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

In the Matter of the Accusation Against:	Case No. 2601
HODA SOLIMAN, A.K.A. HODA LOPEZ SOLIMAN, A.K.A. HODA AWNI GHOBRIAL 2123 B Hawthorne Boulevard, #5207 Torrance, CA 90503 Original Pharmacist License No. RPH 40794 Respondent.	**DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 8, 2003, Complainant Patricia F. Harris, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 2601 against Hoda Soliman, a.k.a., Hoda Lopez Soliman, a.k.a., Hoda Awni Ghobrial (Respondent) before the Board of Pharmacy.

2. On or about March 18, 1987, the Board of Pharmacy (Board) issued Original Pharmacist License No. RPH 40794 to Respondent. The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2004, unless renewed.

3. On or about April 15, 2003, Maria-Elena Hernandez, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2601, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is 21213 B Hawthorne Boulevard, #5207, Torrance, CA 90503. A copy of the Accusation, the related documents, and Declaration of Service are incorporated herein by

reference. A copy of the Accusation is attached hereto as Exhibit A.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. On or about April 17, 2003, the aforementioned documents were delivered to Respondent which is evidenced by her signature on the certified mail receipt.

6. On or about July 31, 2003, Maria-Elena Hernandez, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 2601, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's secondary address of record with the Board, which was and is 20810 Anza Avenue, #202, Torrance, CA 90503. A copy of the July 31, 2003, Declaration of Service is incorporated herein by reference and attached hereto as Exhibit B.

7. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

8. Government Code section 1150, subdivision (c), states:

"The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

9. Respondent failed to file a Notice of Defense within 15 days after service of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2601.

10. California Government Code section 11520, subdivision (c), states:

"If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent."

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on

Respondent's express admissions by way of default and the evidence before it, finds that the allegations, and each of them, in Accusation No. 2601 are true.

12. The total costs for investigation and enforcement are $15,612.75, as of June 24, 2003.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Hoda Soliman, a.k.a., Hoda Lopez Soliman, a.k.a., Hoda Awni Ghobrial has subjected her Original Pharmacist License No. RPH 40794 to discipline.

2. The Board has jurisdiction to adjudicate this case by default.

3. The Board is authorized to revoke Respondent's Original Pharmacist License based upon the following violations alleged in the Accusation:

a. Business and Professions Code section 4301, subdivisions (b) and (c); committed acts of incompetence and/or gross negligence.

b. Business and Professions Code section 4301, subdivisions (j) and (p) and California Code of Regulations, title 16, section 1716, and Health and Safety Code section 11153; deviation from prescriptions.

c. Business and Professions Code section 4301, subdivision (p), and section 4369; failed to complete the Pharmacists Recovery Program.

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ORDER

IT IS SO ORDERED that Original Pharmacist License No. RPH 40794, heretofore issued to Respondent Hoda Soliman, a.k.a., Hoda Lopez Soliman, a.k.a., Hoda Awni Ghrobrial is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 2, 2003.

It is so ORDERED October 3, 2003

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

JOHN D. JONES
Board President

Attachments:

Exhibit A: Accusation No. 2601

Exhibit B: July 31, 2003, Declaration of Service

DOJ docket number:03583110-A-2002AD

Exhibit A

Accusation No. 2601

BILL LOCKYER, Attorney General
of the State of California
JAMI L. CANTORE, State Bar No. 165410
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2569
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case No. 2601
HODA SOLIMAN, AKA HODA LOPEZ SOLIMAN, AKA HODA AWNI GHOBRIAL 21213 B Hawthorne Boulevard, #5207 Torrance, CA 90503 Original Pharmacist License No. RPH 40794 Respondent.	**A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about March 18, 1987, the Board of Pharmacy issued Original Pharmacist License Number RPH 40794 to Hoda Soliman, aka Hoda Lopez Soliman, aka Hoda Awni Ghobrial (Respondent). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2004, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code permits the Board to take disciplinary action to suspend or revoke a license issued by the Board.

5. Section 4301 of the Code states:

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

. . . .

"(b) Incompetence.

"(c) Gross negligence.

. . . .

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

. . . .

"(p) Actions or conduct that would have warranted denial of a license."

6. Section 4369, subdivision (c), states:

"Participation in a program under this article shall not be a defense to any disciplinary action that may be taken by the board. Further, no provision of this article shall preclude the board from commencing disciplinary action against a licensee who is terminated from a program under this article."

7. California Code of Regulation, title 16, section 1716 states:

"Pharmacists shall not deviate from the requirements of a prescription except upon the prior consent of the prescriber or to select the drug product in accordance with Section 4073 of the Business and Professions Code."

8. Section 118, subdivision (b), of the Code provides that the suspension of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Incompetence and/or Gross Negligence)

10. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivisions (b) and (c), on the grounds of unprofessional conduct in that Respondent committed acts of incompetence and/or gross negligence, as follows:

From on or about July, 2002 to on or about December, 2002, Respondent was employed as a pharmacist at Citrus Pharmacy in Redlands, California. During that five-month period, Respondent made repeated gross errors in dispensing prescription orders. Prior to her employment termination, Respondent made four to five prescription errors within a two week period. Respondent made nine (9) pharmacy dispensing errors within the five-month period. Two of the erroneously dispensed drugs were taken by patients. One of the patients suffered a severe side effect after taking the wrong medication.

SECOND CAUSE FOR DISCIPLINE

(Deviation From Prescription)

11. Respondent is subject to disciplinary action under section 4300 and 4301, subdivisions (j) and (p), on the grounds of unprofessional conduct as defined in California Code of Regulations, title 16, section 1716, and Health and Safety Code section 11153. The pharmacy errors made by Respondent are as follows:

a. Dispensed Cirpo (an antibiotic) tablets instead of the suspension ordered.

b. Dispensed short acting isordil (a chest pain medication) instead of the prescribed long-acting one.

c. Dispensed Dilantin (an anti-seizure medication) suspension instead of prescribed Senekot (a laxative) syrup.

d. Dispensed Tegretol (an anti-seizure medication) instead of the prescribed Tagamet (a stomach ulcer medication).

e. Dispensed Prednisone (an immune suppressant medication) 50 mg instead of the prescribed 5 mg.

f. Failed to notice an incorrectly typed label of instruction for an order of Lopressor (a blood pressure medication).

g. Did not notice an incorrectly typed patient name, as compared to the name on the medication order.

h. Dispensed pink Darvocet (a pain control medication), instead of the requested white Darvocet, as patient was allergic to the dye.

i. Dispensed Senokot (a laxative) to the wrong patient.

THIRD CAUSE FOR DISCIPLINE

(Failure to Complete Program)

12. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (p), and section 4369 of the Code in that Respondent failed to complete the Pharmacists Recovery Program, as follows:

Effective May 23, 2002, Respondent was placed on probation with terms and conditions. One of the conditions was that she successfully participate in and complete the Pharmacists Recovery Program. On or about May 23, 2002, Respondent joined the Pharmacists Recovery Program. Respondent was terminated from the program on or about December 13, 2002. The case manager of the program terminated Respondent from the recovery program because he believed she posed a threat to the public to practice pharmacy.

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DISCIPLINARY CONSIDERATIONS

13. To determine the degree of discipline, if any, to be imposed on Respondent Hoda Lopez Soliman, Complainant alleges that effective May 23, 2002, in a prior disciplinary action entitled In the Matter of the Accusation Against Hoda Lopez Soliman before the Board of Pharmacy, Case No. 2387, Respondent's license was placed on probation, with terms and conditions, for a period of five (5) years. That decision is now final and is incorporated by reference as if fully set forth.

PRAYER

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

1. Revoking or suspending Original Pharmacist License Number RPH 40794, issued to Hoda Soliman, aka Hoda Lopez Soliman, aka Hoda Awni Ghobrial;

2. Ordering Hoda Soliman, 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;

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

DATED: 4/8/03

P. F. Harris

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

03583110-LA2003AD0035
soliman.wpd

Exhibit B

July 31, 2003 Declaration of Service

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

In the Matter of the Accusation Against: Hoda Soliman, aka Hoda Lopez Soliman aka Hoda Awni Ghobrial
Agency Case No. 2601
Docket No. 03583110-LA2002AD0035

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 31, 2003, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 So. Spring St., Los Angeles, CA 90013, addressed as follows:

Hoda Soliman
20810 Anza Ave., #202
Torrance, CA 90503

Certified Mail No.
7001 0360 0003 2711 5231

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)
OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Postage & Fees	$

Postmark Here

Sent To
Hoda Soliman,
Street, Apt. No.; or PO Box No. 20810 Anza Ave., #202
City, State, ZIP+ 4 Torrance, CA 90503

PS Form 3800, January 2001 See Reverse for Instructions

the laws of the State of California the foregoing is true
executed on July 31, 2003, at Los Angeles, California.

Maria Elena Hernandez
Signature