

ORIGINAL

1 BILL LOCKYER, Attorney General
of the State of California
2 MAUREEN McKENNAN STRUMPFER
Deputy Attorney General
3 State Bar No. 161571
1300 I Street
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-2069
Fax: (916) 327-8643
6 Attorneys for Complainant
Board of Pharmacy

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

12 In the Matter of the Accusation Against:

13 HODA LOPEZ SOLIMAN
21213 B Hawthorne Blvd., #5207
14 Torrance, California 90503
and/or
15 20810 Anza Avenue, # 202
Torrance, California 90503

16
17
18 Pharmacist License No. RPH 40794

19 Respondent.
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Case No.: 2387
OAH Case No. N2002020068

**STIPULATION, DECISION AND
ORDER**

21 Respondent HODA LOPEZ SOLIMAN (hereinafter "respondent" or "Soliman") by and
22 through her attorney Kevin D. Donahue, Esquire, and Complainant, Patricia F. Harris, Executive
23 Officer of the California State Board of Pharmacy, Department of Consumer Affairs, State of
24 California (hereinafter "Board"), through her counsel, Deputy Attorney General Maureen
25 McKennan Strumpfer, hereby stipulate that the following matters are true.

26 1. Respondent has been duly served with the Accusation No. 2387 on file and
27 pending in this case, and accompanying documents. A copy of the Accusation is attached hereto
28 as an Exhibit and is incorporated by reference as though fully set forth herein. Respondent is

1 subject to the jurisdiction of the Board in regard to matters alleged in the Accusation .

2 WAIVER OF RIGHTS

3 2. Respondent has retained Kevin D. Donahue, Attorney at Law, as her attorney
4 of record in this matter, and Mr. Donahue has fully advised her of the nature of the charges
5 alleged in the Accusation and the content and effect of this Stipulation and of the Decision and
6 Order. Respondent understands the charges and allegations of violations of the Business and
7 Professions Code and Health and Safety Code alleged in the Accusation and her rights under the
8 Administrative Procedure Act.

9 3. Respondent withdraws the Notice of Defense previously filed in this matter,
10 and agrees to be bound by the terms of this Stipulation, and of the Decision and Order, and freely
11 and voluntarily waives any rights she may have in this proceeding to a hearing on the charges
12 and allegations contained in the Accusation, to reconsideration, to appeal, to judicial review, and
13 to all other rights which she may have under the California Administrative Procedure Act and the
14 laws and regulations of the State of California.

15 BASIS FOR DISCIPLINE

16 4. Respondent admits the truth of each and every factual allegation contained in
17 Accusation No. 2387, which is attached as an exhibit and incorporated herein by reference as
18 though fully set forth, and further admits that causes exists thereby to impose discipline upon her
19 pharmacist license.

20 5. The foregoing admissions are made only for the purpose of this proceeding
21 and any subsequent proceedings between respondent and the Board, the State of California and
22 any of its agencies, and any other government agency responsible for licensing pharmacists. In
23 the event this Stipulation is not adopted by the Board, the admissions made herein shall be null
24 and void, and may not be used by the parties for any purpose.

25 ADOPTION OF STIPULATION

26 6. It is understood by respondent that, in deciding whether to adopt this
27 Stipulation, the Board may receive oral and written communications from its staff and the
28 Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the

1 Board or other persons from future participation in this or any other matter affecting respondent.
2 In the event this settlement is not adopted by the Board, the Stipulation will not become effective
3 and may not be used for any purpose, except this paragraph, which shall remain in effect.

4 WHEREFORE, it is stipulated that the California Board of Pharmacy may issue
5 the following Decision and Order:

6 **DECISION AND ORDER**

7 License number RPH 40794, issued to Hoda Lopez Soliman is hereby revoked;
8 however, the revocation is stayed and respondent is placed on probation for five (5) years upon
9 the following terms and conditions.

10 1. OBEY ALL LAWS: Respondent shall obey all federal and state laws and
11 regulations substantially related or governing the practice of pharmacy.

12 Respondent shall report any of the following occurrences to the Board, in writing,
13 within 72 hours of such occurrence:

14 a. An arrest or issuance of a criminal complaint for violation of any provision of
15 the Pharmacy Law, state and federal food and drug laws, or state and federal controlled
16 substances laws;

17 b. A plea of guilty or nolo contendere in any state or federal criminal proceeding
18 to any criminal complaint, information or indictment;

19 c. A conviction of any crime; and

20 d. Discipline, citation, or other administrative action filed by any state and federal
21 agency which involves respondent's pharmacist license or which is related to the practice of
22 pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any
23 drug, device or controlled substance.

24 2. REPORTING TO THE BOARD: Respondent shall report to the Board
25 quarterly. The report shall be made either in person or in writing, as directed. Respondent shall
26 state under penalty of perjury whether there has been compliance with all the terms and
27 conditions of probation. If the final probation report is not made as directed, probation shall be
28 extended automatically until such time as the final report is made and accepted by the Board.

1 3. INTERVIEW WITH THE BOARD: Upon receipt of reasonable notice,
2 respondent shall appear in person for interviews with the Board upon request at various intervals
3 at a location to be determined by the Board. Failure to appear for a scheduled interview without
4 prior notification to Board staff shall be considered a violation of probation.

5 4. COOPERATION WITH BOARD STAFF: Respondent shall cooperate with
6 the Board's inspectional program and in the Board's monitoring and investigation of the
7 respondent's compliance with the terms and conditions of her probation. Failure to comply shall
8 be considered a violation of probation.

9 5. CONTINUING EDUCATION: Respondent shall provide evidence of efforts
10 to maintain skill and knowledge as a pharmacist as directed by the Board.

11 6. NOTICE TO EMPLOYERS: Respondent shall notify all present and
12 prospective employers of the decision in Case No. 2387 and the terms, conditions and
13 restrictions imposed on respondent by the decision. Within thirty (30) days of the effective date
14 of this decision, and within fifteen (15) days of respondent undertaking new employment,
15 respondent shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the
16 Board in writing acknowledging the employer read the decision in Case No. 2387.

17 If respondent works for or is employed by or through a pharmacy employment
18 service, respondent must notify the direct supervisor, pharmacist-in-charge and/or owner at every
19 pharmacy of the terms and conditions of the decision in Case No. 2387 in advance of the
20 respondent commencing work at each pharmacy.

21 "Employment" within the meaning of this provision shall include any full-time,
22 part-time, temporary, relief or pharmacy management service as a pharmacist, whether the
23 respondent is considered an employee or independent contractor.

24 7. NO PRECEPTORSHIPS, SUPERVISION OF INTERNS, BEING
25 PHARMACIST-IN-CHARGE, OR SERVING AS CONSULTANT:

26 Respondent shall not supervise any intern pharmacist or perform any of the duties
27 of a preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the
28 Board unless otherwise specified in this order.

1 8. REIMBURSEMENT OF BOARD COSTS: Respondent shall pay to the Board
2 its costs of investigation and prosecution in the amount of \$4,000.00 (Four Thousand Dollars).
3 Respondent shall be permitted to pay these costs in a payment plan approved by the Board, with
4 payments to be completed no later than three months prior to the end of the probation term.

5 9. PROBATION MONITORING COSTS: Respondent shall pay the costs
6 associated with probation monitoring as determined by the Board each and every year of
7 probation. Such costs shall be payable to the Board at the end of each year of probation. Failure
8 to pay such costs shall be considered a violation of probation.

9 10. STATUS OF LICENSE: Respondent shall, at all times while on probation,
10 maintain an active current license with the Board, including any period during which suspension
11 or probation is tolled.

12 If respondent's license expires or is cancelled by operation of law or otherwise,
13 upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of
14 this probation not previously satisfied.

15 11. LICENSE SURRENDER WHILE ON PROBATION/SUSPENSION:

16 Following the effective date of this decision, should respondent cease practice due
17 to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
18 respondent may tender her license to the Board for surrender. The Board shall have the
19 discretion whether to grant the request for surrender or take any other action it deems appropriate
20 and reasonable. Upon formal acceptance of the surrender of the license, respondent will no
21 longer be subject to the terms and conditions of probation.

22 Upon acceptance of the surrender, respondent shall relinquish her pocket license
23 to the Board within 10 days of notification by the Board that the surrender is accepted.
24 Respondent may not reapply for any license from the Board for three (3) years from the effective
25 date of the surrender. Respondent shall meet all requirements to the license sought as of the date
26 the application for that license is submitted to the Board.

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12. NOTIFICATION OF EMPLOYMENT/MAILING ADDRESS CHANGE:

Respondent shall notify the Board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor, or owner, and work schedule if known. Respondent shall notify the Board in writing within ten (10) days of a change in name, mailing address, or phone number.

13. TOLLING OF PROBATION: Respondent shall work at least 40 hours in

each calendar month as a pharmacist and at least an average of 80 hours per month in any six consecutive months. Failure to do so will be a violation of probation. If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition.

14. VIOLATION OF PROBATION: If respondent violates probation in any

respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order (revocation) which was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the Board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation is heard and decided.

If respondent has not complied with any term or condition of probation, the Board

shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been met or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty (revocation) which was stayed.

15. COMPLETION OF PROBATION: Upon successful completion of

probation, respondent's license will be fully restored.

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1 16. ACTUAL SUSPENSION: As part of probation, respondent is suspended
2 from the practice of pharmacy for thirty (30) days beginning the effective date of this decision.
3 Respondent cannot return to work until the Pharmacists Recovery Program (PRP) clears her to
4 practice as a pharmacist.

5 During suspension, respondent shall not enter any pharmacy area or any portion of the
6 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
7 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and
8 devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do
9 any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
10 patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee
11 of the Board, or have access to or control the ordering, manufacturing or dispensing of dangerous
12 drugs and devices or controlled substances.

13 Respondent shall not engage in any activity that requires the professional judgment of a
14 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.
15 Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity
16 licensed by the Board. Subject to the above restrictions, respondent may continue to own or hold
17 an interest in any pharmacy in which she holds an interest at the time this decision becomes
18 effective unless otherwise specified in this Order.

19 17. REHABILITATION PROGRAM-PHARMACISTS RECOVERY
20 PROGRAM (PRP): Within thirty (30) days of the effective date of this decision, respondent shall
21 contact the Pharmacists Recovery Program (PRP) for evaluation and shall successfully
22 participate in and complete the treatment contract and any subsequent addendums as
23 recommended and provided by the PRP and as approved by the Board. The costs for PRP
24 participation shall be borne by the respondent.

25 If respondent is currently enrolled in the PRP, said participation is now mandatory and is
26 no longer considered a self-referral under Business and Professions Code section 4363, as of the
27 effective date of this decision. Respondent shall successfully participate in and complete her
28 current contract and any subsequent addendums with the PRP. Probation shall be automatically

1 extended until respondent successfully completes her treatment contract. Any person terminated
2 from the program shall be automatically suspended upon notice by the Board. Respondent may
3 not resume the practice of pharmacy until notified by the Board in writing. The Board shall
4 retain jurisdiction to institute action to terminate probation for any violation of this term.

5 18. RANDOM DRUG SCREENING: Respondent, at her own expense, shall
6 participate in random testing, including but not limited to biological fluid testing (urine, blood),
7 BREATHALYZER, hair follicle testing, or a drug screening program approved by the Board.
8 The length of time shall be for the entire probation period and the frequency of testing will be
9 determined by the Board. At all times respondent shall fully cooperate with the Board, and shall,
10 when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics,
11 dangerous drugs or other controlled substances. Failure to submit to testing as directed shall
12 constitute a violation of probation. Any confirmed positive drug test shall result in the
13 immediate suspension of practice by respondent. Respondent may not resume the practice of
14 pharmacy until notified by the Board in writing.

15 19. ABSTAIN FROM DRUGS AND ALCOHOL USE: Respondent shall
16 completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs
17 and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed
18 practitioner as part of a documented medical treatment. Upon request of the Board, respondent
19 shall provide documentation from the licensed practitioner that the prescription was legitimately
20 issued and is a necessary part of the treatment of the respondent.

21 20. SUPERVISED PRACTICE: Respondent shall practice only under the
22 supervision of a pharmacist not on probation with the Board. Respondent shall not practice until
23 the supervisor is approved by the Board. The supervision shall be, as required by the Board,
24 either:

25 Continuous-75% to 100% of a work week
26 Substantial- At least 50% of a work week
27 Partial-At least 25% of a work week
28 Daily Review-Supervisor's review of probationer's daily activities within 24 hours

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1 Within 30 days of the effective date of this decision, respondent shall have her supervisor
2 submit notification to the Board in writing stating the supervisor has read the decision in Case
3 No. 2387 and is familiar with the level of supervision as determined by the Board.

4 If respondent changes employment, respondent shall have her new supervisor, within 15
5 days after employment commences, submit notification to the Board in writing stating the direct
6 supervisor and pharmacist-in-charge have read the decision in Case No. 2387 and is familiar with
7 the level of supervision as determined by the Board.

8 Within 10 days of leaving employment, respondent shall notify the Board in writing.

9 21. NO OWNERSHIP OF PREMISES: Respondent shall not own, have any legal
10 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
11 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
12 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
13 entity licensed by the Board within 90 days following the effective date of this decision and shall
14 immediately thereafter provide written proof thereof to the Board.

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1 AGREEMENT BY RESPONDENT

2 I hereby state that I have read and that I understand this document. I understand
3 the effect this stipulation will have on my license to practice as a pharmacist; and I enter into this
4 stipulation knowingly, voluntarily, freely, and intelligently.

5 I understand that I have certain rights under the California Administrative
6 Procedure Act and the laws and regulations of the State of California in regard to this matter, and
7 I knowingly and intelligently waive those rights.

8 My attorney has fully explained to me the legal significance and consequences of
9 this Stipulation, and I fully understand all of, and agree to be bound by, the terms of this
10 Stipulation.

11 I further understand that this stipulation may not be adopted by the California
12 Board of Pharmacy, in which case it is of no effect.

13 I also understand that once I sign this stipulation it is binding, and I shall not be
14 permitted to withdraw from it unless it is rejected by the California Board of Pharmacy.

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16 DATED: 3/6/02


HODA LOPEZ SOLIMAN
Pharmacist License No. RPH 40794
Respondent

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20 DATED: 3/6/02


KEVIN D. DONAHUE
Attorney for Respondent
Hoda Lopez Soliman

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ENDORSEMENT

The foregoing Stipulation is respectfully submitted for consideration by the
California Board of Pharmacy.

DATED: March 13, 2002

BILL LOCKYER, Attorney General
Of the State of California



MAUREEN McKENNAN STRUMPFER
Deputy Attorney General

Attorneys for Complainant

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ORDER

The above Stipulation has been adopted and shall become the Decision of the Board of Pharmacy of the State of California effective May 23 2002.

IT IS SO ORDERED this 23rd day of April, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: 
STEVE LITSEY
Board President

Exh. A: Accusation Case No. 2387

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1 BILL LOCKYER, Attorney General
 of the State of California
 2 MAUREEN MCKENNAN STRUMPFER, State Bar No. 161571
 Deputy Attorney General
 3 California Department of Justice
 1300 I Street, Suite 125
 4 P.O. Box 944255
 Sacramento, California 94244-2550
 5 Telephone: (916) 445-2069
 Facsimile: (916) 324-5567

6 Attorneys for Complainant

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

10

11 In the Matter of the Accusation Against:

Case No. 2387

12 HODA LOPEZ SOLIMAN
 21213 B Hawthorne Blvd., # 5207
 13 Torrance, California 90503

ACCUSATION

14 Pharmacist License No. RPH 40794

15 Respondent.

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17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her
 20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
 21 Affairs (hereafter "Board").

22 2. On or about March 18, 1987, the Board of Pharmacy issued Pharmacist
 23 License Number RPH 40794 to Hoda Lopez Soliman ("Respondent"). The Pharmacist License
 24 was in full force and effect at all times relevant to the charges brought herein and will expire on
 25 November 30, 2002, unless renewed.

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1 substance as defined in Health and Safety Code section 11057(d)(8).

2 13. Diethylpropion, a diet pill, is a Schedule IV controlled substance as
3 defined in Health and Safety Code section 11057(f)(1).

4 14. Vicodin HP (hydrocodone and acetaminophen), a narcotic pain pill, is a
5 Schedule III controlled substance as defined in Health and Safety Code section 11056(e).

6 15. Klonopin (Clonazepam), an anti-anxiety pill, is a Schedule IV controlled
7 substance as defined in Health and Safety Code section 11057(d)(6).

