

1 XAVIER BECERRA
Attorney General of California
2 ANTOINETTE B. CINCOTTA
Supervising Deputy Attorney General
3 MARICHELLE S. TAHIMIC
Deputy Attorney General
4 State Bar No. 147392
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9435
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 6214

12 **NADS-RX PHARMACY,**
13 **A PROFESSIONAL CORPORATION,**
14 **DBA ARLINGTON PRESCRIPTION**
PHARMACY,
15 **8990 Garfield St., #12**
Riverside, CA 92503

A C C U S A T I O N

16 **Pharmacy Permit No. PHY 47307**

17 **and**

18 **ADEL YACOUB AL-BADAWI**
19 **8990 Garfield St., #12**
Riverside, CA 92503

20 **Pharmacist License No. RPH 30945**

21 Respondents.

22
23 Complainant alleges:

24 **PARTIES**

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

27 2. On or about November 7, 2005, the Board issued Pharmacy Permit Number PHY
28 47307 to Nads-Rx Pharmacy, A Professional Corporation, dba Arlington Prescription Pharmacy

(Respondent Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2018, unless renewed. Adel Al-Badawi is and has been the President and Pharmacist-in-Charge of Respondent Pharmacy since November 7, 2005.

3. On or about July 28, 1977, the Board issued Pharmacist License No. RPH 30945 to Adel Yacoub Al-Badawi (Respondent Al-Badawi). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2020, unless renewed.

JURISDICTION

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

5. Code section 4300 states in part:

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

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The

1 action shall be final, except that the propriety of the action is subject to review
2 by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

3 6. Code section 4300.1 states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued license
5 by operation of law or by order or decision of the board or a court of law, the
6 placement of a license on a retired status, or the voluntary surrender of a license
7 by a licensee shall not deprive the board of jurisdiction to commence or proceed
8 with any investigation of, or action or disciplinary proceeding against, the
9 licensee or to render a decision suspending or revoking the license.

10 STATUTORY AND REGULATORY PROVISIONS

11 7. Section 4022 of the Code states

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

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

16 (b) Any device that bears the statement: "Caution: federal law restricts this
17 device to sale by or on the order of a _____," "Rx only," or words of similar
18 import, the blank to be filled in with the designation of the practitioner licensed
19 to use or order use of the device.

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

22 8. Section 4113 of the Code states in part, "(c) The pharmacist-in-charge shall be
23 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining
24 to the practice of pharmacy. ..."

25 9. Code section 4301 states:

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

...
29

30 (c) Gross negligence.

...
31

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

...
35

///

(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs.

...

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

...

10. Code section 4306.5 states:

Unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.

(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

11. Code section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was 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 the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

12. Title 16, California Code of Regulations (CCR), section 1715.6 states, "The owner shall report to the Board within thirty (30) days of discovery of any loss of the [sic] controlled substances, including their amounts and strengths."

13. Title 16, CCR, section 1761 states:

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

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

14. California Health and Safety (H&S) Code section 11153 states in part:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

...

///

1 15. H&S Code section 11162.1 states in part:

2 (a) The prescription forms for controlled substances shall be printed with the
3 following features:

4 (1) A latent, repetitive "void" pattern shall be printed across the entire front
5 of the prescription blank; if a prescription is scanned or photocopied, the word
6 "void" shall appear in a pattern across the entire front of the prescription.

7 (2) A watermark shall be printed on the backside of the prescription blank;
8 the watermark shall consist of the words "California Security Prescription."

9 (3) A chemical void protection that prevents alteration by chemical
10 washing.

11 (4) A feature printed in thermochromic ink.

12 (5) An area of opaque writing so that the writing disappears if the
13 prescription is lightened.

14 (6) A description of the security features included on each prescription
15 form.

16 (7) (A) Six quantity check off boxes shall be printed on the form so that
17 the prescriber may indicate the quantity by checking the applicable box
18 where the following quantities shall appear:

19 1-24

20 25-49

21 50-74

22 75-100

23 101-150

24 151 and over.

25 (B) In conjunction with the quantity boxes, a space shall be provided
26 to designate the units referenced in the quantity boxes when the drug is not
27 in tablet or capsule form.

28 (8) Prescription blanks shall contain a statement printed on the bottom of
the prescription blank that the "Prescription is void if the number of drugs
prescribed is not noted."

(9) The preprinted name, category of licensure, license number, federal
controlled substance registration number, and address of the prescribing
practitioner.

(10) Check boxes shall be printed on the form so that the prescriber may
indicate the number of refills ordered.

(11) The date of origin of the prescription.

(12) A check box indicating the prescriber's order not to substitute.

(13) An identifying number assigned to the approved security printer by the Department of Justice.

(14) (A) A check box by the name of each prescriber when a prescription form lists multiple prescribers.

(B) Each prescriber who signs the prescription form shall identify himself or herself as the prescriber by checking the box by his or her name.

(b) Each batch of controlled substance prescription forms shall have the lot number printed on the form and each form within that batch shall be numbered sequentially beginning with the numeral one.

...

16. H&S Code section 11164 states in part:

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

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

(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

...

17. H&S Code section 11167 states in part:

Notwithstanding subdivision (a) of Section 11164, in an emergency where failure to issue a prescription may result in loss of life or intense suffering, an order for a controlled substance may be dispensed on an oral order, an electronic data transmission order, or a written order not made on a controlled substance form as specified in Section 11162.1, subject to all of the following requirements:

(a) The order contains all information required by subdivision (a) of Section 11164.

1 (b) Any written order is signed and dated by the prescriber in ink, and the
2 pharmacy reduces any oral or electronic data transmission order to hard copy
form prior to dispensing the controlled substance.

3 (c) The prescriber provides a written prescription on a controlled substance
4 prescription form that meets the requirements of Section 11162.1, by the seventh
day following the transmission of the initial order; a postmark by the seventh day
following transmission of the initial order shall constitute compliance.

5 (d) If the prescriber fails to comply with subdivision (c), the pharmacy shall so
6 notify the Department of Justice in writing within 144 hours of the prescriber's
7 failure to do so and shall make and retain a hard copy, readily retrievable record
of the prescription, including the date and method of notification of the
Department of Justice.

8 (e) This section shall become operative on January 1, 2005.

9 COST RECOVERY

10 18. Section 125.3 of the Code states, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 DRUGS

15 19. Alprazolam, sold under the brand name Xanax, is a dangerous drug as defined by
16 Code section 4022 and is a Schedule IV controlled substance pursuant to H&S Code section
17 11057(d)(1). It is used to treat anxiety.

18 20. Hydrocodone/acetaminophen, sold under the brand name Norco, is a dangerous drug
19 as defined by Code section 4022 and is a Schedule III controlled substance pursuant to H&S
20 Code section 11056(e)(4) and a Schedule II controlled substance pursuant to title 21, Code of
21 Federal Regulations section 1308 as of October 6, 2014. It is used to treat pain.

22 21. Hydromorphone, sold under the brand name Dilaudid, is a dangerous drug as defined
23 by Code section 4022 and is a Schedule II controlled substance pursuant to H&S Code section
24 11055(b)(1)(J). It is used to treat pain.

25 22. Oxycodone, sold under the brand name Roxicodone, is a dangerous drug as defined
26 by Code section 4022 and is a Schedule II controlled substance pursuant to H&S Code section
27 11055(b)(1)(M). It is used to treat pain.

28 ///

23. Promethazine/codeine syrup, sold under the brand name Phenergan/Codeine Syrup, is a dangerous drug as defined by Code section 4022 and is a Schedule V controlled substance pursuant to H&S Code section 11058(c)(1). It is used as a cough suppressant.

FACTS

24. The Controlled Substance Utilization Review and Evaluation System (CURES) is California's Prescription Drug Monitoring Program (PDMP). Pharmacies in California are required to report all filled prescriptions for Schedule II-IV controlled substances to the database every week. The data is collected statewide and can be used by healthcare professionals to evaluate and determine whether their patients are utilizing controlled substances correctly, or if a patient has used multiple prescribers and multiple pharmacies to fill controlled substance prescriptions.

25. On November 15, 2016, Board inspectors conducted an inspection of Respondent Pharmacy following the Board's analysis of controlled substance dispensing data as reported by CURES by Respondent Pharmacy. Specifically, Respondents dispensed a number of prescriptions written by Dr. R.G. Previous investigations identified prescriptions under the prescribing authority of Dr. R.G. that did not conform to the requirements of H&S Code section 11162.1.

26. Respondent Pharmacy is an independent pharmacy that offers limited prescription delivery and bubble packs for assisted living homes. The pharmacy fills about 150 prescriptions each day. Respondent Al-Badawi is the Pharmacist-in-Charge and the only pharmacist working in the pharmacy.

27. Respondent Al-Badawi was asked if the pharmacy ever had a significant loss of controlled substances. Respondent advised that he recalled two instances in the previous two years when the pharmacy had break-ins after hours and controlled substances were stolen. Respondent did not report the thefts of controlled substances to the Board.

28. The Board inspectors reviewed several "books" of filed, completed prescription documents and noted the following:

///

1 a. There were 28 prescription documents containing 80 controlled substance
2 prescriptions written on prescription forms bearing the name of Dr. R.G. The prescriptions
3 lacked a combination of a lot number, a batch number, a "California Security Prescription"
4 watermark, a latent repetitive "VOID," and an identifying number assigned to the security printer.

5 b. There were six prescription documents containing six controlled substance
6 prescriptions from Dr. A.A. that lacked a batch number and a "California Security Prescription"
7 watermark.

8 c. There were four prescription documents containing ten controlled substance
9 prescriptions from Dr. A.H. that lacked a batch number, and a "California Security Prescription"
10 watermark.

11 d. There were three prescription documents containing seven controlled substance
12 prescriptions from Dr. B.S. that lacked a, "California Security Prescription" watermark, a lot
13 number, and an identifying number assigned to the approved security printer.

14 e. There were three prescription documents containing three controlled substance
15 prescriptions written by Dr. J.C. that lacked a lot number, a batch number, six quantity check off
16 boxes, and a statement that the, "Prescription is void if the number of drugs prescribed is not
17 noted."

18 f. There was one prescription document containing one controlled substance
19 prescription from E.S., a Nurse Practitioner with a Furnishing Certificate, that lacked an
20 identifying number assigned to the approved security printer, a batch number, and a "California
21 Security Prescription" watermark.

