

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

**In the Matter of Accusation Against:**

**OMEGA CARE PHARMACY, INC. DBA OMEGA CARE PHARMACY,  
EMIL BURNAZYAN, GEORGE MIKAELIAN, KEN LUNA  
Pharmacy Permit No. PHY 53936;**

**CHARLES I. CADIS  
Pharmacist License No. RPH 24126;**

**NANCY NAGUIB R. GABALLAH  
Pharmacist License No. RPH 78021**

**and**

**VARDUHI TUMIKYAN  
Pharmacy Technician Registration No. TCH 138086**

**Respondents**

**Agency Case No. 7004**

**OAH Case No. 2021030011**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on September 29, 2021.

It is so ORDERED on August 30, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By 

Seung W. Oh, Pharm D  
Board President

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MARISSA N. HAMILTON  
Deputy Attorney General  
4 State Bar No. 322489  
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5 Los Angeles, CA 90013  
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6 Facsimile: (916) 731-2126  
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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:

13 **OMEGA CARE PHARMACY INC., DBA**  
14 **OMEGA CARE PHARMACY, EMIL**  
15 **BURNAZYAN, GEORGE MIKAELIAN,**  
16 **KEN LUNA**  
17 **4611 Van Nuys Blvd.**  
18 **Sherman Oaks, CA 91403**

19 **Pharmacy Permit No. PHY 53936,**

20 **CHARLES I. CADIS**  
21 **26901 Monet Ln.**  
22 **Valencia, CA 91355**

23 **Pharmacist License No. RPH 24126,**

24 **NANCY NAGUIB R. GABALLAH**  
25 **400 E. Stocker St. Apt. 10**  
26 **Glendale, CA 91207**

27 **Pharmacist License No. RPH 78021,**

28 **and**

**VARDUHI TUMIKYAN**  
**7651 Melita Ave.**  
**North Hollywood, CA 91605**

**Pharmacy Technician Registration No.**  
**138086**

Respondents.

Case No. 7004

OAH No. 2021030011

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER AS TO**  
**RESPONDENT OMEGA CARE**  
**PHARMACY INC., PHARMACY**  
**PERMIT NO. PHY 53936 ONLY**

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
5 (Board). She brought this action solely in her official capacity and is represented in this matter by  
6 Rob Bonta, Attorney General of the State of California, by Marissa N. Hamilton, Deputy  
7 Attorney General.

8 2. Omega Care Pharmacy Inc., dba Omega Care Pharmacy is represented in this  
9 proceeding by attorney Tony J. Park, whose address is: 55 Cetus, 1st Floor, Irvine, CA 92618.

10 3. On or about February 1, 2016, the Board issued Pharmacy Permit No. PHY 53936 to  
11 Omega Care Pharmacy Inc., dba Omega Care Pharmacy (Respondent Omega Care Pharmacy),  
12 with Emil Burnazyan designated as the President and Secretary since February 1, 2016 and the  
13 Chief Executive Officer and 1% shareholder since February 1, 2018; George Mikaelian  
14 designated as the Treasurer, Chief Financial Officer, and 50% shareholder since February 1,  
15 2016; Ken Luna designated as the Chief Financial Officer, Director, and 49% shareholder since  
16 February 1, 2016. The Pharmacy Permit expired on February 1, 2020, and has not been renewed.

17 **JURISDICTION**

18 4. Accusation No. 7004 was filed before the Board, and is currently pending against  
19 Respondent Omega Care Pharmacy. The Accusation and all other statutorily required documents  
20 were properly served on Respondent Omega Care Pharmacy on December 15, 2020. Respondent  
21 Omega Care Pharmacy timely filed its Notice of Defense contesting the Accusation. A copy of  
22 Accusation No. 7004 is attached as Exhibit A and incorporated by reference.

23 **ADVISEMENT AND WAIVERS**

24 5. Respondent Omega Care Pharmacy has carefully read, fully discussed with counsel,  
25 and understands the charges and allegations in Accusation No. 7004. Respondent Omega Care  
26 Pharmacy also has carefully read, fully discussed with counsel, and understands the effects of this  
27 Stipulated Surrender of License and Order.

28 ///



1 If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and  
2 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
3 in any legal action between the parties, and the Board shall not be disqualified from further action  
4 by having considered this matter.

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

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

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

16 **ORDER**

17 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 53936, issued to Respondent  
18 Omega Care Pharmacy Inc., dba Omega Care Pharmacy, is surrendered and accepted by the  
19 Board.

20 1. The surrender of Respondent Omega Care Pharmacy's Pharmacy Permit and the  
21 acceptance of the surrendered license by the Board shall constitute the imposition of discipline  
22 against Respondent Omega Care Pharmacy. This stipulation constitutes a record of the discipline  
23 and shall become a part of Respondent Omega Care Pharmacy's license history with the Board.

24 2. Respondent Omega Care Pharmacy shall lose all rights and privileges as a Pharmacy  
25 in California as of the effective date of the Board's Decision and Order.

26 3. Respondent Omega Care Pharmacy shall cause to be delivered to the Board its pocket  
27 license and, if one was issued, its wall certificate on or before the effective date of the Decision  
28 and Order.

1           4.     If Omega Care Pharmacy ever applies for licensure or petitions for reinstatement in  
2 the State of California, the Board shall treat it as a new application for licensure. Respondent  
3 Omega Care Pharmacy must comply with all the laws, regulations and procedures for licensure in  
4 effect at the time the application or petition is filed, and all of the charges and allegations  
5 contained in Accusation No. 7004 shall be deemed to be true, correct and admitted by Respondent  
6 Omega Care Pharmacy when the Board determines whether to grant or deny the application or  
7 petition.

8           5.     Respondent Omega Care Pharmacy shall pay the agency its costs of investigation and  
9 enforcement in the amount of \$7,947.25 prior to issuance of a new or reinstated license.

10          6.     If Respondent Omega Care Pharmacy should ever apply or reapply for a new license  
11 or certification, or petition for reinstatement of a license, by any other health care licensing  
12 agency in the State of California, all of the charges and allegations contained in Accusation, No.  
13 7004 shall be deemed to be true, correct, and admitted by Respondent Omega Care Pharmacy for  
14 the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict  
15 licensure.

16          7.     Respondent Omega Care Pharmacy may not apply, reapply, or petition for any  
17 licensure, permit, or registration from the Board for three (3) years from the effective date of the  
18 Decision and Order.

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ACCEPTANCE

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

DATED: 07-07-21

  
\_\_\_\_\_  
OMEGA CARE PHARMACY INC., DBA  
OMEGA CARE PHARMACY  
*Respondent*

By: GEORGE M. Kaelian  
Print Name

I have read and fully discussed with Respondent Omega Care Pharmacy the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: \_\_\_\_\_

\_\_\_\_\_  
TONY J. PARK  
*Attorney for Respondent Omega Care Pharmacy*

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**ENDORSEMENT**

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

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

MARISSA N. HAMILTON  
Deputy Attorney General  
*Attorneys for Complainant*

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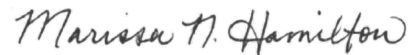
**ENDORSEMENT**

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

DATED: July 8, 2021

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



MARISSA N. HAMILTON  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7004**

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MARISSA N. HAMILTON  
Deputy Attorney General  
4 State Bar No. 322489  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6701  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*

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**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 7004

12 **OMEGA CARE PHARMACY INC., DBA**  
13 **OMEGA CARE PHARMACY, EMIL**  
14 **BURNAZYAN, GEORGE MIKAELIAN,**  
15 **KEN LUNA**  
16 **4611 Van Nuys Blvd.**  
17 **Sherman Oaks, CA 91403**

**ACCUSATION**

18 **Pharmacy Permit No. PHY 53936,**

19 **CHARLES I. CADIS**  
20 **26901 Monet Ln.**  
21 **Valencia, CA 91355**  
22 **Pharmacist-In-Charge**

23 **Pharmacist License No. RPH 24126,**

24 **NANCY NAGUIB R. GABALLAH**  
25 **400 E. Stocker St. Apt. 10**  
26 **Glendale, CA 91207**

27 **Pharmacist License No. RPH 78021,**

28 **and**

**VARDUHI TUMIKYAN**  
**7651 Melita Ave.**  
**North Hollywood, CA 91605**

**Pharmacy Technician Registration No. TCH**  
**138086**

Respondents.

1 **PARTIES**

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

4 2. On or about February 1, 2016, the Board of Pharmacy issued Pharmacy Permit  
5 Number PHY 53936 to Omega Care Pharmacy Inc., dba Omega Care Pharmacy (Respondent  
6 Omega Care Pharmacy or Pharmacy), with Emil Burnazyan designated as the President and  
7 Secretary since February 1, 2016 and the Chief Executive Officer and 1% shareholder since  
8 February 1, 2018; George Mikaelian designated as the Treasurer, Chief Financial Officer, and  
9 50% shareholder since February 1, 2016; Ken Luna designated as the Chief Financial Officer,  
10 Director, and 49% shareholder since February 1, 2016; and Charles I. Cadis designated as the  
11 Pharmacist-In-Charge since February 1, 2018. The Pharmacy Permit expired on February 1,  
12 2020, and has not been renewed.

13 3. On or about August 13, 1965, the Board of Pharmacy issued Pharmacist License  
14 Number RPH 24126 to Charles I. Cadis (Respondent Cadis). The Pharmacist License was in full  
15 force and effect at all times relevant to the charges brought herein and will expire on February 28,  
16 2021, unless renewed.

17 4. On or about December 4, 2017, the Board of Pharmacy issued Pharmacist License  
18 Number RPH 78021 to Nancy Naguib R. Gaballah (Respondent Gaballah). The Pharmacist  
19 License was in full force and effect at all times relevant to the charges brought herein and will  
20 expire on September 30, 2021, unless renewed.

21 5. On or about January 8, 2015, the Board of Pharmacy issued Pharmacy Technician  
22 Registration Number TCH 138086 to Varduhi Tumikyan (Respondent Tumikyan). The  
23 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges  
24 brought herein and will expire on December 31, 2020, unless renewed.

25 **JURISDICTION**

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





1 (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a  
2 dangerous drug that could result in the denial of health care. A pharmacy furnishing  
3 dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to  
4 alleviate the temporary shortage.

5 (5) A patient or to another pharmacy pursuant to a prescription or as otherwise  
6 authorized by law.

7 (6) A health care provider that is not a pharmacy but that is authorized to  
8 purchase dangerous drugs.

9 (7) To another pharmacy under common control. During a proclaimed state of  
10 emergency, "another pharmacy" as used in this paragraph shall include a mobile  
11 pharmacy, as described in subdivision (c) of Section 4062.

12 (b) Notwithstanding subdivision (a), or any other law, a clinic licensed under  
13 Section 4180 may furnish dangerous drugs to any of the following during a  
14 proclaimed state of emergency:

15 (1) Another clinic or wholesaler to alleviate a temporary shortage of a  
16 dangerous drug that could result in the denial of health care. A clinic furnishing  
17 dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to  
18 alleviate the temporary shortage.

19 (2) A patient pursuant to a prescription or as otherwise authorized by law.

20 (3) A health care provider that is not a clinic but that is authorized to purchase  
21 dangerous drugs.

22 (4) To another clinic under common control, including a mobile clinic, as  
23 described in subdivision (c) of Section 4062.

24 (c) Notwithstanding any other law, a violation of this section may subject the  
25 person or persons who committed the violation to a fine not to exceed the amount  
26 specified in Section 125.9 for each occurrence pursuant to a citation issued by the  
27 board.

28 (d) Amounts due from any person under this section on or after January 1,  
2005, shall be offset as provided under Section 12419.5 of the Government Code.  
Amounts received by the board under this section shall be deposited into the  
Pharmacy Board Contingent Fund.

(e) For purposes of this section, "common control" means the power to direct or  
cause the direction of the management and policies of another person whether by  
ownership, by voting rights, by contract, or by other means.

13. Section 4160 of the Code provides, in pertinent part:

(a) A person shall not act as a wholesaler or third-party logistics provider of  
any dangerous drug or dangerous device unless he or she has obtained a license from  
the board . . . .

///

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

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

5           . . .

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

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

11          . . .

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

17          . . . .

18           15.     Section 4307 of the Code states:

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

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

            (c) The provisions of subdivision (a) may be alleged in any pleading filed  
            pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of

1 the Government Code. However, no order may be issued in that case except as to a  
2 person who is named in the caption, as to whom the pleading alleges the applicability  
3 of this section, and where the person has been given notice of the proceeding as  
4 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of  
5 the Government Code. The authority to proceed as provided by this subdivision shall  
6 be in addition to the board's authority to proceed under Section 4339 or any other  
7 provision of law.

### 8 **REGULATORY PROVISIONS**

9 16. California Code of Regulations, title 16, section 1761 states:

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

14 (b) Even after conferring with the prescriber, a pharmacist shall not compound  
15 or dispense a controlled substance prescription where the pharmacist knows or has  
16 objective reason to know that said prescription was not issued for a legitimate  
17 medical purpose.

18 17. California Code of Regulations, title 16, section 1717.3 provides, in pertinent part:

19 (a) No person shall dispense a controlled substance pursuant to a preprinted  
20 multiple check-off prescription blank.

21 (b) A person may dispense a dangerous drug, that is not a controlled substance,  
22 pursuant to a preprinted multiple checkoff prescription blank and may dispense more  
23 than one dangerous drug, that is not a controlled substance, pursuant to such a blank  
24 if the prescriber has indicated on the blank the number of dangerous drugs he or she  
25 has prescribed.

26 (c) "Preprinted multiple checkoff prescription blank," as used in this section  
27 means any form listing more than one dangerous drug where the intent is that a mark  
28 next to the name of a drug i.e., a "checkoff," indicates a prescription order for that  
29 drug.

### 30 **DANGEROUS DRUGS**

31 18. Code Section 4022 states:

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

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

36 (b) Any device that bears the statement: "Caution: federal law restricts this  
37 device to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar  
38 import, the blank to be filled in with the designation of the practitioner licensed to use  
39 or order use of the device.

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



1 Respondent Gaballah that the Pharmacy only fills approximately fifty-five prescriptions a day,  
2 and that the majority of the prescriptions are mailed to patients.

3 34. In response to Board Inspector J.F.'s questions regarding how Respondent Omega  
4 Care Pharmacy obtains the prescriptions, Respondent Gaballah and Respondent Tumikyan  
5 described the process as entailing a combination of electronically faxed prescriptions stored in the  
6 pharmacy's computer system, Digital Rx, and a refill listing that Pharmacy staff receives from the  
7 Pharmacy's main office. Pharmacy staff would receive a daily e-mail from the Pharmacy's main  
8 office containing the processed prescriptions, and the Pharmacy staff would then print out the  
9 prescription labels and dispense the medication. Respondent Gaballah and Respondent Tumikyan  
10 indicated that the billing of prescriptions is done off-site at the Pharmacy's main office. When  
11 questioned about the address of the Pharmacy's main office, neither Respondent Gaballah nor  
12 Respondent Tumikyan could provide Board Inspector J.F. an address, and they further stated that  
13 they only communicated with the Pharmacy's main office via e-mail or phone.

14 35. During the inspection, a patient, C.L., called Respondent Omega Care Pharmacy  
15 inquiring as to why C.L. had received a refill of medication when C.L. had not requested it.  
16 When questioned about the Pharmacy's policy on prescription refills, Respondent Gaballah and  
17 Respondent Tumikyan stated that all patients were automatically placed onto automatic refills.  
18 Board Inspector J.F. reviewed the prescription information for patient C.L. on the Pharmacy's  
19 computer and discovered that patient C.L.'s initial prescription originated from a preprinted  
20 multiple check-off prescription blank. The form had general categories checked with an  
21 electronically-generated "X" and prepopulated prescription medications, quantities, and  
22 directions listed with most of the listed medications separated by "or". The form appeared to  
23 allow the Pharmacy to choose which medication to dispense. The form itself did not indicate how  
24 many prescription items were originally marked by the provider. Moreover, all of the items in the  
25 "Topical Pain" category had computer-generated refills. Additionally, it appeared that an  
26 individual had systematically gone through each prescription medication to determine if the  
27 prescription item would be covered by patient C.L.'s insurance and wrote in notes corresponding  
28 to commonly known pharmacy phrases, such as "not covered" and "below cost".

36. Board Inspector J.F. is familiar with this type of preprinted multiple check-off prescription blank as often being utilized by marketing groups that seek out patients on certain types of insurance plans and conduct telephone interviews to get the patients to agree to try medications with extremely high insurance reimbursement rates that are then filled by associated networks of pharmacies.

37. Board Inspector J.F. reviewed Respondent Omega Care Pharmacy’s dispensing history for patient C.L.’s prescriptions and determined that the Pharmacy was collecting nearly \$1,000 on each medication refill. The following Table 1 reflects a summary of the dispensing history for patient C.L.’s prescriptions:

**Table 1:**

Medication Name and Prescription Details	Date Pharmacy Dispensed Medication	Cost	Amount Insurance Paid	Amount Patient Paid
Carbinoxamine maleate 6mg tablets, 60 qty, 15-day supply	10/20/2018	\$1,905.00	\$2,853.64	\$0.00
Triamcinolone acetate spray 0.147mg, 400grams, 30-day supply	10/20/2018	\$600.00	\$1,890.11	\$10.00
Carbinoxamine maleate 6mg tablets, 60 qty, 15-day supply	11/19/2018	\$1,905.00	\$2,853.64	\$0.00
Triamcinolone acetate spray 0.147mg, 400grams, 30-day supply	11/19/2018	\$820.00	\$1,890.11	\$10.00
Carbinoxamine maleate 6mg tablets, 60 qty, 15-day supply	1/11/2019	\$1,920.00	\$2,853.64	\$0.00
Triamcinolone acetate spray 0.147mg, 400grams, 30-day supply	1/11/2019	\$820.00	\$1,890.11	\$10.00

38. Board Inspector J.F. proceeded to review Respondent Omega Care Pharmacy's dispensing history for patient S.O. and determined that patient S.O.'s original prescription was also from a preprinted multiple check-off prescription blank. The following Table 2 reflects a summary of the dispensing history for patient S.O.'s prescriptions:

**Table 2:**

Medication Name	Date Pharmacy Dispensed Medication	Cost	Amount Insurance Paid	Amount Patient Paid
Chlorzoxazone 250mg	9/28/2018	\$1,100.40	\$2,407.12	\$0.00
Lidocaine/tetracaine cream	9/28/2018	\$1,176.00	\$3,257.43	\$25.00
Doxepin 5% cream	9/28/2018	\$1,296.00	\$1,472.21	\$5.00
Lidocaine/tetracaine cream	10/29/2018	\$1,176.00	\$3,257.43	\$25.00
Lidocaine/tetracaine cream	11/25/2018	\$1,176.00	\$3,257.43	\$25.00
Doxepin 5% cream	11/26/2018	\$1,296.00	\$1,472.21	\$5.00

39. Upon request, Board Inspector J.F. was provided with a copy of the daily emails the Pharmacy staff received from the Pharmacy's main office containing the manifest of prescriptions processed for February 18-19, 2019.

40. While reviewing Respondent Omega Care Pharmacy's past inspection reports, Board Inspector J.F. determined that Board Inspector B.M. had conducted a routine inspection at Respondent Omega Care Pharmacy on or about November 29, 2018. During the November 29, 2018 routine inspection, Board Inspector B.M. issued the Pharmacy an Order of Correction for Business and Professions Code section 4076, subdivision (a)(11)(A) (absence of the physical description of the medication on the prescription label).

41. Upon inspection of one of Respondent Omega Care Pharmacy's recent prescription labels, Board Inspector J.F. determined that the Pharmacy had not complied with the November 29, 2018 Order of Correction, as the Pharmacy had not corrected the issue related to the absence of the physical description of the medication on the prescription label.

1           42. Board Inspector J.F. next reviewed Respondent Omega Care Pharmacy's active drug  
2 stock shelves and noticed that almost every single active drug stock bottle had a quantity written  
3 on the bottle or a tag with a quantity attached to the bottle. Board Inspector J.F. discovered  
4 approximately six medication bottles that had quantities written on them that exceeded the  
5 original stock bottle quantity as labeled by the manufacturer. Board Inspector J.F. questioned  
6 Respondent Gaballah and Respondent Tumikyan as to why the bottles were labeled in this  
7 manner and why some of the bottles were overfilled. Respondent Gaballah and Respondent  
8 Tumikyan indicated that the bottles were labeled when the inventory was recently taken and the  
9 staff decided to put back all of the medication that was dispensed in bubble packs to a large  
10 hospice that cancelled their order. Board Inspector J.F. informed Respondent Gaballah and  
11 Respondent Tumikyan that the Pharmacy could not place medication previously dispensed into  
12 bubble packs back into active drug stock bottles that were not the original source bottles of that  
13 medication.

14           43. Board Inspector J.F. located a large number of assorted bottles and creams bearing  
15 prescription labels that appeared to originate from a pharmacy named One Stop Pharmacy located  
16 in Sugarland, Texas. When Board Inspector J.F. inquired as to how Respondent Omega Care  
17 Pharmacy was acquiring medications from an out of state pharmacy, Respondent Gaballah and  
18 Respondent Tumikyan provided Board Inspector J.F. with documentation showing the transfer of  
19 medication to and from various out of state pharmacies, including:

- 20           • One Stop Pharmacy located in Sugarland, Texas;
- 21           • Eagle Lake Pharmacy located in Lakeland, Florida;
- 22           • Wilson County Pharmacy located in Floresville, Texas; and
- 23           • Sam's Pharmacy located in Houston, Texas.

24           44. Board Inspector J.F. noted that the majority of the types of medications being  
25 transferred between Respondent Omega Care Pharmacy and the out of state pharmacies  
26 corresponded to the types of medications listed on the various preprinted multiple check-off  
27 prescription blanks Board Inspector J.F. had reviewed, among the largest assortment including:

- 28           • Doxepin 5% cream;



- 1 • Chlorzoxazone 250mg tablets;
- 2 • Omeprazole-sodium bicarbonate;
- 3 • Carbinoxamine maleate 6mg tablets;
- 4 • Lidocaine/tetracaine cream;
- 5 • Flurandrenolide 0.05% solution;
- 6 • Xyzbac tablets; and
- 7 • Sil-K Pad.

8 The exchange of medications from pharmacies outside of California is a violation of  
9 Pharmacy law when the pharmacy is not licensed as a wholesaler and when there is no need to  
10 alleviate a temporary shortage.

11 45. Board Inspector J.F. issued Official Receipt No. 57122 for the documents collected  
12 during the Pharmacy inspection, and reviewed the Inspection Report with Respondent Gaballah.  
13 The Inspection Report contained the following:

- 14 • Order of Correction for the overfilled active drug stock bottles;
- 15 • Written Notice for non-conforming prescription labels missing the physical  
16 description of the dispensed medication;
- 17 • Written Notice for unlicensed activity for the off-site main office providing the  
18 Pharmacy with daily e-mails of the prescriptions to be dispensed;
- 19 • Written Notice for unlicensed wholesaler activity;
- 20 • Written Notice for erroneous or uncertain prescriptions;
- 21 • Written Notice for utilizing preprinted multiple check-off prescription blanks that did  
22 not indicate the number of prescriptions ordered by the physician;
- 23 • Request for each member of the Pharmacy provide a statement detailing the  
24 prescription process and the origin of the prescription documents.

25 46. After the on-site inspection was completed, Board Inspector J.F. obtained a copy of  
26 Board Inspector B.M.'s prior inspection report from November 29, 2018, as well as copies of  
27 documents that Respondent Omega Care Pharmacy subsequently provided the Board in  
28 connection with the prior inspection. Among these documents included a copy of all

1 prescriptions dispensed by Respondent Omega Care Pharmacy between November 1, 2017 and  
2 November 1, 2018. Also included were identical, undated written statements of Respondent  
3 Cadis and Respondent Tumikyan, which stated that the Pharmacy does not conduct direct/indirect  
4 marketing, has no agreements with any marketing companies, and that the Pharmacy's  
5 prescriptions are received via fax and e-script from the physicians. This is contradictory to the  
6 information obtained by Board Inspector J.F. during the on-site inspection, which indicated that  
7 the processing of prescriptions occurs off-site at the Pharmacy's main office location.

8 47. On or about March 13, 2019, Board Inspector J.F. received an email from Respondent  
9 Omega Care Pharmacy. Among the documents provided included a spreadsheet containing the  
10 Pharmacy's reported list of doctors, a copy of the Rx Reverse Distributors Inc. invoice showing  
11 the return/destruction of medications, and a copy of an updated Pharmacy prescription label  
12 showing the physical description of the medication was added. The Pharmacy failed to provide  
13 the requested physician information, stating that the Pharmacy is not comfortable releasing  
14 proprietary information to an external agency and that the Pharmacy deemed information on who  
15 sends prescriptions to the Pharmacy to be a trade secret.

16 48. Among the documents provided also included a March 12, 2019 written statement of  
17 Respondent Cadis, which stated that the prescriptions are e-faxed to the Pharmacy and the  
18 pharmacy technicians reach out to the patients for processing information. This is contradictory  
19 to the information obtained by Board Inspector J.F. during the on-site inspection, which indicated  
20 that the processing of prescriptions occurs off-site at the Pharmacy's main office location.

21 49. Among the documents provided also included a written statement of Respondent  
22 Gaballah, dated March 4, 2019 and signed March 5, 2019, which stated that the Pharmacy does  
23 not conduct direct/indirect marketing, has no agreements with any marketing companies, and that  
24 the prescriptions are received via fax and e-script from the physicians. This is contradictory to  
25 the information obtained by Board Inspector J.F. during the on-site inspection, which indicated  
26 that the processing of prescriptions occurs off-site at the Pharmacy's main office location. The  
27 submitted statement of Respondent Gaballah is identical to the written statements of Respondent  
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1 Cadis and Respondent Tumikyan that were previously submitted to Board Inspector B.M. in  
2 connection with the November 29, 2018 inspection.

3 50. Among the documents provided also included a written statement of Respondent  
4 Tumikyan, dated March 12, 2019, which stated that Respondent Tumikyan processes the  
5 prescriptions. This is contradictory to the information obtained by Board Inspector J.F. during the  
6 on-site inspection, which indicated that the processing of prescriptions occurs off-site at the  
7 Pharmacy's main office location.

8 51. After reviewing the documentation received, Board Inspector J.F. noted that  
9 Respondent Cadis is the pharmacist listed on the majority of the prescriptions filled by the  
10 Pharmacy. Respondent Gaballah is also listed as the pharmacist on some of the prescription  
11 documents. Moreover, the following individuals are listed as pharmacy technicians on the  
12 prescription documents: Laura Clark, Autumn Dubcak, Latesha Smith, and Denise Uriostegui.  
13 Respondent Tumikyan's name is not listed as a pharmacy technician on the prescription  
14 documents. Board Inspector J.F. confirmed that none of these individuals listed as pharmacy  
15 technicians on the prescription documents are located in the Board's licensing system as holding  
16 a valid pharmacy technician license in California.

17 52. After reviewing the documentation received, Board Inspector J.F. also noted several  
18 prescription documents where an individual had crossed out the normal patient co-pay amount  
19 and wrote in "0" or "\$0". Board Inspector J.F. is familiar with the practice of providing a patient  
20 with a medication and not charging the patient the assigned co-pay as a tactic utilized in order to  
21 get a patient to agree to accept a medication at no cost to the patient, while the patient's insurance  
22 is still being charged for the medication.

23 53. In furtherance of his investigation, Board Inspector J.F. reviewed the documentation  
24 received for instances where a preprinted multiple check-off prescription blank was utilized to  
25 dispense medications without the prescriber indicating the total number of prescriptions  
26 prescribed, as summarized in the following Table 3.

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1 **Table 3:**

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Patient Name	Rx No(s).	Prescription Date	Doctor's Last Name
C.L.	Not referenced	10/17/2018	Y
S.O.	8466, 8467, 8468	9/25/2018	Y
M.L.	9527, 9544, 10425	11/8/2018	W
D.R.	8473	9/26/2018	P
K.A.	8476, 8475	9/26/2018	P
M.T.	8477, 8478, 8479, 8482, 8481	9/27/2018	R
D.J.	8482, 8483, 8484, 8485	9/27/2018	R
J.E.	8495, 8496, 8497, 8498, 8499	9/26/2018	R
L.K.	8500, 8501	9/27/2018	P
M.A.	8506, 8507, 8508, 8509, 8010	9/27/2018	C
C.V.	8512, 8513, 8514, 8515	9/27/2018	C

19 54. In furtherance of his investigation, Board Inspector J.F. reviewed Respondent Omega  
20 Care Pharmacy's prescription dispensing history for November 1, 2017 through November 1,  
21 2018, and determined that Respondent Omega Care Pharmacy's prescription dispensing history is  
22 not what would be expected for a typical community retail pharmacy business, but rather it  
23 appeared that Respondent Omega Care Pharmacy was engaged in dispensing a very narrow range  
24 of medications, specifically those found on the preprinted multiple check-off prescription blanks  
25 that yield the highest insurance reimbursement rates. The following Table 4 summarizes the  
26 corresponding highest dispensed medication types and the number of each medication type  
27 dispensed by the Pharmacy during this time period:

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**Table 4:**

<b>Prescription Medication</b>	<b>Number of Prescriptions Pharmacy Dispensed Between 11/1/2017 – 11/1/2018</b>
CALCIPOTRIENE 0.005% GLMK 120GM	26
CALCIPOTRIENE 0.005% GLMK 120GM (JP)	109
CARBINOXAMINE MALEATE 6MG ORAL TABLET 20CT	58
CHLORZOXAZONE 250MG TABLET (SOLUBIOMIX)	48
CHLORZOXAZONE 250MG TABLET (SOLUBIOMIX) (JP)	201
CLOBETASOL PROP OINT 60GM (TARO) (JP)	92
DOXEPIN 5% CREAM 45GM	94
DOXEPIN 5% CREAM 45GM (JP)	176
FENOPREN CALCIUM 200MG	29
FENOPROFEN CALICUM 200MG (JP)	76
FLUOCINONIDE 0.1% CREAM 120GM (GLMK)	23
FLUOCINONIDE 0.1% CREAM 120GM (GLMK) (JP)	31
FLUOCINONIDE 0.1% CREAM 120GM (IPG)	57
FLURANDRENOLIDE 0.05% LOTION 120ML (JP)	55
LIDOCAINE / PRILOCAINE 2.5% / 2.5% CREAM (IMPAX)	64
LIDOCAINE / PRILOCAINE 2.5% / 2.5% CREAM (IMPAX) (JP)	131
LIDOCAINE / PRILOCAINE CREAM 30GM (JP)	117
LIDOCAINE 5% 50GM (AMNEAL)	78
LIDOCAINE 5% 50GM (AMNEAL) (JP)	119
LIDOCAINE 5% 50GM (GLENMARK)	43
NAPROXEN SODIUM CR 375MG	31
NAPROXEN SODIUM CR 375MG (JP)	29
TRIAMCINALONE ACET SPAY 0.147MG / 1MG 100GM	124
XYZBAC TABLETS	33

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55. In furtherance of his investigation, on or about May 19, 2020 through May 27, 2020, Board Inspector J.F. attempted to contact 9 patients regarding their interactions with Respondent Omega Care Pharmacy. The following Table 5 reflects a summary of the responses received:

**Table 5:**

Patient Name	Date of Interview by Board Inspector J.F.	Patient Received Phone Call from Marketer (Y/N); Explanation	Patient Requested Medications be Sent (Y/N); Explanation	Doctor's Last Name Utilized on Prescription
S.O.	5/19/2020	Y - Caller identified themselves as a nurse; Patient did not recall speaking to doctor	N - Patient brought medications to primary care doctor for advice	Y
M.A.	5/19/2020	Y - Cold call; Patient did not know who she was speaking with; Caller had her insurance information already; Patient was supposedly transferred to doctor	N - Patient tried to send medications back several times and tried calling Pharmacy and got no help in resolving the issue	R
S.W.	5/19/2020	Y - Caller stated they were from a Wellness Center and had Patient's information already; Patient was supposedly transferred to doctor	N - Patient only received one shipment; Patient refused second shipment and reported incident to her insurance company	Y
M.G.	5/27/2020	Unknown	Unknown	B

56. In furtherance of his investigation, in or about May 2020, Board Inspector J.F. researched the prescribers associated with the Pharmacy's prescription documents to validate their contact information and attempted to contact the prescribers regarding their interactions with Respondent Omega Care Pharmacy. The following Table 6 reflects a summary of the physicians listed as the Pharmacy's prescribers and their responses:

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**Table 6:**

Doctor's Last Name	Date of Contact by Board Inspector J.F.	Doctor's Contact Info as Listed by Pharmacy	Internet and/or Doctor Confirmed Contact Info	Doctor's Initial Comments re: Pharmacy Prescriptions	Doctor's Additional Info or Comments re: Pharmacy Prescriptions
Y	5/19/2020	Redding, CA	Santa Monica, CA & Loma Linda, CA	Stated it sounds like someone is fraudulently using his name as those are not his patients and he does not have an office in Redding, CA	Stated he serviced those patients through 24/7 Call-A-Doc; Telemedicine patients
R	5/19/2020	Redding, CA	Clovis, CA	Did not recognize any of the patients, but did participate in telemedicine. Now all patients are in Texas	Confirmed the patients were telemedicine patients
C	5/21/2020; 5/27/2020	Irvine, CA	Irvine, CA	Used to do orthospine, now with a cosmetic group; Did telemedicine with Locum Tenens USA	Did not recognize any of the prescriptions sent for his review
P	5/21/2020	Redding, CA	Cincinnati, OH	Pediatric specialist and does not see or have adult clients; Has participated in some telemedicine but only in surrounding Tri-State area in Ohio	N/A – No further response provided
B	N/A – Retired in 2015; unable to contact	Redding, CA	St. Paul, MN	N/A - Retired in 2015; unable to contact	N/A - Retired in 2015; unable to contact

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1 ***AS TO RESPONDENT OMEGA CARE PHARMACY***

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Failure to Correct Pharmacy Prescription Label – Respondent Omega Care Pharmacy)**

4 57. Respondent Omega Care Pharmacy is subject to disciplinary action under Code  
5 section 4076, subdivision (a)(11)(A), in that on or about February 20, 2019, an inspection at  
6 Respondent Omega Care Pharmacy revealed that the Pharmacy’s prescription medication labels  
7 had not been updated to display the physical description of the dispensed medication in  
8 compliance with an Order of Correction issued during a prior inspection of the Pharmacy on or  
9 about November 29, 2018. Complainant incorporates by reference paragraphs 40-41 and 45  
10 above as though fully set forth herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Unlicensed Off-Site Activity – Respondent Omega Care Pharmacy)**

13 58. Respondent Omega Care Pharmacy is subject to disciplinary action under Code  
14 section 4110, subdivision (a), in that on or about February 20, 2019, an inspection at Respondent  
15 Omega Care Pharmacy revealed that the Pharmacy’s prescription documents were being  
16 processed at an undisclosed off-site location and were being sent via e-mail to Pharmacy staff  
17 members for label printing and dispensing. Complainant incorporates by reference paragraphs  
18 33-39 and 45 above as though fully set forth herein.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Dispensing Prescription Medications from Erroneous or**  
21 **Uncertain Prescriptions – Respondent Omega Care Pharmacy)**

22 59. Respondent Omega Care Pharmacy is subject to disciplinary action under Code  
23 section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16,  
24 section 1761, subdivision (a), in that on or about February 20, 2019, an inspection at Respondent  
25 Omega Care Pharmacy revealed that the Pharmacy dispensed erroneous or uncertain prescriptions  
26 utilizing preprinted multiple check-off prescription blanks that did not indicate the number of  
27 prescriptions authorized by the prescriber and allowed the Pharmacy staff to choose which  
28 medications were dispensed. In addition, the prescriber contact information contained on the



1 preprinted multiple check-off forms did not correspond to the actual contact information for the  
2 prescriber. Complainant incorporates by reference paragraphs 33-39, 45, and 51-56 as though  
3 fully set forth herein.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Utilizing Preprinted Multiple Check-Off Prescription Blanks –**  
6 **Respondent Omega Care Pharmacy)**

7 60. Respondent Omega Care Pharmacy is subject to disciplinary action under Code  
8 section 4301, subdivision (o), in conjunction with California Code of Regulations, title 16,  
9 section 1717.3, subdivision (b), in that on or about February 20, 2019, an inspection at  
10 Respondent Omega Care Pharmacy revealed that the Pharmacy dispensed prescription  
11 medications utilizing preprinted multiple check-off prescription blanks that did not indicate the  
12 number of prescriptions authorized by the prescriber and allowed the Pharmacy staff to choose  
13 which medications were dispensed. Complainant incorporates by reference paragraphs 33-39, 45,  
14 and 51-56 as though fully set forth herein.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Exchanging Medication Inventory with Out of State Pharmacies –**  
17 **Respondent Omega Care Pharmacy)**

18 61. Respondent Omega Care Pharmacy is subject to disciplinary action under Code  
19 sections 4160, subdivision (a), and 4126.5, subdivision (a), in that on or about February 20, 2019,  
20 an inspection at Respondent Omega Care Pharmacy revealed that the Pharmacy was exchanging  
21 medication inventory with other pharmacies located in Texas and Florida, while not licensed by the  
22 Board to act as a wholesaler or third-party logistics provider or to alleviate a temporary shortage.  
23 Complainant incorporates by reference paragraphs 43-45 as though fully set forth herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – Respondent Omega Care Pharmacy)**

26 62. Respondent Omega Care Pharmacy is subject to disciplinary action under Code  
27 sections 4301, on the grounds of unprofessional conduct. Complainant incorporates by reference  
28 paragraphs 33-56 as though fully set forth herein.

1 **AS TO RESPONDENT CADIS**

2 **SEVENTH CAUSE FOR DISCIPLINE**

3 **(Failure to Correct Pharmacy Prescription Label – Respondent Cadis)**

4 63. Respondent Cadis is subject to disciplinary action under Code section 4076,  
5 subdivision (a)(11)(A), in conjunction with Code section 4113, subdivision (c), in that on or about  
6 February 20, 2019, an inspection at Respondent Omega Care Pharmacy, where Respondent Cadis  
7 served as Pharmacist-In-Charge during the relevant period, revealed that the Pharmacy’s  
8 prescription medication labels had not been updated to display the physical description of the  
9 dispensed medication in compliance with an Order of Correction issued during a prior inspection  
10 of the Pharmacy on or about November 29, 2018. Complainant incorporates by reference  
11 paragraphs 40-41 and 45 above as though fully set forth herein.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 **(Unlicensed Off-Site Activity – Respondent Cadis)**

14 64. Respondent Cadis is subject to disciplinary action under Code section 4110,  
15 subdivision (a), in conjunction with Code section 4113, subdivision (c), in that on or about  
16 February 20, 2019, an inspection at Respondent Omega Care Pharmacy, where Respondent Cadis  
17 served as the Pharmacist-In-Charge during the relevant period, revealed that the Pharmacy’s  
18 prescription documents were being processed at an undisclosed off-site location and were being  
19 sent via e-mail to Pharmacy staff members for label printing and dispensing. Complainant  
20 incorporates by reference paragraphs 33-39 and 45 above as though fully set forth herein.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Dispensing Prescription Medications from Erroneous or**  
23 **Uncertain Prescriptions – Respondent Cadis)**

24 65. Respondent Cadis is subject to disciplinary action under Code section 4301,  
25 subdivision (o), in conjunction with Code section 4113, subdivision (c), and California Code of  
26 Regulations, title 16, section 1761, subdivision (a), in that on or about February 20, 2019, an  
27 inspection at Respondent Omega Care Pharmacy, where Respondent Cadis served as the  
28 Pharmacist-In-Charge during the relevant period, revealed that the Pharmacy dispensed erroneous

1 or uncertain prescriptions utilizing preprinted multiple check-off prescription blanks that did not  
2 indicate the number of prescriptions authorized by the prescriber and allowed the Pharmacy staff  
3 to choose which medications were dispensed. In addition, the prescriber contact information  
4 contained on the preprinted multiple check-off forms did not correspond to the actual contact  
5 information for the prescriber. Complainant incorporates by reference paragraphs 33-39, 45, and  
6 51-56 as though fully set forth herein.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(Utilizing Preprinted Multiple Check-Off Prescription Blanks – Respondent Cadis)**

9 66. Respondent Cadis is subject to disciplinary action under Code section 4301,  
10 subdivision (o), in conjunction with Code section 4113, subdivision (c), and California Code of  
11 Regulations, title 16, section 1717.3, subdivision (b), in that on or about February 20, 2019, an  
12 inspection at Respondent Omega Care Pharmacy, where Respondent Cadis served as the  
13 Pharmacist-In-Charge during the relevant period, revealed that the Pharmacy dispensed  
14 prescription medications utilizing preprinted multiple check-off prescription blanks that did not  
15 indicate the number of prescriptions authorized by the prescriber and allowed the Pharmacy staff  
16 to choose which medications were dispensed. Complainant incorporates by reference paragraphs  
17 33-39, 45, and 51-56 as though fully set forth herein.

18 **ELEVENTH CAUSE FOR DISCIPLINE**

19 **(Exchanging Medication Inventory with Out of State Pharmacies – Respondent Cadis)**

20 67. Respondent Cadis is subject to disciplinary action under Code sections 4160,  
21 subdivision (a), and 4126.5, subdivision (a), in conjunction with Code section 4113, subdivision  
22 (c), in that on or about February 20, 2019, an inspection at Respondent Omega Care Pharmacy,  
23 where Respondent Cadis served as the Pharmacist-In-Charge during the relevant period, revealed  
24 that the Pharmacy was exchanging medication inventory with other pharmacies located in Texas  
25 and Florida, while not licensed by the Board to act as a wholesaler or third-party logistics  
26 provider or to alleviate a temporary shortage. Complainant incorporates by reference paragraphs  
27 43-45 as though fully set forth herein.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Respondent Cadis)**

3 68. Respondent Cadis is subject to disciplinary action under Code section 4301, in  
4 conjunction with Code section 4113, subdivision (c), on the grounds of unprofessional conduct.  
5 Complainant incorporates by reference paragraphs 33-56 above as though fully set forth herein.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct Involving Moral Turpitude, Dishonesty, Fraud,  
8 or Deceit – Respondent Cadis)**

9 69. Respondent Cadis is subject to disciplinary action under Code section 4301,  
10 subdivisions (f) and/or (g), in that Respondent Cadis engaged in unprofessional conduct that  
11 involved moral turpitude, dishonesty, fraud, or deceit as follows:

12 a. In connection with a Board inspection of the Pharmacy conducted on November 29,  
13 2018, the Board was provided with an undated written statement of Respondent Cadis that  
14 contained false statement(s), in that Respondent Cadis stated that the prescriptions are received  
15 via e-fax from the prescribers and processed by the Pharmacy, when in actuality the prescriptions  
16 are processed at Respondent Omega Care Pharmacy’s off-site main office location and then e-  
17 mailed to Pharmacy staff members for label printing and dispensing.

18 b. In connection with a Board inspection of the Pharmacy conducted on February 20,  
19 2019, the Board was provided with a written statement of Respondent Cadis, dated March 12,  
20 2019, that contained false statement(s), in that Respondent Cadis stated that the prescriptions are  
21 received via e-fax from the prescribers and processed by the Pharmacy, when in actuality the  
22 prescriptions are processed at Respondent Omega Care Pharmacy’s off-site main office location  
23 and then e-mailed to Pharmacy staff members for label printing and dispensing.

24 Complainant incorporates by reference paragraphs 46 and 48 above as though fully set forth  
25 herein.

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1 ***AS TO RESPONDENT GABALLAH***

2 **FOURTEENTH CAUSE FOR DISCIPLINE**

3 **(Unprofessional Conduct Involving Moral Turpitude, Dishonesty, Fraud,**  
4 **or Deceit – Respondent Gaballah)**

5 70. Respondent Gaballah is subject to disciplinary action under Code section 4301,  
6 subdivisions (f) and/or (g), in that Respondent Gaballah engaged in unprofessional conduct that  
7 involved moral turpitude, dishonesty, fraud, or deceit when, in connection with a Board  
8 inspection of the Pharmacy conducted on February 20, 2019, the Board received a written  
9 statement of Respondent Gaballah, dated March 4, 2019 and signed March 5, 2019, that  
10 contained false statement(s), in that Respondent Gaballah stated that the prescriptions are  
11 received via e-fax or e-script from the prescribers and processed by the Pharmacy, when in  
12 actuality the prescriptions are processed at Respondent Omega Care Pharmacy’s off-site main  
13 office location and then e-mailed to Pharmacy staff members for label printing and dispensing.  
14 Complainant incorporates by reference paragraph 49 above as though fully set forth herein.

15 ***AS TO RESPONDENT TUMIKYAN***

16 **FIFTEENTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct Involving Moral Turpitude, Dishonesty, Fraud,**  
18 **or Deceit – Respondent Tumikyan)**

19 71. Respondent Tumikyan is subject to disciplinary action under Code section 4301,  
20 subdivisions (f) and/or (g), in that Respondent Tumikyan engaged in unprofessional conduct that  
21 involved moral turpitude, dishonesty, fraud, or deceit as follows:

22 a. In connection with a Board inspection of the Pharmacy conducted on November 29,  
23 2018, the Board received an undated written statement of Respondent Tumikyan that contained  
24 false statement(s), in that Respondent Tumikyan stated that the prescriptions are received via e-  
25 fax or e-script from the prescribers and processed by the Pharmacy, when in actuality the  
26 prescriptions are processed at Respondent Omega Care Pharmacy’s off-site main office location  
27 and then e-mailed to Pharmacy staff members for label printing and dispensing.



1 had knowledge of or knowingly participated in any conduct for which the licensee was  
2 disciplined, Emil Burnazyan, George Mikaelian, and/or Ken Luna shall be prohibited from  
3 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
4 licensee for five years if Pharmacy Permit Number PHY 53936 is placed on probation or until  
5 Pharmacy Permit Number PHY 53936 is reinstated if it is revoked.

6 76. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License  
7 Number RPH 24126, issued to Charles I. Cadis, Respondent Cadis shall be prohibited from  
8 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
9 licensee for five years if Pharmacist License Number RPH 24126 is placed on probation or until  
10 Pharmacist License Number RPH 24126 is reinstated if it is revoked.

11 77. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License  
12 Number RPH 78021, issued to Nancy Naguib R. Gaballah, Respondent Gaballah shall be  
13 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
14 or partner of a licensee for five years if Pharmacist License Number RPH 78021 is placed on  
15 probation or until Pharmacist License Number RPH 78021 is reinstated if it is revoked.

16 78. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician  
17 Registration Number TCH 138086, issued to Varduhi Tumikyan, Respondent Tumikyan shall be  
18 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
19 or partner of a licensee for five years if Pharmacy Technician Registration Number TCH 138086  
20 is placed on probation or until Pharmacy Technician Registration Number TCH 138086 is  
21 reinstated if it is revoked.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Permit Number PHY 53936, issued to Omega  
26 Care Pharmacy Inc., dba Omega Care Pharmacy;

27 2. Revoking or suspending Pharmacist License Number RPH 24126, issued to Charles I.  
28 Cadis;

1           3.     Revoking or suspending Pharmacist License Number RPH 78021, issued to Nancy  
2 Naguib R. Gaballah;

3           4.     Revoking or suspending Pharmacy Technician Registration Number TCH 138086,  
4 issued to Varduhi Tumikyan;

5           5.     Prohibiting Omega Care Pharmacy Inc., dba Omega Care Pharmacy, from serving as  
6 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
7 five years if Pharmacy Permit Number PHY 53936 is placed on probation or until Pharmacy  
8 Permit Number PHY 53936 is reinstated if it is revoked;

9           6.     Prohibiting Emil Burnazyan, George Mikaelian, and/or Ken Luna from serving as a  
10 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
11 five years if Pharmacy Permit Number PHY 53936 is placed on probation or until Pharmacy  
12 Permit Number PHY 53936 is reinstated if it is revoked;

13          7.     Prohibiting Charles I. Cadis from serving as a manager, administrator, owner,  
14 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License  
15 Number RPH 24126 is placed on probation or until Pharmacist License Number RPH 24126 is  
16 reinstated if it is revoked;

17          8.     Prohibiting Nancy Naguib R. Gaballah from serving as a manager, administrator,  
18 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist  
19 License Number RPH 78021 is placed on probation or until Pharmacist License Number RPH  
20 78021 is reinstated if it is revoked;

21          9.     Prohibiting Varduhi Tumikyan from serving as a manager, administrator, owner,  
22 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician  
23 Registration Number TCH 138086 is placed on probation or until Pharmacy Technician  
24 Registration Number TCH 138086 is reinstated if it is revoked;

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10. Ordering Omega Care Pharmacy, Charles I. Cadis, Nancy Naguib R. Gaballah and Varduhi Tumikyan 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,

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

DATED: 11/23/2020 \_\_\_\_\_

Signature on File  
\_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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