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

10 In the Matter of the Accusation Against:

Case No. 5688

11 **PACIFIC PLAZA PHARMACY INC.,**
12 **NADIA A. ANDRAWES, PIC, NAGI M.**
13 **YOUSSEF, PRESIDENT, OWNER, SOLE**
SHAREHOLDER
14 **2777 Pacific Ave., Ste. A**
Long Beach, CA 90806
15 **Pharmacy Permit License No. PHY 44905,**

A C C U S A T I O N

16 **NADIA A. ANDRAWES**
17 **6490 Surry Drive**
Long Beach, CA 90815
18 **Registered Pharmacist No. RPH 42542,**

19 **NAGI M. YOUSSEF**
20 **275 S. San Gabriel Blvd.,**
Pasadena, CA 91107-4893
21 **Pharmacy Technician No. TCH 30442,**

Respondents.

22 Complainant alleges:

23 **PARTIES**

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

26 2. On or about August 15, 2000, the Board of Pharmacy ("Board") issued Pharmacy
27 Permit License Number PHY 44905 to Pacific Plaza Pharmacy Inc., Nadia A. Andrawes,
28 pharmacist in charge ("PIC"), Nagi M. Youssef, President, owner, and sole shareholder ("Pacific

1 Plaza Pharmacy”). The Pharmacy Permit License was in full force and effect at all times relevant
2 to the charges brought herein and will expire on August 1, 2017, unless renewed.

3 3. On or about April 14, 1989, the Board issued Registered Pharmacist License Number
4 RPH 42542 to Nadia A. Andrawes (“Andrawes”). The Registered Pharmacist License was in full
5 force and effect at all times relevant to the charges brought herein and will expire on August 31,
6 2018, unless renewed. Andrawes has been the PIC of Pacific Plaza Pharmacy from September
7 18, 2006, to the present.

8 4. On or about August 24, 1999, the Board issued Pharmacy Technician License
9 Number TCH 30442 to Nagi M. Youssef (“Youssef”). The Pharmacy Technician License was in
10 full force and effect at all times relevant to the charges brought herein and will expire on October
11 31, 2016, unless renewed. Youssef has been the president and sole shareholder of Pacific Plaza
12 Pharmacy from August 15, 2000, to the present.

13 JURISDICTION

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

17 6. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
18 surrender, or cancellation of a license shall not deprive the Board, Registrar, or Director of
19 jurisdiction to proceed with a disciplinary action during the period within which the license may
20 be renewed, restored, reissued or reinstated.

21 STATUTORY PROVISIONS

22 7. Section 4059.5 of the Code provides, in pertinent part, that:

23 “(a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices
24 may only be ordered by an entity licensed by the board and shall be delivered to the licensed
25 premises and signed for and received by a pharmacist. Where a licensee is permitted to operate
26 through a designated representative, the designated representative shall sign for and receive the
27 delivery. . . .”

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1 8. Section 4301 of the Code provides, in pertinent part, that:

2 “The board shall take action against any holder of a license who is guilty of unprofessional
3 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

4 Unprofessional conduct shall include, but is not limited to, any of the following:

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

8 9. Section 4307 of the Code provides, in pertinent part, that:

9 “(a) Any person who has been denied a license or whose license has been revoked or is
10 under suspension, or who has failed to renew his or her license while it was under suspension, or
11 who has been a manager, administrator, owner, member, officer, director, associate, or partner of
12 any partnership, corporation, firm, or association whose application for a license has been denied
13 or revoked, is under suspension or has been placed on probation, and while acting as the manager,
14 administrator, owner, member, officer, director, associate, or partner had knowledge of or
15 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
16 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee as follows:

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

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

22 “(b) ‘Manager, administrator, owner, member, officer, director, associate, or partner,’ as
23 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
24 in that capacity in or for a licensee. . . .”

25 10. Section 11153.5 of the Health and Safety Code provides, in pertinent part, that:

26 “(a) No wholesaler or manufacturer, or agent or employee of a wholesaler or manufacturer,
27 shall furnish controlled substances for other than legitimate medical purposes.

28

1 “(c) Factors to be considered in determining whether a wholesaler or manufacturer, or
2 agent or employee of a wholesaler or manufacturer, furnished controlled substances knowing or
3 having a conscious disregard for the fact that the controlled substances are for other than
4 legitimate medical purposes shall include, but not be limited to, whether the use of controlled
5 substances was for purposes of increasing athletic ability or performance, the amount of
6 controlled substances furnished, the previous ordering pattern of the customer (including size and
7 frequency of orders), the type and size of the customer, and where and to whom the customer
8 distributes the product.”

9 11. Section 11162.1 of the Health and Safety Code provides, in pertinent part, that:

10 “(a) The prescription forms for controlled substances shall be printed with the following
11 features:

12 “(1) A latent, repetitive ‘void’ pattern shall be printed across the entire front of the
13 prescription blank; if a prescription is scanned or photocopied, the word ‘void’ shall appear in a
14 pattern across the entire front of the prescription.

15 “(2) A watermark shall be printed on the backside of the prescription blank; the
16 watermark shall consist of the words ‘California Security Prescription.’

17

18 “(4) A feature printed in thermochromic ink. . . .”

19 12. Section 11164 of the Health and Safety Code provides, in pertinent part, that:

20 “Except as provided in Section 11167, no person shall prescribe a controlled substance, nor
21 shall any person fill, compound, or dispense a prescription for a controlled substance, unless it
22 complies with the requirements of this section.

23 “(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V,
24 except as authorized by subdivision (b), shall be made on a controlled substance prescription form
25 as specified in Section 11162.1 and shall meet the following requirements:

26 “(1) The prescription shall be signed and dated by the prescriber in ink”

27 13. Section 11170 of the Health and Safety Code provides that “No person shall
28 prescribe, administer, or furnish a controlled substance for himself.”

1 18. Alprazolam, which is the generic name for the brand name Xanax, is a Schedule IV
2 controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(1),
3 and a dangerous drug according to Business and Professions Code section 4022. It is used to treat
4 anxiety.

5 19. Carisoprodol is a Schedule IV controlled substance as designated by Code of Federal
6 Regulations, title 21, section 1308.14, subdivision (c)(6), and a dangerous drug according to
7 Business and Professions Code section 4022. It is used to treat muscle spasms.

8 20. Clonazepam, which is the generic name for the brand name Klonopin and a member
9 of a class of drug known as benzodiazepines, is a Schedule IV controlled substance as defined in
10 Health and Safety Code section 11057, subdivision (d)(7), and a dangerous drug according to
11 Business and Professions Code section 4022. It is used to treat anxiety.

12 21. Diazepam, which is the generic name for the brand name Valium and is a
13 benzodiazepam derivative, is a Schedule IV controlled substance as designated by Health and
14 Safety Code section 11057, subdivision (d)(9), and a dangerous drug according to Business and
15 Professions Code section 4022. It is used to treat anxiety.

16 22. Hydrocodone-Acetaminophen, which is the generic name for the brand names Norco
17 (5mg/325mg, 7.5mg/325mg, 10mg/325mg) or Vicodin (7.5mg/750mg), is a Schedule II
18 controlled substance as designed by Code of Federal Regulations, title 21, section 1308, a
19 Schedule III controlled substance as designated by Health and Safety Code section 11056,
20 subdivision (e)(4), and a dangerous drug according to Business and Professions Code section
21 4022.

22 23. Phentermine, which is the generic name for the brand names of Adipex and Fastin, is
23 a Schedule IV controlled substance as designated by Health and Safety Code section 11057,
24 subdivision (f)(4), and a dangerous drug according to Business and Professions Code section
25 4022.

26 24. Promethazine-Codeine, is a Schedule V controlled substance as designated by Health
27 and Safety Code section 11058, subdivision (c)(1), and a dangerous drug according to Business
28 and Professions Code section 4022.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **Against Respondent Pacific Plaza Pharmacy**

3 **(Operational Standards and Security)**

4 25. Respondent Pacific Plaza Pharmacy is subject to disciplinary action under California
5 Code of Regulations, title 16, section 1714, subdivision (b), on the grounds that it failed to
6 maintain effective control of the security of the prescription department against theft or loss of
7 controlled substances and dangerous drugs.

8 26. The circumstances of the violation are that, in between March 4, 2013, and February
9 18, 2015, Respondents Pacific Plaza Pharmacy, Andrawes, as the pharmacist in charge, and
10 Youssef, as the President and sole shareholder of Pacific Plaza Pharmacy, failed to properly
11 account for the loss of the following controlled substances:

12 Acetaminophen-Codeine #4 300mg/60mg – 10,295 tablets

13 Alprazolam 1mg – 100 tablets

14 Alprazolam 2mg – 35,450 tablets

15 Carisoprodol 350mg – 41,655 tablets

16 Clonazepam 2mg – 511 tablets

17 Diazepam 10mg – 2,232 tablets

18 Hydrocodone-Acetaminophen 5mg/325mg – 3,899 tablets

19 Hydrocodone-Acetaminophen 7.5mg/325mg – 42,453 tablets

20 Hydrocodone-Acetaminophen 7.5mg/750mg – 19,234 tablets

21 Hydrocodone-Acetaminophen 10mg/325mg – 119,182 tablets

22 Promethazine-Codeine 10mg-6.25mg/5mL – 333,717

23 **SECOND CAUSE FOR DISCIPLINE**

24 **Against Respondents Andrawes and Youssef**

25 **(Operational Standards and Security)**

26 27. Respondents Andrawes, and Youssef are subject to disciplinary action under
27 California Code of Regulations, title 16, section 1714, subdivision (d), on the grounds that they
28 failed to maintain effective control of the security of the prescription department against theft or

1 loss of controlled substances and dangerous drugs. Complainant refers to and hereby expressly
2 incorporates the allegations set forth in paragraph 26, above, as through fully set forth herein.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **Against Respondents Pacific Plaza Pharmacy and Andrawes**

5 **(Delivery of Dangerous Drugs and Devices)**

6 28. Respondents Pacific Plaza Pharmacy and Andrawes are subject to disciplinary action
7 under Code section 4059.5, subdivision (a), on the grounds that, dangerous drugs or devices were
8 not delivered to and received by a licensed pharmacist or a designated representative as required.

9 29. The circumstances of the violation are that, in between December 5, 2014, and
10 January 20, 2015, dangerous drugs were shipped via FedEx from APIRX in Memphis, Tennessee,
11 to Pacific Plaza Pharmacy in Long Beach, California, and on approximately 17 occasions the
12 person who signed for and received delivery of those drugs at Pacific Plaza Pharmacy was not a
13 pharmacist or a designated representative.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **Against Respondents Pacific Plaza Pharmacy and Andrawes**

16 **(Required Forms for Controlled Substance Prescriptions)**

17 30. Respondents Pacific Plaza Pharmacy and Andrawes are subject to disciplinary action
18 under Health and Safety Code sections 11162.1, subdivision (a), and 11164 on the grounds that a
19 number of prescriptions for controlled substances were filled but should not have been due to the
20 fact that they were provided on nonconforming prescription forms.

21 31. Specifically, on or around February 13, 17, 23, and 24, 2015, Andrawes filled at least
22 five prescriptions for controlled substances even though they were printed on plain white paper
23 and/or were not signed and dated by the prescriber in ink as required.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **Against Respondents Pacific Plaza Pharmacy and Andrawes**

26 **(Prohibition of Prescribing Controlled Substance for Self)**

27 32. Respondents Pacific Plaza Pharmacy and Andrawes are subject to disciplinary action
28 under Health and Safety Code sections 11170 and 11171 on the grounds that a prescription for a

1 controlled substance was improperly filled when both the prescriber and patient were the same
2 person.

3 33. Specifically, on or around December 18, 2014, Andrawes filled a prescription for
4 Phentermine 37.5mg, a controlled substance, for Patient JA. The prescription, however, was
5 made out by Patient JA in his capacity as Doctor JA. Andrawes admitted that she knew that
6 Patient JA and Doctor JA were the same person.

7 **SIXTH CAUSE FOR DISCIPLINE**

8 **Against Respondent Andrawes**

9 **(Unprofessional Conduct)**

10 34. Respondent Andrawes is subject to disciplinary action under Code section 4301,
11 subdivision (f), on the grounds of unprofessional conduct, including the commission of any act
12 involving moral turpitude, dishonesty, fraud, deceit, or corruption.

13 35. The circumstances of the violation are that, on or around March 6, 2015, during an
14 inspection of Respondent Pacific Plaza Pharmacy, Andrawes admitted that she ordered Schedule
15 II controlled substances on numerous occasions, without having power of attorney to do so until
16 March 3, 2015, by using the name and signature of Respondent Youssef, as the owner of Pacific
17 Plaza Pharmacy, on controlled substance order forms.

18 **OTHER MATTERS**

19 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit License
20 No. PHY 44905 issued to Respondent Pacific Plaza Pharmacy, Inc., then Respondents Andrawes
21 and Youssef shall be prohibited from serving as managers, administrators, owners, members,
22 officers, directors, associates, or partners of a licensee for five years if Pharmacy Permit License
23 No. PHY 44905 is placed on probation or until Pharmacy Permit License No. PHY 44905 is
24 reinstated if it is revoked.

25 37. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit License
26 No. PHY 44905 issued to Respondent Pacific Plaza Pharmacy, Inc., while Respondents Andrawes
27 and/or Youssef have been managers, administrators, owners, members, officers, directors,
28 associates, or partners, and Respondents Andrawes and/or Youssef had knowledge of or

1 knowingly participated in any conduct for which Respondent Pacific Plaza Pharmacy, Inc., was
2 disciplined, then Respondents Andrawes and Youssef shall be prohibited from as managers,
3 administrators, owners, members, officers, directors, associates, or partners of a licensee for five
4 years if Pharmacy Permit License No. PHY 44905 is placed on probation or until Pharmacy
5 Permit License No. PHY 44905 is reinstated if it is revoked.

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Permit License Number PHY 44905, issued to
10 Pacific Plaza Pharmacy Inc., Nadia A. Andrawes, PIC, Nagi M. Youssef, President, owner, and
11 sole shareholder;
- 12 2. Revoking or suspending Registered Pharmacist License Number RPH 42542, issued
13 to Nadia A. Andrawes;
- 14 3. Revoking or suspending Pharmacy Technician License Number TCH 30442, issued to
15 Nagi M. Youssef;
- 16 4. Prohibiting Nadia A. Andrawes from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
18 License No. PHY 44905 is placed on probation or until Pharmacy Permit License No. PHY 44905
19 is reinstated if Pharmacy Permit License No. PHY 44905 issued to Pacific Plaza Pharmacy Inc., is
20 revoked;
- 21 5. Prohibiting Nagi M. Youssef from serving as a manager, administrator, owner,
22 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
23 License No. PHY 44905 is placed on probation or until Pharmacy Permit License No. PHY 44905
24 is reinstated if Pharmacy Permit License No. PHY 44905 issued to Pacific Plaza Pharmacy Inc., is
25 revoked;

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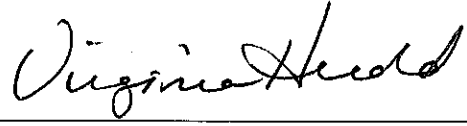
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6. Ordering Pacific Plaza Pharmacy, Nadia A. Andrawes, and Nagi M. Youssef to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 8/14/16



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

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