22 29. On or about November 24, 2016, Board Inspector N.R. received two DEA Reports of
23 Thefts that reported 20,949 controlled substance units were lost due to robberies in 2014. These
24 losses were not reported to the Board within 30 days of their discovery. The Board received
25 Respondent's report of these losses on November 29, 2016. The reports identified the following
26 losses of controlled substances:

27 ///

28 ///

05/26/2014 Break-in		
NDC	Drug and Strength	Quantity Lost
00093015010	Acetaminophen-Cod #3 Tablet	1,500
00093035001	Acetaminophen-Cod #4 Tablet	350
00228287911	Oxycodone HCl 30 mg Tablet	300
00603388732	Hydrocodone-APAP 10-325 Tablet	5,500
00603389032	Hydrocodone-Acetaminophen 5-325 Tablet	2,500
00603389132	Hydrocodone-Acetaminophen 7.5-325 mg	2,500
42858030201	Hydromorphone 4 mg Tablet	200
59011044010	Oxycontin 40 mg Tablet	89
11/29/2014 Break-in		
00093015010	Acetaminophen-Cod #3 Tablet	400
00093035005	Acetaminophen-Cod #4 Tablet	300
00115133201	Dextroamp-Amphet ER 25 mg Capsule	70
00115133301	Dextroamp-Amphet ER 30 mg Capsule	70
00591271701	Methylphenidate ER 36 mg Tablet	100
00591271801	Methylphenidate ER 54 mg Tablet	70
00603388732	Carisoprodol 350 mg Tablet	3,000
00603388732	Hydrocodone-APAP 10-325 Tablet	2,000
00603389032	Hydrocodone-Acetaminophen 5-325 Tablet	1,000
00603389132	Hydrocodone-Acetaminophen 7.5-325 Tablet	1,000

30. A review of Respondents' records of all prescriptions filled (dispensing data) by Respondent Pharmacy from the period November 15, 2013 through November 15, 2016 revealed Respondent filled 133,374 prescriptions during this period of time for an average of 121 prescriptions per day.

31. Additionally, a review of Respondents' prescriber profiles for certain prescribers revealed recurring irregularities in the prescribers' prescribing practices that should have caused Respondents to question the legitimacy of the prescriptions issued by these prescribers.

Physician's Assistant S.D.

32. Respondents dispensed 283 prescriptions under the prescribing authority of Physician's Assistant S.D. (PA S.D.) from November 15, 2013 through November 15, 2016; 95.4 percent of the prescriptions were for controlled substances.

33. Inspector N.R. noted the following factors of irregularity during the review of prescriptions written by PA S.D. and dispensed by Respondents:

a. It is a factor of irregularity for the majority of one prescriber's patients to require treatment for the same three conditions. Twenty-one of twenty-seven patients who received

controlled substance prescriptions from PA S.D. received prescriptions typically used to treat pain (either oxycodone, hydromorphone, or hydrocodone/acetaminophen), anxiety (alprazolam), and cough (promethazine/codeine syrup).

b. It is a factor of irregularity for the majority of a prescriber's prescriptions to consist of a limited number of commonly abused controlled substances. 92.58 percent of S.D.'s prescriptions were for one of five controlled substances:

Medication	Controlled Substance?	Number of Prescriptions	Percent of Prescriptions Written by S.D.
Alprazolam 2 mg tablet	Schedule III	92	32.51%
Promethazine-codeine syrup	Schedule V	91	32.16%
Oxycodone HCl 30 mg tablet	Schedule II	34	12.01%
Hydromorphone 4 mg tablet	Schedule II	23	8.13%
Hydrocodone-APAP 10/325	Schedule II (after 10/6/2014; previously Schedule III)	22	7.77%
Doc-q-lace 100 mg softgel	No	4	1.41%
Oxycodone HCl 15 mg tablet	Yes – Schedule II	4	1.41%
Hydromorphone 8 mg tablet	Yes – Schedule II	4	1.41%
Ibuprofen 800 mg tablet	No	2	0.71%
Amoxicillin 500 mg capsule	No	2	0.71%
Omeprazole DR 20 mg capsule	No	2	0.71%
Promethazine-DM syrup	No	1	0.35%
Naproxen sodium 550 mg tab	No	1	0.35%
Gabapentin 300 mg capsule	No	1	0.35%
Grand Total		283	100.00%

c. It is a factor of irregularity for prescribers to exclusively prescribe the highest strength of alprazolam. Alprazolam is available in 0.25 mg tablets, 0.5 mg tablets, 1 mg tablets, and 2 mg tablets. PA S.D. issued 81 prescriptions for the highest strength of alprazolam, i.e. 2 mg, with no prescriptions for any other strength.

d. It is a factor of irregularity for patients to travel long distances from a prescriber's office to a pharmacy to fill their prescriptions. PA S.D.'s office was located about 70 miles from Respondent pharmacy.

e. It is a factor of irregularity for patients to pay for medications in cash without the aid of insurance. About 91 percent of prescriptions dispensed by Respondents were purchased with private or government prescription insurance, in contrast with the 94.35 percent of prescriptions issued by PA S.D. that were purchased with cash.

f. It is a factor of irregularity for prescribers to misspell the name of medication prescribed. Two prescriptions for Phenergan with codeine were misspelled as "phenergen w/codine."

Dr. S.K.

34. Respondents dispensed 269 prescriptions under the prescribing authority of Dr. S.K. from November 15, 2013 through November 15, 2016; 95.54 percent of the prescriptions were for controlled substances.

35. Inspector N.R. noted the following factors of irregularity during the review of prescriptions written by Dr. S.K. and dispensed by Respondents:

a. It is a factor of irregularity for the majority of one prescriber's patients to require treatment for the same three conditions. Twenty of twenty-six patients who received controlled substance prescriptions from Dr. S.K. received prescriptions typically used to treat pain (either oxycodone, hydromorphone, or hydrocodone/acetaminophen), anxiety (alprazolam), and cough (promethazine/codeine syrup).

b. It is a factor of irregularity for the majority of a prescriber's prescriptions to consist of a limited number of commonly abused controlled substances. 93.68 percent of S.D.'s prescriptions were for one of five controlled substances:

Medication	Controlled Substance?	Number of Prescriptions	Percent of Dr. S.K.'s Total Prescribing
Alprazolam 2 mg tablet	Schedule III	81	30.11%
Oxycodone HCl 30 mg tablet	Schedule II	65	24.16%
Promethazine-codeine syrup	Schedule V	65	24.16%
Hydrocodone-APAP 10/325	Schedule II as of 10/6/2014	26	9.67%
Hydromorphone 8 mg tablet	Schedule II	15	5.58%
Doc-q-lace 100 mg softgel	No	4	1.49%
Ibuprofen 800 mg tablet	No	3	1.12%

Hydromorphone 4 mg tablet	Yes – Schedule II	2	0.74%
Oxycodone-APAP 10-325	Yes – Schedule II	2	0.74%
Indomethacin 25 mg capsule	No	2	0.74%
Amoxicillin 500 mg capsule	No	2	0.74%
Oxycodone HCl 15 mg tablet	Yes – Schedule II	1	0.37%
Pataday 0.2% eye drops	No	1	0.37%
Grand Total		269	100.00%

c. It is a factor of irregularity for prescribers to exclusively prescribe the highest strength of a controlled substance. Dr. S.K. exclusively prescribed the highest strength of alprazolam. Dr. S.K. issued 81 prescriptions for alprazolam 2 mg, with no prescriptions for any of the lower strengths. In addition, oxycodone HCl tablets are available in 5 mg, 10 mg, 15 mg, 20 mg and 30 mg strengths. Dr. S.K. issued 65 prescriptions for oxycodone 30 mg tablets and only one prescription for oxycodone 15 mg tablets.

d. It is a factor of irregularity for patients to travel long distances from a prescriber's office to a pharmacy to fill their prescriptions. Respondents' computer system shows Dr. S.K.'s address was the same as PA S.D. on Riverside Drive. However, Dr. S.K.'s prescriptions contain two addresses, one in Van Nuys and the other in Anaheim. These two addresses are 73 and 37 miles, respectively, from Respondent pharmacy.

e. It is a factor of irregularity for patients to pay for medications in cash without the aid of insurance. About 94.8 percent of prescriptions issued by Dr. S.K. and dispensed by Respondents were purchased with cash.

f. According to the Medical Board of California's public database, Dr. S.K.'s self-reported areas of practice were Internal Medicine, Complementary and Alternative Medicine, and Family Medicine. It is a factor of irregularity for an Internal Medicine and Family Medicine practitioner not to have a more diverse prescription profile instead of the majority of prescriptions for pain, anxiety, and cough.

g. It is a factor of irregularity for prescribers to misspell the name of medication prescribed. Prescriptions for Phenergan with codeine were misspelled as "Phenergen w/Codine" four times and "Phenergen w/Codin" sixteen times.

Dr. B.S.

36. Respondents dispensed 265 prescriptions under the prescribing authority of Dr. B.S. from November 15, 2013 through November 15, 2016; 97.36 percent of the prescriptions were for controlled substances.

37. Inspector N.R. noted the following factors of irregularity during the review of prescriptions written by Dr. B.S. and dispensed by Respondents:

a. It is a factor of irregularity for the majority of one prescriber's patients to require treatment for the same three conditions. Eighteen patients received prescriptions from Dr. B.S. during the subject period. All of them received prescriptions typically used to treat pain (either oxycodone, hydromorphone, or hydrocodone/acetaminophen), anxiety (alprazolam), and cough (promethazine/codeine syrup).

b. It is a factor of irregularity for the majority of a prescriber's prescriptions to consist of a limited number of commonly abused controlled substances. 95.1 percent of B.S.'s prescriptions were for one of four controlled substances:

Medication	Controlled Substance?	Number of prescriptions	Percent of Dr. B.S.'s total prescribing
Alprazolam 2 mg tablet	Schedule III	87	32.83%
Promethazine-codeine syrup	Schedule V	85	32.08%
Hydrocodone-APAP 10/325	Schedule II as of 10/6/2014	45	16.98%
Oxycodone HCl 30 mg tablet	Schedule II	35	13.21%
Amoxicillin 500 mg capsule	No	5	1.89%
Hydromorphone 8 mg tablet	Yes – Schedule II	5	1.89%
Promethazine-DM syrup	No	1	0.38%
Oxycodone-acetaminophen 10-325	Yes – Schedule II	1	0.38%
Lisinopril 20 mg tablet	No	1	0.38%
Grand Total		265	100.00%

c. It is a factor of irregularity for prescribers to exclusively prescribe the highest strength of a controlled substance. Dr. B.S. exclusively prescribed the highest strength of alprazolam. Dr. B.S. issued 87 prescriptions for alprazolam 2 mg, with no prescriptions for any

1 of the lower strengths. Hydrocodone-APAP 10/325 (10 mg hydrocodone in combination with
2 325 mg acetaminophen) is available in 5, 7.5, and 10 mg tablets. Dr. B.S. issued 45 prescriptions
3 for hydrocodone-APAP 10/325 mg and no prescriptions for the lower strengths. In addition, Dr.
4 B.S. issued 35 prescriptions for oxycodone 30 mg tablets and no prescriptions for the lower
5 strengths.

6 d. It is a factor of irregularity for patients to travel long distances from a prescriber's
7 office to a pharmacy to fill their prescriptions. Respondents' computer system shows Dr. B.S.'s
8 office was located in Burbank, approximately 65 miles away from Respondent pharmacy.

9 e. It is a factor of irregularity for patients to pay for medications in cash without the aid
10 of insurance. About 97.74 percent of prescriptions issued by Dr. B.S. and dispensed by
11 Respondents were purchased with cash.

12 f. It is a factor of irregularity for prescribers to misspell the name of medication
13 prescribed. Two prescriptions for Phenergan with codeine were misspelled as "Phenergen with
14 Codiene."

15 g. Three prescriptions issued by Dr. B.S. obtained during the Board's inspection on
16 November 15, 2016, did not conform to the requirements for prescriptions pursuant to H&S Code
17 section 11162.1. This is a factor of irregularity that should have caused Respondent Al-Badawi to
18 question the legitimacy of Dr. B.S.'s prescriptions.

19 h. According to the Medical Board of California's public database, Dr. B.S.'s self-
20 reported areas of practice were Internal Medicine and Pain Medicine. It is a factor of irregularity
21 for an Internal Medicine and Pain Medicine practitioner not to have a more diverse prescription
22 profile instead of the majority of prescriptions for pain, anxiety, and cough. It is also a factor of
23 irregularity for such a specialist to have a prescription profile with the highest strengths of a
24 limited number of narcotic pain relievers.

25 **Dr. R.G.**

26 38. Respondents dispensed 262 prescriptions under the prescribing authority of Dr. R.G.
27 from November 15, 2013 through November 15, 2016; 97.71 percent of the prescriptions were for
28 controlled substances.

39. Inspector N.R. noted the following factors of irregularity during the review of prescriptions written by Dr. R.G. and dispensed by Respondents:

a. It is a factor of irregularity for the majority of one prescriber's patients to require treatment for the same three conditions. Twenty of twenty-five patients who received controlled substance prescriptions from Dr. R.G. received prescriptions typically used to treat pain (either oxycodone, hydromorphone, or hydrocodone/acetaminophen), anxiety (alprazolam), and cough (promethazine/codeine syrup).

b. It is a factor of irregularity for the majority of a prescriber's prescriptions to consist of a limited number of commonly abused controlled substances. Dr. R.G. prescribed only five controlled substances. Dr. R.G.'s most commonly prescribed medication was promethazine with codeine syrup, constituting 30.53 percent of Dr. R.G.'s prescriptions dispensed by Respondents:

Medication	Controlled Substance?	Number of Prescriptions	Percent of Dr. R.G.'s Total Prescribing
Promethazine-codeine syrup	Schedule V	80	30.53%
Alprazolam 2 mg tablet	Schedule III	76	29.01%
Oxycodone HCl 30 mg tablet	Schedule II	52	19.85%
Hydromorphone 8 mg tablet	Schedule II	28	10.69%
Hydrocodone-APAP 10/325 mg tablet	Schedule II as of 10/6/2014	20	7.63%
Doc-q-lace 100 mg softgel	No	4	1.53%
Voltaren 1% gel	No	1	0.38%
Ibuprofen 800 mg tablet	No	1	0.38%
Grand Total		262	100.00%

c. It is a factor of irregularity for prescribers to exclusively prescribe the highest strength of a controlled substance. Dr. R.G. prescribed exclusively the highest strengths of alprazolam 2 mg tablets, oxycodone 30 mg tablets, and hydrocodone/acetaminophen 10/325 mg tablets, and no lower strengths of these medications. In addition, hydromorphone is available in 2 mg, 4 mg, and 8 mg tablets. Dr. R.G. prescribed 28 prescriptions for hydromorphone 8 mg and no prescriptions for the lower strengths.

///

///

1 d. It is a factor of irregularity for patients to travel long distances from a prescriber's
2 office to a pharmacy to fill their prescriptions. Respondents' computer system shows Dr. R.G.'s
3 office was located in Orange, approximately 30 miles away from Respondent pharmacy.

4 e. It is a factor of irregularity for patients to pay for medications in cash without the aid
5 of insurance. About 96.56 percent of prescriptions issued by Dr. R.G. and dispensed by
6 Respondents were purchased with cash.

7 f. It is a factor of irregularity for prescribers to misspell the name of medication
8 prescribed. Prescriptions for Phenergan with codeine were misspelled as follows:

- 9 ▪ "Phenergen w/ Codin" was written twice.
- 10 ▪ "Phenegen w/ Codine" was written once.
- 11 ▪ "Phenergen w/ Codine" was written 23 times.
- "Phenegen w/ Codin" was written once.

12 g. During the Board's inspection, 28 prescriptions issued by Dr. R.G. did not conform to
13 the requirements for prescriptions pursuant to H&S Code section 11162.1. This is a factor of
14 irregularity that should have caused Respondent Al-Badawi to question the legitimacy of Dr.
15 B.S.'s prescriptions.

16 40. According to the Medical Board of California's public database, Dr. R.G.'s self-
17 reported areas of practice were Family Medicine, Geriatric Medicine, and Pain Medicine. It is a
18 factor of irregularity for a practitioner in these areas not to have a more diverse prescription
19 profile instead of the majority of prescriptions for pain, anxiety, and cough.

20 **Dr. W.S.**

21 41. Respondents dispensed 230 prescriptions under the prescribing authority of Dr. W.S.
22 from November 15, 2013 through November 15, 2016.

23 42. Inspector N.R. noted the following factors of irregularity during the review of
24 prescriptions written by Dr. W.S. and dispensed by Respondents:

25 a. It is a factor of irregularity for all of a physician's patients to require treatment with a
26 strong narcotic pain reliever. Six of eight patients who received controlled substance
27 prescriptions from Dr. W.S. received prescriptions for oxycodone with another medication,

28 ///

typically amoxicillin or ibuprofen. The other two patients received prescriptions for hydrocodone/acetaminophen.

b. It is a factor of irregularity for almost half of a prescriber's prescriptions to be for one commonly abused controlled substance; 49.57 percent of Dr. W.S.'s prescriptions dispensed by Respondents was for oxycodone HCl 30 mg:

Row labels	Controlled Substance?	Number of Prescriptions	Percent of Dr. W.S.'s total prescribing
Oxycodone HCl 30 mg tablet	Schedule II	114	49.57%
Amoxicillin 500 mg capsule	No	45	19.57%
Ibuprofen 400 mg tablet	No	31	13.48%
Ibuprofen 600 mg tablet	No	12	5.22%
Meloxicam 7.5 mg tablet	No	9	3.91%
Ibuprofen 800 mg tablet	No	7	3.04%
Hydrocodon-APAP 10-325	Schedule II	5	2.17%
Hydroxyzine pam 25 mg cap	No	3	1.30%
Triamterene-hctz 37.5-25 mg	No	1	0.43%
Cephalexin 500 mg capsule	No	1	0.43%
Oxycodone HCl 15 mg tablet	Schedule II	1	0.43%
Amlodipine besylate 5 mg tab	No	1	0.43%
Grand total		230	100.00%

c. It is a factor of irregularity for prescribers to exclusively prescribe the highest strength of a controlled substance. Dr. W.S. almost exclusively prescribed the highest strengths of immediate release oxycodone. Dr. W.S. prescribed 114 prescriptions for oxycodone 30 mg and one prescription for oxycodone 15 mg.

d. It is a factor of irregularity for patients to travel long distances from a prescriber's office to a pharmacy to fill their prescriptions. Dr. W.S.'s office was located in Victorville, approximately 55 miles away from Respondent pharmacy.

e. It is a factor of irregularity for patients to pay for medications in cash without the aid of insurance. About 82 percent of prescriptions issued by Dr. W.S. and dispensed by Respondents were purchased with cash and 95.61 percent of the oxycodone 30 mg prescriptions written by Dr. W.S. and filled by Respondents were purchased with cash.

///

43. According to the Medical Board of California's public database, Dr. W.S.'s license to practice medicine was surrendered on April 13, 2016, following an accusation by the Medical Board alleging Dr. W.S. prescribed controlled substances without a legitimate medical purpose. Dr. W.S.'s self-reported areas of former practice were anesthesiology and pain management. It is a factor of irregularity for a pain management practitioner not to have a more diverse prescription profile instead prescribing the highest strength of oxycodone to the majority of patients.

Dr. A.H.

44. Respondents dispensed 183 prescriptions under the prescribing authority of Dr. A.H. from November 15, 2013 through November 15, 2016; 98.1 percent of the prescriptions were for controlled substances.

45. Inspector N.R. noted the following factors of irregularity during the review of prescriptions written by Dr. A.H. and dispensed by Respondents:

a. It is a factor of irregularity for the majority of one prescriber's patients to require treatment for the same three conditions. Twenty-two of twenty-four patients who received controlled substance prescriptions from Dr. A.H. received prescriptions typically used to treat pain (either oxycodone, hydromorphone, or hydrocodone/acetaminophen), anxiety (alprazolam), and cough (promethazine/codeine syrup).

b. It is a factor of irregularity for the majority of a prescriber's prescriptions to consist of a limited number of commonly abused controlled substances. 84.7 percent of Dr. A.H.'s prescriptions consisted of three commonly abused controlled substances: promethazine/codeine syrup, alprazolam 2 mg, and oxycodone 30 mg:

Medication	Controlled Substance?	Number of Prescriptions	Percent of Dr. A.H.'s total prescribing
Promethazine-codeine syrup	Schedule V	61	33.33%
Alprazolam 2 mg tablet	Schedule III	57	31.15%
Oxycodone HCl 30 mg tablet	Schedule II as of 10/6/2014	37	20.22%
Hydrocodon-APAP 10-325	Schedule II	21	11.48%
Hydromorphone 8 mg tablet	Schedule II	4	2.19%

Oxycodone-acetaminophen 10-325	Schedule II	1	0.55%
Amoxicillin 500 mg capsule	No	1	0.55%
Doc-q-lace 100 mg softgel	No	1	0.55%
Grand total		183	100.00%

c. It is a factor of irregularity for prescribers to exclusively prescribe the highest strength of a controlled substance. Dr. A.H. prescribed exclusively the highest strengths of alprazolam, oxycodone, hydrocodone/acetaminophen, and hydromorphone.

d. It is a factor of irregularity for patients to pay for medications in cash without the aid of insurance. About 97.27 percent of prescriptions issued by Dr. A.H. and dispensed by Respondents were purchased with cash.

e. It is a factor of irregularity for prescribers to misspell the name of medication prescribed. Three prescriptions obtained during the November 15, 2016, inspection that were issued by Dr. A.H. misspelled Phenergan as "phenergen" and Percocet was misspelled as "percucet."

f. Three prescriptions issued by Dr. A.H. obtained during the Board's inspection on November 15, 2016, did not conform to the requirements for prescriptions pursuant to H&S Code section 11162.1. This is a factor of irregularity that should have caused Respondent Al-Badawi to question the legitimacy of Dr. B.S.'s prescriptions.

46. According to the Medical Board of California's public database, Dr. A.H.'s self-reported areas of practice were Family Medicine, Geriatric Medicine, and Pain Medicine. It is a factor of irregularity for a practitioner in these areas not to have a more diverse prescription profile instead of the majority of prescriptions for pain, anxiety, and cough.

47. After reviewing Respondents' prescriber profiles, Inspector N.R. reviewed Respondents' patient profiles and also found several factors of irregularity that should have led Respondents to question the legitimacy of the issuance of the prescriptions for a medical purpose.

48. There were 45 patients who received prescriptions at Respondent pharmacy from PA S.D. and from Drs. S.K., B.S., R.G., W.S., and A.H. Some patients overlapped prescribers. Respondents' records showed that 36 of these patients had addresses more than 20 miles from the pharmacy and received controlled substance prescriptions from the above-described prescribers.

It is a factor of irregularity for these patients to travel long distances, one way, to a pharmacy to obtain controlled substances:

Patient	Patient Address City	Distance from patient address to Respondent Pharmacy
L.A.	Compton, CA 90221	48.9 miles
D.A.	Victorville, CA 92392	52.1 miles
J.B.	Compton, CA 90220	50.3 miles to 90220
H.B.	Compton, CA 90221	48.2 miles
A. B.	Los Angeles, CA 90002	55.2 miles
L.J.B.	Palmdale, CA 93551	84.7 miles
F.B.	Los Angeles, CA 90037	60.6 miles
K.B.	Compton, CA 90221	49.6 miles
L.B.	Pacoima, CA 91331	73.1 miles
A.D.	Compton, CA 90222	52.8 miles
S.D. Jr	Palmdale, CA 93551	84.7 miles
S.D. Sr	Palmdale, CA 93551	84.7 miles
C.F.	Rialto, CA 92376	23.7 miles
F.F.	Gardena, CA 90247	56.2 miles
F.G.	Long Beach, CA 90806	53.8 miles
Z.H.	Compton, CA 90221	48.9 miles
C.H.	Long Beach, CA 92806	53.8 miles
E.J.	Los Angeles, CA 90019	56.6 miles
L.L.	Compton, CA 90221	52.4 miles
C.M.	Long Beach, CA 90805	51.2 miles
D.M.	Lancaster, CA 93535	79.9 miles
E.M.	Palmdale, CA 92351	84.7 miles
R.M.	Palmdale, CA 93551	84.7 miles
T.P.	Compton, CA 90221	48.9 miles
S.R.	Gardena, CA 90249	57.7 miles
J.R.	Compton, CA 90221	48.5 miles
R.S.	Los Angeles, CA 90037	60.5 miles
L.S.	Lancaster, CA 93535	88.8 miles
K.S.	Los Angeles, CA 90003	58.4 miles
P.T.	Los Angeles, CA 90047	59.5 miles
S.T.	Compton, CA 90221	48.8 miles
R.W.	Highland, CA 92346	24.7 miles
D.W.	Long Beach, CA 90805	47.6 miles
B.W.	Carson, CA 92746	52.0 miles
L.W.	San Jacinto, CA 92583	36.1 miles
V.W.	Palmdale, CA 93552	74.9 miles

1 49. Moreover, the following patients had the same address:

2 a. L.J.B, S.D., Jr., and S.D., Sr. had the same address in Palmdale and were also all
3 prescribed oxycodone 30 mg, promethazine/codeine syrup, and alprazolam 2 mg tablets, among
4 others.

5 b. E.M. and R.M. had the same address in Palmdale, shared the same last name and
6 were both prescribed oxycodone 30 mg, promethazine/codeine syrup, and alprazolam 2 mg
7 tablets, among others.

8 c. F.G. and C.H. had the same address in Long Beach. They both received prescriptions
9 for hydrocodone/acetaminophen 10/325 mg, alprazolam 2 mg, and promethazine/codeine syrup,
10 among others.

11 d. T.P. and S.T. had similar and nearby addresses. Both patients received prescriptions
12 for oxycodone 30 mg, alprazolam 2 mg, and promethazine/codeine syrup, among others.
13 Although these patients did not live in the same household, it is a factor of irregularity for two
14 neighbors to require treatment with similar medications and for both to travel to a pharmacy over
15 48 miles from their homes in order to obtain those medications.

16 50. Inspector N.R. reviewed 85 prescription documents issued by the above prescribers.
17 Three prescriptions had a copy of the patient's California Driver's License attached to it. None of
18 the prescription documents contained information indicating Respondent Al-Badawi contacted
19 the prescribers to verify the prescriptions were issued for a legitimate medical purpose.

20 51. Inspector N.R. contacted the above prescribers and received responses from Drs.
21 B.S., R.G. and A.H. All three denied issuing the subject prescriptions and denied the individuals
22 were their patients.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **AS TO ALL RESPONDENTS**

25 **(Dispensed Controlled Substance Prescriptions on Noncompliant Forms)**

26 52. Respondents are subject to disciplinary action under Code section 4301(j) and (o), in
27 conjunction with H&S Code section 11164, for unprofessional conduct for dispensing controlled
28 substance prescriptions written on prescription forms that do not conform to H&S Code section

1 11162.1. Respondents dispensed 116 controlled substance prescriptions written on 45
2 prescription forms that did not conform to the requirements of H&S Code section 11162.1, as set
3 forth in paragraphs 25-28 above, and incorporated herein as though set forth in full.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **AS TO ALL RESPONDENTS**

6 **(Failure to Report Controlled Substance Losses to the Board)**

7 53. Respondents are subject to disciplinary action under Code section 4301(o), in
8 conjunction with title 16, CCR, section 1715.6, for unprofessional conduct for failing to report to
9 the Board within thirty days of discovery of any loss of controlled substances, including their
10 amounts and strengths. Respondents suffered thefts of controlled substances on May 26, 2014
11 and November 29, 2014, in which 20,949 controlled substance units were stolen, and failed to
12 report these losses to the Board until November 29, 2016, as set forth in paragraph 29 above, and
13 incorporated herein as though set forth in full.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **AS TO ALL RESPONDENTS**

16 **(Failure to Comply with Corresponding Responsibility)**

17 54. Respondents are subject to disciplinary action under Code section 4301(j) and (o), in
18 conjunction with H&S Code section 11153(a) and title 16, CCR, section 1761, for unprofessional
19 conduct in that Respondents failed to comply with their corresponding responsibility to ensure
20 that controlled substances are dispensed for a legitimate medical purpose when Respondents
21 filled 1,492 prescriptions under the prescribing authority of Physician Assistant S.D. and Drs.
22 S.K., B.S., R.G., W.S. and A.H. when there were objective factors of irregularity that suggested
23 the medical illegitimacy of the prescriptions, as set forth in paragraphs 24-28 and 30-51 above,
24 and incorporated herein as though set forth in full.

25 55. Specifically, these irregularities included the following factors:

26 a. a majority of the prescriptions written by the subject prescribers were purchased with
27 cash;

28 ///

b. a majority of the prescriptions written by the subject prescribers were for controlled substances, and were prescriptions for a limited number of commonly abused controlled substances;

c. the prescriptions for controlled substances were for the highest available strength;

d. there were multiple prescriptions that misspelled Phenergan with codeine;

e. most of the subject prescribers had offices located outside of the pharmacy's normal trading area; and,

f. patients of the subject prescribers travelled excessive distances between their homes and Respondent Pharmacy to obtain controlled substances.

56. Despite these significant irregularities, Respondents failed to take steps to determine the legitimacy of 79 prescription documents collected during the inspection.

FOURTH CAUSE FOR DISCIPLINE

AS TO RESPONDENT AL-BADAWI ONLY

(Unprofessional Conduct – Gross Negligence)

57. Respondent Al-Badawi is subject to disciplinary action under Code section 4301(c) and (o), in conjunction with H&S Code section 11153(a) and title 16, CCR, section 7161, for gross negligence in that Respondent failed to comply with his corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose when Respondent filled 1,492 prescriptions under the prescribing authority of Physician Assistant S.D. and Drs. S.K., B.S., R.G., W.S. and A.H. when there were objective factors of irregularity that suggested the medical illegitimacy of the prescriptions, as set forth in paragraphs 24-28 and 30-51, and 55-56 above, and incorporated herein as though set forth in full.

FIFTH CAUSE FOR DISCIPLINE

AS TO RESPONDENT AL-BADAWI ONLY

**(Unprofessional Conduct – Failure to Exercise, or Inappropriate Exercise,
of Professional Education, Training, or Experience)**

58. Respondent Al-Badawi is subject to disciplinary action under Code section 4306.5, for unprofessional conduct for the inappropriate exercise of his education, training, or experience

1 as a pharmacist when Respondent failed to take steps to determine the legitimacy of prescription
2 dispensed between November 15, 2013 and November 15, 2016, in light of objective factors of
3 irregularity, as set forth in paragraphs 24-28 and 30-51, and 55-56 above, and incorporated herein
4 as though set forth in full.

5 59. The factors of irregularity included that a majority of the prescriptions written by the
6 subject prescribers were purchased with cash; a majority of the prescriptions written by the
7 subject prescribers were for controlled substances, and were prescriptions for a limited number of
8 commonly abused controlled substances; the prescriptions for controlled substances were for the
9 highest available strength; there were multiple prescriptions that misspelled Phenergan with
10 codeine; most of the subject prescribers had offices located outside of the pharmacy's normal
11 trading area; and, patients of the subject prescribers travelled excessive distances between their
12 homes and Respondent Pharmacy to obtain controlled substances.

13 **OTHER MATTERS**

14 60. Pursuant to Section 4307, if Pharmacy Permit Number PHY 47307 issued to Nads-Rx
15 Pharmacy, A Professional Corporation, dba Arlington Prescription Pharmacy is suspended,
16 revoked or placed on probation, and Respondent Al-Badawi, while acting as the manager,
17 administrator, owner, member, officer, director, associate, or partner, had knowledge of or
18 knowingly participated in any conduct for which Pharmacy Permit Number PHY 47307 was
19 revoked, suspended, or placed on probation, Respondent Al-Badawi shall be prohibited from
20 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
21 licensee of the Board.

22 61. Pursuant to Section 4307, if Pharmacist License Number RPH 30945 issued to
23 Respondent Adel Yacoub Al-Badawi is suspended or revoked, Respondent Al-Badawi shall be
24 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
25 or partner of a licensee.

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 47307 issued to Nads-Rx
- 2 Pharmacy, A Professional Corporation, dba Arlington Prescription Pharmacy;
- 3 2. Revoking or suspending Pharmacist License Number RPH 30945 issued to Adel
- 4 Yacoub Al-Badawi;
- 5 3. Prohibiting Adel Yacoub Al-Badawi from serving as a manager, administrator,
- 6 owner, member, officer, director, associate, or partner of a licensee of the Board;
- 7 4. Ordering Nads-Rx Pharmacy, A Professional Corporation, dba Arlington Prescription
- 8 Pharmacy and Adel Yacoub Al-Badawi, jointly and severally, to pay the Board of Pharmacy the
- 9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
- 10 Professions Code section 125.3; and,
- 11 5. Taking such other and further action as deemed necessary and proper.

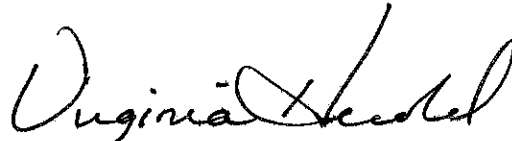
12

13

14

15 DATED: _____

2/2/18



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

16

17

18

19

20 SD2017801387
33176349.docx