STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene
Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D. Secretary

MARYLAND BOARD OF PHARMACY
4201 Patterson Avenue• Baltimore, Maryland 21215-2299
Michael N. Souranis, Board President - LaVerne G. Naesea, Executive Director

VIA REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED
ARTICLE #7010 2780 001 4229 3635

October 19, 2010

Kamran Agha-Amiri
110 S. Garfield Street
Arlington, VA 22204

Re: Final Order of Denial
Case No. 11-095

Dear Mr. Agha-Amiri:

On June 18, 2011, the Board of Pharmacy issued you a Notice of Intent to Deny your Application for licensure as a pharmacist in the State of Maryland. You were advised that, unless you requested a hearing in writing within 30 days of receipt of the Notice, the Board would sign the Order of Denial enclosed therein.

Inasmuch as you have failed to timely request a hearing, the enclosed Order of Denial is Final.

Sincerely,

Michael N. Souranis, PD, President
Board of Pharmacy

Enclosure (copy to all ccs)
Cc: John Nugent, Principal Counsel
Roberta Gill, AAG, Administrative Prosecutor
Linda Bethman, AAG, Board Counsel
Brett Felter, Staff Attorney, Board Counsel
LaVerne G. Naesea, Executive Director
Rosalind Spellman, Administrative Officer
YuZon Wu, Pharmacist Compliance Officer
Vanessa Thomas-Gray, Compliance Investigator

IN THE MATTER OF	*	**BEFORE THE**
KAMRAN AGHA-AMIRI, P.D.	*	**STATE BOARD OF**
PHARMACIST APPLICANT	*	**PHARMACY**
	*	**Case No.: 11-095**

* * * * * * * * * * * *

FINAL ORDER OF DENIAL OF PHARMACIST LICENSE

BACKGROUND

On or about March 10, 2010, the State Board of Pharmacy (the "Board"), received information that the Applicant, Kamran Agha-Amiri, answered "YES" to Question C. of the Board's application for licensure which asks: "Are there any outstanding complaints, investigations or charges pending against you in any State by any Licensing or Disciplinary Board, or a comparable body in the Armed Services. If yes, provide an explanation." The Applicant wrote: "Some allegations were bought (sic) up that by technician that I have partially disposed of CII Rx, hower (sic) they were baseless, because I can do that in emergency cases." To Questions A, B, D, E, F, G, & H, the Applicant answered "No", though some of those responses were false, as will be shown as follows. The Applicant also indicated "NO" to Question 2 on Page 3 of 6, in response to, "Has your pharmacist license in any jurisdiction ever been revoked, suspended restricted, terminated, or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" That answer was also false.

Accordingly, the Board, by a majority of its fully authorized membership, voted to initially deny the Applicant's application for a pharmacy license.

On May 18, 2011, the Applicant was advised of the Notice of Intent and informed that he had 30 days to file a written request for a hearing. The Applicant failed to do so.

Accordingly, the Board issues this Final Order, pursuant to the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") § 12-101 (2009 Repl. Vol.), *et seq.*, denying the Applicant's application for licensure for violation of the following provisions of the Act.

§ 12-313. Denials, reprimands, suspensions, and revocations - Grounds.

(b) In general.- Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

> (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
>
> (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[;].

The grounds for disciplinary action under the Board's Act are as follows:

> (2) Fraudulently or deceptively uses a license;
>
> (7) Willfully makes or files a false report or record as part of practicing pharmacy;
>
> (8) Willfully fails to file or record any report that is required by law;
>
> (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber [;].

The Board further denied the Applicant a license based upon the following:

§ 12-302. Qualifications of applicants.

(a) In general. - To qualify for a license, an applicant shall be an individual who meets the requirements of this section.

(b) Moral character.- The applicant shall be of good moral character.

FINDING OF FACT

The Board bases its decision to initially deny the licensure on the foregoing reasons which the Board has reason to believe are true:

1. By document dated March 10, 2010, the Applicant submitted an application to the Board to become a licensed pharmacist in Maryland.

2. The Applicant answered "yes" to question C. of the application which asks: "Are there any outstanding complaints, investigations or charges pending against you in any State by any Licensing or Disciplinary Board, or a comparable body in the Armed Services. If yes, provide an explanation." The Applicant wrote: "Some allegations were bought (sic) up by technician that I have partially disposed of CII Rx, hower (sic) they were baseless, because I can do that in emergency cases."

3. The Applicant answered "No" to Question A of the application which asks "Has any State Licensing or Disciplinary Board or comparable body in the Armed Service, denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation? If yes, explain and attach a copy of the relevant document." This was a false answer in that the Applicant was disciplined twice by the Virginia Board as follows: On April 19, 2010, the Respondent was sanctioned $250 for failure to obtain the

requisite Continuing Education Units needed for renewal of his Virginia pharmacist renewal. In addition, on April 1, 2010, the Applicant was reprimanded and a monetary penalty of $1800 was imposed on him by the Virginia Board for filling prescriptions for two patients for fentanyl citrate and Oxycontin in a manner not prescribed and billing the insurers improperly, in essence, falsifying dispensing records.

4. In the Professional History portion of the application, Question 2 asks "Has your pharmacist license in any jurisdiction ever been revoked, suspended, restricted, terminated or otherwise been subject to disciplinary action (public or private) by any board of pharmacy or other state authority?" The Applicant answered "no"; however, the Applicant was disciplined twice by the Virginia Board as follows: On April 19, 2010, the Respondent was sanctioned $250 for failure to obtain the requisite Continuing Education Units needed for renewal of his Virginia pharmacist renewal. In addition, on April 1, 2010, the Applicant was reprimanded and a monetary penalty of $1800 was imposed on him by the Virginia Board for filling prescriptions for two patients for fentanyl citrate and Oxycontin in a manner not prescribed and billing the insurers improperly, in essence, falsifying dispensing records. The Applicant forged prescriptions and altered pharmacy records.

5. As set forth above, the Applicant lacks the moral qualification for licensure in Maryland.

6. As set forth above, the Applicant violated the Act, and his application should be denied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of October, 2011, hereby ORDERED that the application for licensure as a pharmacist of Kamran Agha-Amiri, P.D., is hereby **DENIED**.

It is further ORDERED that this Final Order shall be a public document, pursuant to Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, et seq., (2009 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

October 19, 2011
Date

Michael N. Souranis, P.D., President
Board of Pharmacy