

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

In the Matter of the Accusation Against:

Case No. 3433

MAHER I. AL-GHABRA
PO Box 881661
San Diego, CA 92168

Pharmacist License No. RPH 44421

Respondent.

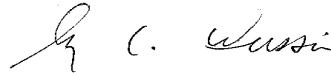
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on December 21, 2011.

It is so ORDERED on November 21, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE
Deputy Attorney General
4 State Bar No. 171352
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
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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:

12 **MAHER I. AL-GHABRA**
13 **P.O. Box 881661**
14 **San Diego, CA 92168**

15 **Pharmacist License No. RPH 44421**

16 Respondent.

Case No. 3433

OAH No. 2010091143

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. VIRGINIA HEROLD (Complainant) is the Executive Officer of the Board of
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
23 by Kamala D. Harris, Attorney General of the State of California, by Rita M. Lane, Deputy
24 Attorney General.

25 2. Respondent Maher I. Al-Ghabra is represented in this proceeding by attorney Armond
26 Macarian, whose address is: 15260 Ventura Boulevard, Suite 2250, Sherman Oaks, CA 91403.

27 3. On or about August 27, 1991, the Board of Pharmacy issued Pharmacist License No.
28 RPH 44421 to Maher I. Al-Ghabra (Respondent). The Pharmacist License was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 3433 and will expire on July
2 31, 2013, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3433 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on January 6, 2010.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3433 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 3433. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order for Public Reproval.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. For the purposes of settlement and compromise of the instant proceeding, Respondent
24 understands and agrees that the charges and allegations in Accusation No. 3433, if proven at a
25 hearing, constitute cause for imposing discipline upon his pharmacist license.

26 9. Respondent agrees that the Board has jurisdiction to impose a public reprimand upon
27 his license to practice as a licensed pharmacist pursuant to section 495 of the Business and
28 Professions Code.

CONTINGENCY

1
2 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and settlement, without notice to
5 or participation by Respondent or his counsel. By signing the stipulation, Respondent
6 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
7 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
8 as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Repeval
9 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
10 between the parties, and the Board shall not be disqualified from further action by having
11 considered this matter.

12 11. The parties understand and agree that facsimile copies of this Stipulated Settlement
13 and Disciplinary Order for Public Repeval, including facsimile signatures thereto, shall have the
14 same force and effect as the originals.

15 12. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by
16 the parties to be an integrated writing representing the complete, final, and exclusive embodiment
17 of their agreement. It supersedes any and all prior or contemporaneous agreements,
18 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
19 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,
20 supplemented, or otherwise changed except by a writing executed by an authorized representative
21 of each of the parties.

22 13. In consideration of the foregoing admissions and stipulations, the parties agree that
23 the Board may, without further notice or formal proceeding, issue and enter the following
24 Disciplinary Order:

DISCIPLINARY ORDER

25
26 IT IS HEREBY ORDERED that Pharmacist License No. RPH 44421 issued to Respondent
27 Maher I. Al-Ghabra shall, by way of letter from the Board's Executive Officer, be publicly
28 reprovded. As part of the public reprovval, Respondent shall comply with the following:

1 **1. Remedial Education**

2 Respondent shall submit to the Board or its designee, for prior approval, an appropriate
3 program of remedial education related to dispensing medication and basic pharmacist skills. The
4 program of remedial education shall consist of at least 15 hours, which shall be completed prior to
5 Respondent's Pharmacist License being renewed by the Board on July 31, 2013. The educational
6 courses shall be at Respondent's own expense. All remedial education shall be in addition to, and
7 shall not be credited toward, continuing education courses used for license renewal purposes.

8 Failure to timely submit or complete the approved remedial education will cause the Board
9 to not renew Respondent's Pharmacist License until such remedial education is successfully
10 completed and written proof, in a form acceptable to the Board, is provided to the Board or its
11 designee.

12 **2. Ethics Course**

13 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
14 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its
15 designee. Respondent shall complete the ethics course prior to Respondent's Pharmacist License
16 being renewed by the Board on July 31, 2013. The Board will not renew Respondent's
17 Pharmacist License until such ethics course is successfully completed and written proof, in a form
18 acceptable to the Board, is provided to the Board or its designee.

19 **3. Reimbursement of Board Costs**

20 Respondent shall pay to the Board its costs of investigation and prosecution in the amount
21 of \$10,000. Respondent may make payments to the Board as long as the total amount of \$10,000
22 is paid to the Board prior to Respondent's Pharmacist License being renewed by the Board on
23 July 31, 2013. The Board will not renew Respondent's Pharmacist License until such costs are
24 paid.

25 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
26 reimburse the Board its costs of investigation and prosecution.

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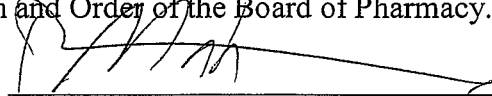
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney, Armond Macarian. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

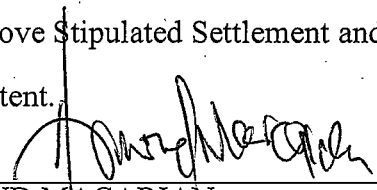
DATED: Jul 18 2011



MAHER I. AL-GHABRA
Respondent

I have read and fully discussed with Respondent Maher I. Al-Ghabra the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

DATED: July 18, 2011



ARMOND MACARIAN
Attorney for Respondent

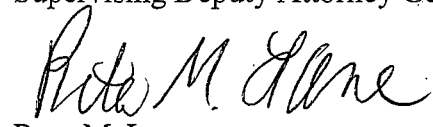
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: July 18, 2011

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General



RITA M. LANE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3433

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE
Deputy Attorney General
4 State Bar No. 171352
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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11 In the Matter of the Accusation Against:
12
13 **MAHER I. AL-GHABRA**
P.O. Box 881661
San Diego, CA 92168
14
15 **Pharmacist License No. RPH 44421,**
16 Respondent.

Case No. 3433

ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On or about August 27, 1991, the Board of Pharmacy issued Pharmacist License
23 Number RPH 44421 to Maher I. Al-Ghabra (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on July 31,
25 2011, unless renewed.

26 ///

27 ///

28 ///

1 JURISDICTION

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

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

9 5. Section 4300 of the Code states:

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

11 STATUTORY PROVISIONS

12 6. Section 4022 of the Code states

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

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

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

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

23 7. Section 4040 of the Code states in pertinent part:

24 (a) "Prescription" means an oral, written, or electronic transmission order that
25 is both of the following :

26 (1) Given individually for the person or persons for whom ordered that
27 includes all of the following:

28 (A) The name or names and address of the patient or patients.

(B) The name and quantity of the drug or device prescribed and the directions
for use.

(C) The date of issue.

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(D) Either rubber stamped, typed, or printed by hand or typeset, the name, address, and telephone number of the prescriber, his or her license classification, and his or her federal registry number, if a controlled substance is prescribed.

(E) A legible, clear notice of the condition for which the drug is being prescribed, if requested by the patient or patients.

(F) If in writing, signed by the prescriber issuing the order, or the certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor who issues a drug order pursuant to section 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist who issues a drug order pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

8. Section 4059 of the Code states in pertinent part:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

9. Section 4063 of the Code states:

No prescription for any dangerous drug or dangerous device may be refilled except upon authorization of the prescriber. The authorization may be given orally or at the time of giving the original prescription. No prescription for any dangerous drug that is a controlled substance may be designated refillable as needed.

10. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge, for maintaining the records and inventory described in this section.

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11. Section 4301 of the Code states in pertinent part:

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:

.....
(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

.....
(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.

12. Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a pharmacy and all other records required by Section 4081 shall be maintained on the premises and available for inspection by authorized officers of the law for a period of at least three years. In cases where the pharmacy discontinues business, these records shall be maintained in a board-licensed facility for at least three years.

13. Health and Safety Code section 11153 provides in pertinent 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.

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14. Health and Safety Code section 11165 provides in pertinent part:

....

(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, the dispensing pharmacy shall provide the following information to the Department of Justice on a weekly basis and in a format specified by the Department of Justice:

- (1) Full name, address, and the telephone number 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, and the gender, and date of birth of the ultimate user.
- (2) The prescriber's category of licensure and license number; federal controlled substance registration number; and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.
- (3) Pharmacy prescription number, license number, and federal controlled substance registration number.
- (4) NDC (National Drug Code) number of the controlled substance dispensed.
- (5) Quantity of the controlled substance dispensed.
- (6) ICD-9 (diagnosis code), if available.
- (7) Number of refills ordered.
- (8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.
- (9) Date of origin of the prescription.
- (10) Date of dispensing of the prescription.

15. Health and Safety Code section 11171 provides that:

No person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division.

16. Health and Safety Code section 11200 provides that:

- (a) No person shall dispense or refill a controlled substance prescription more than six months after the date thereof.

///

1 (b) No prescription for a Schedule III or IV substance may be refilled more
2 than five times and in an amount, for all refills of that prescription taken
3 together, exceeding a 120-day supply.

4 (c) No prescription for a Schedule II substance may be refilled.

5 REGULATIONS

6 17. California Code of Regulations, title 16 (CCR), section 1707.1 provides in pertinent
7 part:

8 (a) A pharmacy shall maintain medication profiles on all patients who have
9 prescriptions filled in that pharmacy except when the pharmacist has reasonable
10 belief that the patient will not continue to obtain prescription medications from
11 that pharmacy.

12 (1) A patient medication record shall be maintained in an automated data
13 processing or manual record mode such that the following information is
14 readily retrievable during the pharmacy's normal operating hours.

15 (A) The patient's full name and address, telephone number, date of birth (or
16 age) and gender;

17 (B) For each prescription dispensed by the pharmacy:

18 (1) The name, strength, dosage form, route of administration, if other than
19 oral, quantity and directions for use of any drug dispensed;

20 18. CCR section 1714 provides in pertinent part:

21 (d) Each pharmacist while on duty shall be responsible for the security of
22 the prescription department, including provisions for effective control against theft
23 or diversion of dangerous drugs and devices, and records for such drugs and
24 devices. Possession of a key to the pharmacy where dangerous drugs and
25 controlled substances are stored shall be restricted to a pharmacist.

26 19. CCR section 1716 states:

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

///

///

1 20. CCR section 1718 states:

2 "Current Inventory" as used in Sections 4081 and 4332 of the Business and
3 Professions Code shall be considered to include complete accountability for all
4 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

5 The controlled substances inventories required by Title 21, CFR, Section
6 1304 shall be available for inspection upon request for at least 3 years after the
7 date of the inventory.

8 21. CCR section 1761 states:

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

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

17 COSTS

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

22 DRUG

23 23. Hydrocodone with acetaminophen (hydrocodone/APAP) is designated by Health and
24 Safety Code section 11056(e)(4) as a narcotic drug and a Schedule III controlled substance, and
25 by Business and Professions Code section 4022 as a dangerous drug, and is used as a narcotic
26 analgesic in the relief of pain.

27 FACTS

28 24. In December 2006, Respondent began working as a pharmacist at CVS Pharmacy
#8842 in El Cajon, California. On February 3, 2007, customer M.B. filled his first prescription
for hydrocodone/APAP at CVS Pharmacy #8842. Thereafter, customer M.B. came into CVS
Pharmacy #8842 every couple of days looking for Respondent and if Respondent was not at the
pharmacy, customer M.B. would leave without conducting any business. Respondent filled

1 prescriptions for hydrocodone/APAP for customer M.B. almost every day and customer M.B.
2 received from 8 to 100 tablets of hydrocodone/APAP at a time. Sometimes, Respondent filled
3 two prescriptions for hydrocodone/APAP for customer M.B. on the same day.

4 25. In December 2007, it was discovered that Respondent was falsifying refill documents
5 and prescriptions for hydrocodone/APAP for customer M.B. Over approximately a 9 month
6 period, Respondent dispensed 47 prescriptions for hydrocodone/APAP to customer M.B., without
7 keeping a record in the patient profile. Respondent did not report, or incorrectly reported, 58
8 hydrocodone/APAP dispensings to CURES and was not able to produce 46 original prescriptions
9 for the hydrocodone/APAP prescriptions for customer M.B. Respondent filled 3 prescriptions for
10 hydrocodone/APAP for customer M.B. which did not meet the requirements of a prescription.
11 Respondent filled 13 prescriptions for hydrocodone/APAP differently from written and refilled 21
12 prescriptions for hydrocodone/APAP without authorization. Respondent also refilled 100
13 hydrocodone/APAP prescriptions early. Respondent excessively furnished hydrocodone/APAP
14 to customer M.B. 55 times because he filled the prescriptions too soon compared to the directions
15 for use and days supplied as ordered by the prescribing doctor. The total amount of
16 hydrocodone/APAP Respondent dispensed to customer M.B. over the approximately 9 month
17 period was 5,475 tablets.

18 FIRST CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct: Violating State Law Governing Pharmacy)

20 26. Respondent's license is subject to discipline for unprofessional conduct under section
21 4301(o) for violating state law governing pharmacy. The circumstances are as follows

22 a. Respondent failed to comply with CCR section 1707.1(a)(1)(B)(1) which requires
23 pharmacies to keep patient profiles, including names and dates of prescriptions filled, for each
24 patient. Specifically, on 47 occasions between March 12, 2007 and November 19, 2007, while
25 Respondent was working as a pharmacist at CVS Pharmacy #8442, Respondent dispensed
26 prescriptions for hydrocodone/APAP for customer M.B. which were not put into the patient
27 profile for customer M.B.

28 ///

1 b. Respondent failed to comply with Health and Safety Code section 11165(d) which
2 requires pharmacies to report controlled substance prescriptions to CURES. Specifically, on 58
3 occasions between March 12, 2007 and November 26, 2007, while Respondent was working as a
4 pharmacist at CVS Pharmacy #8442, Respondent dispensed prescriptions for hydrocodone/APAP
5 for customer M.B. which were not submitted to CURES correctly.

6 c. Respondent failed to comply with Health and Safety Code section 11171 and Code
7 section 4059(a) which requires a prescription be present prior to dispensing any dangerous drugs.
8 Specifically, on 46 occasions between March 3, 2007 and November 23, 2007, while Respondent
9 was working as a pharmacist at CVS Pharmacy #8442, Respondent dispensed controlled
10 substance prescriptions for hydrocodone/APAP to customer M.B. which did not have a
11 prescription document.

12 d. Respondent failed to comply with Code section 4040(a)(1) which requires certain
13 elements to be present on a prescription prior to dispensing any dangerous drugs. Specifically, on
14 3 occasions, while Respondent was working as a pharmacist at CVS Pharmacy #8442,
15 Respondent dispensed controlled substance prescriptions for hydrocodone/APAP for customer
16 M.B. which were incomplete. Rx #221915 filled on June 1, 2007, was an oral prescription with
17 no directions. Rx #223131 filled on June 15, 2007, consisted solely of a label. Rx #229877 filled
18 August 30, 2007 was an oral prescription which was not reduced to writing.

19 e. Respondent failed to comply with CCR section 1716 which prohibits varying from a
20 prescription unless authorization is obtained by the prescriber. Specifically, on 13 occasions
21 between February 15, 2007 and November 26, 2007, while Respondent was working as a
22 pharmacist at CVS Pharmacy #8442, Respondent dispensed hydrocodone/APAP to customer
23 M.B. in a manner not prescribed. Respondent filled some prescriptions for hydrocodone/APAP
24 for customer M.B. earlier than the doctor ordered; dispensed more pills than authorized, and
25 refilled the prescriptions when there were no refills ordered by the doctor.

26 f. Respondent failed to comply with Code section 4063 which prohibits refilling of
27 prescriptions without authorization. Specifically, on 21 occasions between February 19, 2007 and
28 November 26, 2007, while Respondent was working as a pharmacist at CVS Pharmacy #8442,

1 Respondent refilled hydrocodone/APAP prescriptions for customer M.B. without authorization
2 from the prescriber.

3 g. Respondent failed to comply with Health and Safety Code section 11153(a) and CCR
4 section 1761 which states that a pharmacist shall not dispense a prescription containing
5 irregularity or uncertainty, and that a pharmacist has a corresponding responsibility to ensure
6 proper prescribing and dispensing. Specifically, on 100 occasions between February 20, 2007
7 and November 19, 2007, while Respondent was working as a pharmacist at CVS Pharmacy
8 #8442, Respondent filled hydrocodeone/APAP prescriptions for customer M.B. early. This was
9 due to either Respondent filling the prescription too early based on how many pills were received
10 previously by customer M.B., or because there were two prescriptions filled on the same day for
11 customer M.B. for a similar drug.

12 h. Respondent failed to comply with Health and Safety Code section 11200 which
13 prohibits anyone from refilling a controlled substance prescription more than 5 times.
14 Specifically, on October 4 and 5, 2007, while Respondent was working as a pharmacist at CVS
15 Pharmacy #8442, Respondent refilled hydrocodone/APAP Rx #232237 in excess of 5 times.

16 i. Respondent failed to comply with CCR section 1714(d) which states that each
17 pharmacist while on duty shall be responsible for the security of the prescription department,
18 including provisions for effective control against theft or diversion of dangerous drugs and
19 devices, and records for those drugs and devices. Specifically, between May 1, 2007 and
20 December 15, 2007, while Respondent was working as a pharmacist at CVS Pharmacy #8442,
21 Respondent did not have provisions in place to avoid the loss of dangerous drugs which resulted
22 in a loss of Hydrocodone products to CVS Pharmacy #8442.

23 SECOND CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct: Excessive Furnishing of Controlled Substances)

25 27. Respondent's license is subject to discipline for unprofessional conduct under section
26 4301(d) for the clearly excessive furnishing of controlled substances in violation of Health and
27 Safety Code section 11153(a) in that on 55 occasions between September 9, 2007 and
28 November 5, 2007, while Respondent was working as a pharmacist at CVS Pharmacy #8442,

1 Respondent filled hydrocodone/APAP prescriptions early for customer M.B. where the doctor
2 wanted customer M.B. to take no more than 10 pills per day but Respondent continuously gave
3 customer M.B. amounts exceeding the prescribed 10 pills per day.

4 PRAYER

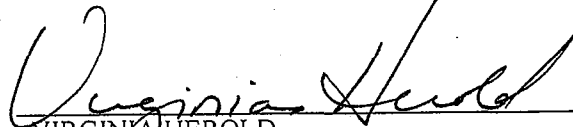
5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Pharmacy issue a decision:

7 1. Revoking or suspending Pharmacist License Number RPH 44421, issued to Maher I.
8 Al-Ghabra;

9 2. Ordering Maher I. Al-Ghabra to pay the Board of Pharmacy the reasonable costs of
10 the investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3; and

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

13
14 DATED: 1/4/10


15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant

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California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

Public Reprimand

Maher I. Al-Ghabra
P.O. Box 881661
San Diego, CA 92168

Re: Public Reprimand, In the Matter of the Accusation Against Maher I. Al-Ghabra
Board of Pharmacy Case No. 3433

Mr. Al-Ghabra:

On January 4, 2010, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your pharmacist license alleging unprofessional conduct under Business and Professions Code sections 4301(d) and (o) regarding events which occurred between or about March 2007 and November 2007, wherein you are alleged to have excessively furnished controlled substances to one patient and violated state law governing pharmacy in the filling of those prescriptions.

Taking into consideration the circumstances in this case, the Board has decided that a letter of reprimand, completion of both remedial education and the board-established ethics course, plus repayment of \$10,000 in costs are the appropriate resolution for this case.

Accordingly, pursuant to the authority provided in Business and Professions Code section 495, and in resolution of this matter, the Board of Pharmacy hereby issues this letter of public reprimand.

Dated: 11/16/11

Sincerely,

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