

1 98-0010-HO

2 BEFORE THE ARIZONA STATE BOARD OF PHARMACY

3 In the Matter of:)
4 GOHARSHAD BANI)
Certificate of Registration)
5 Number 10400)

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND BOARD ORDER

NO. 98-0010-PHR

COPY

7 DIRECTED TO: GOHARSHAD BANI
13970 N. 102nd Street
8 Scottsdale, AZ 85260

9 Pursuant to Notice of Hearing Number 98-0010-PHR ("Notice") this
10 matter came before the Arizona State Board of Pharmacy ("Board") on
11 July 9, 1998.

12 Daniel J. Jacob, president, presided with Natalie Spencer, Vice
13 President, members Susan V. Ford, Gerald G. Ritt, Dennis K.
14 McAllister, and Eugene Drake in attendance.

15 The State was represented by the Office of the Attorney General,
16 Michael Harrison, Assistant Attorney General, Licensing and
17 Enforcement Section.

18 The respondent GOHARSHAD BANI was not present and was not
19 represented by counsel.

20 The Board, after consideration of the evidence and testimony
21 presented, hereby makes the following Findings of Fact and
22 Conclusions of Law.

23 FINDINGS OF FACT

24 I

25 1. GOHARSHAD BANI is the holder of Certificate of Registration
26 Number 10400 issued by the Arizona State Board of Pharmacy which

1 permits the holder to practice pharmacy in the State of Arizona.
2 GOHARSHAD BANI was employed as pharmacist in charge, as defined in
3 A.R.S. § 32-1901.55, at Sunwest Pharmacy, located at 5757 W.
4 Thunderbird, Glendale, between the dates of January 1st, 1997 and
5 April 6, 1998.

6 2. Notice of the Board's amended Notice of Hearing in this matter
7 was mailed to GOHARSHAD BANI by U.S. certified mail to her last known
8 address of record with the Board. The U.S. mail receipt and the
9 Board's envelope containing the amended Notice of Hearing were later
10 returned unopened to the Board without a signature of receipt.

11 3. The evidence and testimony presented in this matter sustained
12 the factual allegations in Paragraphs IV of the Notice. The Board
13 finds that:

14 That GOHARSHAD BANI reported to insurers that a prescription only
15 drug was dispensed on sixteen occasions even though it was not
16 dispensed. This conduct constituted either a negligent act or
17 fraudulent claim for service by GOHARSHAD BANI.

18 Further, GOHARSHAD BANI, as pharmacist in charge of Sunwest
19 Pharmacy closed the pharmacy on or about April 6, 1998 without
20 providing notice to the Board of Pharmacy or the Drug Enforcement
21 Administration (DEA).

22 CONCLUSIONS OF LAW

23 II

24 1. The Board has jurisdiction in this matter pursuant to A.R.S.
25 § 32-1927 (A)(8), (10), and A.R.S. § 32-1927 (B)(3)(d).

26 2. Service of the Board's amended Notice of Hearing was properly

1 made in compliance with the Board's Administrative Rule A.A.C. § R4-
2 23-195; and, therefore the Board has the authority to decide this
3 matter notwithstanding GOHARSHAD BANI's failure to appear and defend
4 against the allegations.

5 3. The conduct alleged and sustained in Paragraphs IV of the
6 Notice constitutes violations of A.R.S. § 32-1927 (A)(8), (10), A.R.S.
7 § 32-1927 (B)(3)(d) and A.A.C. § R4-23-606(L) .

8 ORDER

9 III

10 Based on the Findings of Fact and Conclusions of Law, the
11 Certificate of Registration Number 10400 issued to GOHARSHAD BANI is
12 hereby revoked.

13 GOHARSHAD BANI is hereby notified that she has a right to
14 petition this Board for a rehearing or review of this decision within
15 fifteen (15) days after the receipt of this Order pursuant to A.A.C.
16 R4-23-109(D). Receipt is considered effective upon the date of
17 mailing. A request for a rehearing or review of this decision shall be
18 in writing and satisfy the prerequisites in A.R.S. R4-23-109(D).

19 DATED this 9th day of July, 1998

20
21 ARIZONA STATE BOARD OF PHARMACY

22
23
24 SEAL

BY *Llyn A. Lloyd*

Llyn A. Lloyd
Executive Director

1 Copies of the foregoing Finding
2 of Fact, Conclusions of Law and
3 Board Order sent by Certified Mail
4 this 14th day of July, 1998 to:

4 GOHARSHAD BANI
5 13970 N. 102nd Street
6 Scottsdale, AZ 85260

6 and by Courier Mail to:

7 Michael Harrison
8 Assistant Attorney General
9 Office of the Attorney General
10 1275 W. Washington
11 Phoenix, AZ 85007
12 Attorney for the State

11 and

12 Terri Skladany
13 Assistant Attorney General
14 Solicitor General's Office
15 1275 W. Washington
16 Phoenix, AZ 85007