

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

In the Matter of the Accusation Against:

Case No. 6460

**RX 911 PHARMACY, INC. dba RX 911
PHARMACY, ALEK TOROSYAN,
PRES/CEO/SEC/TREAS/CFO
721 E. Broadway Boulevard, Suite B
Glendale, CA 91205**

Pharmacy Permit No. PHY 55412

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 January 23, 2020.

It is so ORDERED on December 24, 2019.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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11 In the Matter of the Accusation Against:

Case No. 6460

12 **RX 911 PHARMACY, INC.**
dba RX 911 PHARMACY,
13 **ALEK TOROSYAN,**
PRES/CEO/SEC/TREAS/CFO
14 721 E. Broadway Boulevard, Suite B
Glendale, CA 91205

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Permit No. PHY 55412**

16
17 Respondent.
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19 *IT IS HEREBY STIPULATED AND AGREED* by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

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

26 2. Rx Pharmacy, Inc., dba Rx 911 Pharmacy, Alek Torosyan (Respondent) is
27 represented in this proceeding by attorney Herb L. Weinberg, Pharm.D., Senior Counsel, whose
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1 address is: Fenton Law Group, LLP, 1990 S. Bundy Drive, Suite 77, Los Angeles, CA 90025,
2 310-444-5244.

3 3. On or about February 15, 2017, the Board issued Pharmacy Permit No. PHY 55412 to
4 Respondent. The Permit was in full force and effect at all times relevant to the charges brought in
5 Accusation No. 6460, but expired on December 31, 2018, and has not been renewed.

6 **JURISDICTION**

7 4. Accusation No. 6460 was filed before the (Board), and is currently pending against
8 Respondent. The Accusation and all other statutorily required documents were properly served
9 on Respondent on September 19, 2018. Respondent timely filed its Notice of Defense contesting
10 the Accusation. A copy of Accusation No. 6460 is attached as Exhibit A, and incorporated by
11 reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 6460. Respondent also has carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
16 Order.

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

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

25 **CULPABILITY**

26 8. Respondent admits the truth of each and every charge and allegation in Accusation
27 No. 6460, agrees that cause exists for discipline and hereby surrenders its Permit No. PHY 55412
28 for the Board's formal acceptance.

1 1. Respondent owner surrenders license number PHY 55412 as of the effective date of
2 this decision. Respondent owner shall relinquish the premises wall license and renewal license to
3 the board within ten (10) days of the effective date of this decision.

4 2. The surrender of respondent's license and the acceptance of the surrendered license by
5 the board shall constitute the imposition of discipline against respondent. This decision
6 constitutes a record of discipline and shall become a part of respondent's license history with the
7 board.

8 3. Respondent owner shall, within ten (10) days of the effective date, arrange for the
9 destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled
10 substances and dangerous drugs and devices. Respondent owner shall further provide written
11 proof of such disposition and submit a completed Discontinuance of Business form according to
12 board guidelines.

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

23 5. Respondent owner understands and agrees that if he ever files an application for a
24 licensed premises or a petition for reinstatement in the State of California, the board shall treat it
25 as a new application for licensure.

26 6. Respondent owner may not reapply for any license from the board for three (3) years
27 from the effective date of this decision. Respondent owner stipulates that should he or she apply
28 for any license from the board on or after the effective date of this decision, all allegations set

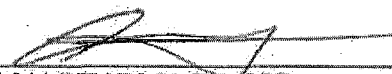
1 forth in the Accusation shall be deemed to be true, correct and admitted by respondent when the
2 board determines whether to grant or deny the application. Respondent shall satisfy all
3 requirements applicable to that license as of the date the application is submitted to the board.
4 Respondent is required to report this surrender as disciplinary action.

5 7. Respondent owner stipulates that should he apply for any license from the board on or
6 after the effective date of this decision the investigation and prosecution costs in the amount of
7 \$8,328.50 shall be paid to the board prior to issuance of the new license.

8 ACCEPTANCE

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

14
15 DATED: 09/19/2019


16 RX 911 PHARMACY, INC.
17 dba RX 911 PHARMACY
18 ALEK TOROSYAN, PRES/CEO/
19 SEC/TREAS/CFO
20 Respondent

21 I have read and fully discussed with Respondent Rx 911 Pharmacy, Inc., dba Rx 911
22 Pharmacy, Alek Torosyan, the terms and conditions and other matters contained in this Stipulated
23 Surrender of License and Order. I approve its form and content.

24 DATED: 9/19/2019


25 HERB L. WEINBERG, Pharm. D
26 Attorney for Respondent

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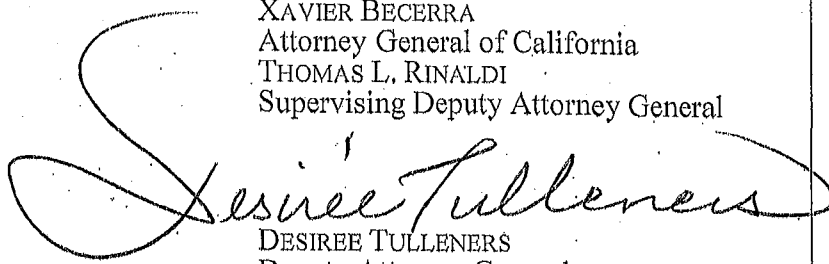
ENDORSEMENT

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: 9/30/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 6460

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DESIREE TULLENERS
Deputy Attorney General
4 State Bar No. 157464
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TREAS/CFO
14 721 E. Broadway Boulevard, Suite B
Glendale, CA 91205

A C C U S A T I O N

15 **Pharmacy Permit No. PHY 55412**

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about February 15, 2017, the Board of Pharmacy ("Board") issued Pharmacy
23 Permit Number PHY 55412 to Rx 911 Pharmacy Inc. dba Rx 911 Pharmacy, Alek Torosyan,
24 President, Chief Executive Officer, Secretary, Treasurer, Chief Financial Officer (Respondent).

25 The Permit was in full force and effect at all times relevant to the charges brought herein, and will
26 expire on February 1, 2019, unless renewed.

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28 ///

JURISDICTION

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

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

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

7 5. Section 118, subdivision (b), of the Code provides that the expiration of a license
8 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
9 within which the license may be renewed, restored, reissued or reinstated.

10 6. Section 4300.1 of the Code states:

11 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
12 operation of law or by order or decision of the board or a court of law, the placement of a license
13 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
14 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
15 proceeding against, the licensee or to render a decision suspending or revoking the license."

16 7. Section 4312 of the Code provides, in pertinent part:

17 "(a) The board may cancel the license of a . . . pharmacy . . . if the licensed premises
18 remain closed, as defined in subdivision (e), other than by order of the board. For good cause
19 shown, the board may cancel a license after a shorter period of closure. To cancel a license
20 pursuant to this subdivision, the board shall make a diligent, good faith effort to give notice by
21 personal service on the licensee. If a written objection is not received within 10 days after
22 personal service is made or a diligent, good faith effort to give notice by personal service on the
23 licensee has failed, the board may cancel the license without the necessity of a hearing. If the
24 licensee files a written objection, the board shall file an accusation based on the licensee
25 remaining closed. Proceedings shall be conducted in accordance with Chapter 5 (commencing
26 with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code , and the board
27 shall have all the powers granted in that chapter."

28

1 “(e) For the purposes of this section, “closed” means not engaged in the ordinary activity
2 for which a license has been issued for at least one day each calendar week during any 120-day
3 period.”

4 COST RECOVERY

5 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 CAUSE FOR DISCIPLINE

10 *(Voiding License of Entity Remaining Closed)*

11 9. Respondent is subject to disciplinary action under section 4312, subdivisions (a) and
12 (e), in that it remained closed, other than by order of the board, and did not engage in the ordinary
13 activity for which the license had been issued for at least one calendar day during any 120-day
14 period since the license was issued. The circumstances are as follows:

15 a. On February 15, 2017, the Board issued Pharmacy Permit No. PHY 55412 to
16 Respondent;

17 b. Between on or about January 2, 2018, and January 22, 2018, a Board inspector
18 investigated Respondent’s premises located at 721 E. Broadway Boulevard, Suite B, Glendale,
19 California, 91205, and found that Respondent remained closed and had not opened for business
20 since the license was issued.

21 c. On January 11, 2018, a Board inspector issued and personally served a written notice
22 of non-compliance pursuant to section 4312 on Respondent. Respondent signed the written
23 notice; and

24 d. On January 17, 2018, the Board inspector received an email letter from Respondent’s
25 attorney requesting that the Board not terminate the pharmacy permit.

26 PRAYER

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

- 1 1. Revoking or suspending Pharmacy Permit Number PHY 55412, issued to Rx 911
2 Pharmacy Inc. dba Rx 911 Pharmacy, Alek Torosyan, President, Chief Executive Officer,
3 Secretary, Treasurer, Chief Financial Officer;
4 2. Ordering Rx 911 Pharmacy Inc. dba Rx 911 Pharmacy, Alek Torosyan, President,
5 Chief Executive Officer, Secretary, Treasurer, Chief Financial Officer, to pay the Board of
6 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
7 Business and Professions Code section 125.3; and,
8 3. Taking such other and further action as deemed necessary and proper.

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DATED: 9/10/18 Virginia Herold

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant