 4301, subdivisions (j) and (o), in that Respondent exhibited unprofessional conduct by
6 failing to comply with the provisions of the following California statutes:

7 (a) Section 4063 of the Code: Between April 15, 2016, and May 10, 2017,
8 Respondent Pharmacy filled 12 different refills of prescriptions for Patient M. D. that
9 identified Dr. H. as the prescriber. However, Patient M. D. was not a patient of Dr. H. from
10 April 15, 2016, to May 10, 2017, and Dr. H. did not authorize the 12 refills at issue.

11 (b) Section 4059, subdivision (a), of the Code: Between April 15, 2016, and May
12 10, 2017, Respondent Pharmacy filled 12 different refills of prescriptions for Patient M. D.
13 that identified Dr. H. as the prescriber. However, Patient M. D. was not a patient of Dr. H.
14 from April 15, 2016, to May 10, 2017, and Dr. H. did not authorize the 12 refills at issue.

15 (c) Section 4081, subdivision (a), of the Code and California Code of Regulations,
16 title 16, sections 1714(b) and 1718: An audit of Respondent Pharmacy's drug usage reports
17 and inventories revealed the following positive and negative variances: Lamotrigine 150
18 mg, +5,104; Lyrica 200 mg, -8; Quetiapine 25 mg, -20,045; and Seroquel 25 mg, -183.

19 A positive variance means that there was no disposition record for all the drugs purchased
20 and/or the drugs were not in the inventory. A negative variance means that there were
21 records for more drug sales than acquired.

22 Complainant realleges paragraphs 16-31, above, as if fully set forth herein.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct – Violating California Statutes**

25 **Applicable to Pharmacy – Respondent Tatevossian)**

26 33. Respondent Tatevossian's Pharmacist License is subject to disciplinary action
27 pursuant to section 4301, subdivisions (j) and (o), in that Respondent Tatevossian exhibited
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unprofessional conduct by failing to comply with the provisions of the following California statutes:

(a) Section 4063 of the Code: Between April 15, 2016, and May 10, 2017, Respondent Pharmacy filled 12 different refills of prescriptions for Patient M. D. that identified Dr. H. as the prescriber. However, Patient M. D. was not a patient of Dr. H. from April 15, 2016, to May 10, 2017, and Dr. H. did not authorize the 12 refills at issue.

(b) Section 4059, subdivision (a), of the Code: Between April 15, 2016, and May 10, 2017, Respondent Pharmacy filled 12 different refills of prescriptions for Patient M. D. that identified Dr. H. as the prescriber. However, Patient M. D. was not a patient of Dr. H. from April 15, 2016, to May 10, 2017, and Dr. H. did not authorize the 12 refills at issue.

(c) Section 4081, subdivision (a), of the Code and California Code of Regulations, title 16, sections 1714(b) and 1718: An audit of Respondent Pharmacy's drug usage reports and inventories revealed the following positive and negative variances: Lamotrigine 150 mg, +5,104; Lyrica 200 mg, -8; Quetiapine 25 mg, -20,045; and Seroquel 25 mg, -183.

A positive variance means that there was no disposition record for all the drugs purchased and/or the drugs were not in the inventory. A negative variance means that there were records for more drug sales than acquired.

Complainant realleges paragraphs 16-31, above, as if fully set forth herein.

OTHER MATTERS

34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51030, issued to Market Pharmacy Inc., doing business as Market Pharmacy LTC, Respondent Tatevossian, Chief Executive Officer, 100% Shareholder, President, Secretary, Treasurer/Chief Financial Officer, and PIC, Market Pharmacy Inc. shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 51030 is placed on probation or until Pharmacy Permit Number 51030 is reinstated if it is revoked.

35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 51030, issued to Market Pharmacy Inc., doing business as Market Pharmacy LTC,

Respondent Tatevossian, Chief Executive Officer, 100% Shareholder, President, Secretary, Treasurer/Chief Financial Officer, and PIC, while Respondent Tatevossian was an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Respondent Tatevossian shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51030 is placed on probation or until Pharmacy Permit Number PHY 51030 is reinstated if it is revoked.

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 Original Permit Number PHY 51030, issued to Market Pharmacy Inc., doing business as Market Pharmacy LTC, Armen George Tatevossian, Chief Executive Officer, 100% Shareholder, President, Secretary, Treasurer/Chief Financial Officer, and Pharmacist-in-Charge;
2. Revoking or suspending Pharmacist License Number RPH 47251, issued to Armen George Tatevossian;
3. Ordering Armen George Tatevossian 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;
4. Prohibiting Market Pharmacy Inc. from serving as a manager, administrator, owner, member officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51030 is placed on probation or until Pharmacy Permit Number PHY 51030 is reinstated if Pharmacy Permit Number 51030 issued to Market Pharmacy LTC, Armen George Tatevossian, Chief Executive Officer, 100% Shareholder, President, Secretary, Treasurer/Chief Financial Officer, and Pharmacist-in-Charge, is revoked;
5. Prohibiting Armen George Tatevossian from serving as a manager, administrator, owner, member officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51030 is placed on probation or until Pharmacy Permit Number PHY 51030

1 is reinstated if Pharmacy Permit Number 51030 issued to Market Pharmacy LTC, Armen George
2 Tatevossian, Chief Executive Officer, 100% Shareholder, President, Secretary, Treasurer/Chief
3 Financial Officer, and Pharmacist-in-Charge, is revoked; and

4 6. Taking such other and further action as deemed necessary and proper.
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7 DATED: March 2, 2020
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9 ANNE SODERGREN
10 Executive Officer
11 Board of Pharmacy
12 Department of Consumer Affairs
13 State of California
14 *Complainant*

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