8 16. Fiorinal with Codeine (butalbital, aspirin, caffeine and codeine phosphate)
9 and Fioricet with Codeine (butalbital, acetaminophen, caffeine, and codeine phosphate), narcotic
10 analgesics, are Schedule III controlled substances as defined in Health and Safety Code section
11 11056(e).

12 17. Xenical (Orlistat), a diet pill, is a dangerous drug as classified in Business
13 and Professions Code section 4022.

14 18. Bontril PDM (phendimetrazine tartrate), a diet pill, is a Schedule III
15 controlled substance as defined in Health and Safety Code section 11056(b).

16 19. Prelu-2 (phendimetrazine tartrate), a diet pill, is a Schedule III controlled
17 substance as defined in Health and Safety Code section 11056(b).

18 FIRST CAUSE FOR DISCIPLINE

19 (4301(f): dishonest acts)

20 20. Respondent is subject to disciplinary action under Code section 4301,
21 subdivision (f) based upon unprofessional conduct for committing acts involving moral
22 turpitude, dishonesty, fraud, deceit, or corruption in that she stole prescription drugs from her
23 employer. The circumstances are as follows:

24 a. On or about September 21, 1999, while respondent was employed
25 as a pharmacist at a WalMart pharmacy in Selma, California, by her own admission, she took
26 from her employer a bottle containing 100 pills of Klonopin (Clonazepam), a Schedule IV
27 controlled substance, without paying for it.

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1 SECOND CAUSE FOR DISCIPLINE

2 (4301(h): Administering controlled substances to self)

3 21. Respondent is subject to disciplinary action under Code section 4301,
4 subdivision (h) based upon unprofessional conduct in that she administered controlled substances
5 to herself to the extent or in a manner as to be dangerous to herself or to others or to the extent
6 that the use impairs her ability to practice her profession safely. The circumstances are as
7 follows:

8 a. On or about September 21, 1999, respondent self-administered
9 controlled substances and was under the influence of controlled substances as evidenced by her
10 behavior in which she appeared confused, had poor eye-hand coordination, slow speech, droopy
11 eyelids, and was unsteady on her feet; and she had a urine drug test which was positive for
12 opiates.

13 b. On or about September 21, 1999, respondent, by her own
14 admission, administered to herself three doses of Fioricet with Codeine.

15 THIRD CAUSE FOR DISCIPLINE

16 (4301(j): violating laws regulating controlled substances)

17 22. Respondent is subject to disciplinary action under Code section 4301,
18 subdivision (j) based upon unprofessional conduct for engaging in acts constituting violations of
19 Business and Professions Code section 4060, and Health and Safety Code sections 11170,
20 11550(a), and 11377(a). The circumstances are as follows:

21 a. On or about September 21, 1999, while employed as a pharmacist
22 at a WalMart pharmacy in Selma, California, respondent furnished and possessed, without proper
23 prescription, for her own personal use a bottle containing 100 pills of Klonopin (Clonazepam), a
24 Schedule IV controlled substance.

25 b. On or about September 21, 1999, respondent obtained and
26 possessed, without proper prescription, for her own personal use the following dangerous drugs
27 and/or controlled substances:

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- 1 1. 53 pills of Valium;
- 2 2. 26 pills of Diethylpropion;
- 3 3. 19 pills of Vicodin;
- 4 4. 100 tablets of Klonopin;
- 5 5. 1 pill of Fiorinal with Codeine;
- 6 6. 59 pills of Fioricet with Codeine;
- 7 7. 1 pill of Xenical;
- 8 8. 15 pills of Bontril PDM; and
- 9 9. 41 pills of Prelu-2.

10 FOURTH CAUSE FOR DISCIPLINE

11 (4301(o): violating state laws governing pharmacy)

12 23. Respondent is subject to disciplinary action under Code section 4301,
13 subdivision (o) based upon unprofessional conduct in that she violated state laws and regulations
14 governing pharmacy in the following manner:

15 a. Complainant incorporates by reference as though fully set forth
16 herein the allegations contained *infra* at paragraph 22.

17 PRAYER

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

20 1. Revoking or suspending Pharmacist License Number RPH 40794, issued
21 to Hoda Lopez Soliman;

22 2. Ordering Hoda Lopez Soliman to pay the Board of Pharmacy the
23 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
24 Professions Code section 125.3; and

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

DATED: 11/9/01

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant