

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

In the Matter of the Accusation Against:

Case No. 4591

NANCY FANWEI-MENG SEDRAK
3172 Ruth Elaine Drive
Rossmoor, CA 90720

Pharmacist License No. RPH 52375

Respondent.

DECISION AND ORDER

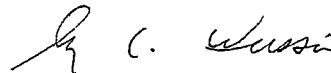
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 9, 2014.

It is so ORDERED on July 2, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

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

11 In the Matter of the Accusation Against:

12 **NANCY FANWEI-MENG SEDRAK**
13 **3172 Ruth Elaine Drive**
14 **Rossmoor, CA 90720**

15 **Pharmacist License No. RPH 52375**

16 Respondent.

Case No. 4591

OAH No. 2013060266

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

22 **PARTIES**

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
24 She brought this action solely in her official capacity and is represented in this matter by Kamala
25 D. Harris, Attorney General of the State of California, by Lauro A. Paredes, Deputy Attorney
26 General.

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1 2. Respondent Nancy Fanwei-Meng Sedrak (Respondent) is represented in this
2 proceeding by attorney Paul Chan, whose address is 2311 Capitol Avenue Sacramento, CA
3 95816.

4 3. On or about March 22, 2001, the Board of Pharmacy issued Pharmacist License No.
5 RPH 52375 to Nancy Fanwei-Meng Sedrak (Respondent). The Pharmacist License was in full
6 force and effect at all times relevant to the charges brought in Accusation No. 4591 and will
7 expire on August 31, 2014, unless renewed.

8 **JURISDICTION**

9 4. Second Amended Accusation No. 4591 was filed before the Board of Pharmacy
10 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The
11 Second Amended Accusation and all other statutorily required documents were properly served
12 on Respondent on April 21, 2014. Respondent timely filed her Notice of Defense contesting the
13 Accusation.

14 5. A copy of Second Amended Accusation No. 4591 is attached as exhibit A and
15 incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Second Amended Accusation No. 4591. Respondent has also carefully
19 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
20 Disciplinary Order.

21 7. Respondent is fully aware of her legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Second Amended Accusation; the right to confront
23 and cross-examine the witnesses against her; the right to present evidence and to testify on her
24 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
25 production of documents; the right to reconsideration and court review of an adverse decision;
26 and all other rights accorded by the California Administrative Procedure Act and other applicable
27 laws.

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1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Pharmacist License No. RPH 52375 issued to Respondent
6 Nancy Fanwei-Meng Sedrak (Respondent) is revoked. However, the revocation is stayed and
7 Respondent is placed on probation for seven (7) years on the following terms and conditions.

8 **1. Suspension**

9 As part of probation, respondent is suspended from working as a pharmacist for 180 days
10 beginning the effective date of this decision. With credit for up to 90 days for suspension already
11 served.

12 During suspension, respondent shall not enter any pharmacy area or any portion of or any
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
17 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
19 substances.

20 During suspension Respondent shall not engage in any activity that requires the
21 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
22 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
23 designated representative for any entity licensed by the board.

24 Failure to comply with this suspension shall be considered a violation of probation

25 **2. Obey All Laws**

26 Respondent shall obey all state and federal laws and regulations.

27 Respondent shall report any of the following occurrences to the board, in writing, within
28 seventy-two (72) hours of such occurrence:

- 1 • an arrest or issuance of a criminal complaint for violation of any provision of the
- 2 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 3 substances laws
- 4 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 5 criminal complaint, information or indictment
- 6 • a conviction of any crime
- 7 • discipline, citation, or other administrative action filed by any state or federal agency
- 8 which involves respondent's Pharmacist license or which is related to the practice of
- 9 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 10 for any drug, device or controlled substance.

11 Failure to timely report such occurrence shall be considered a violation of probation.

12 **3. Report to the Board**

13 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
14 designee. The report shall be made either in person or in writing, as directed. Among other
15 requirements, respondent shall state in each report under penalty of perjury whether there has
16 been compliance with all the terms and conditions of probation. Failure to submit timely reports
17 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
18 in submission of reports as directed may be added to the total period of probation. Moreover, if
19 the final probation report is not made as directed, probation shall be automatically extended until
20 such time as the final report is made and accepted by the board.

21 **4. Interview with the Board**

22 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
23 with the board or its designee, at such intervals and locations as are determined by the board or its
24 designee. Failure to appear for any scheduled interview without prior notification to board staff,
25 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
26 the period of probation, shall be considered a violation of probation.

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5. Cooperate with Board Staff

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

6. Continuing Education

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board or its designee.

7. Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 4591 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4591, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the board of the terms and conditions of the decision in case number 4591 in advance of the respondent commencing work at each licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that she has read the decision in case number 4591

1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
2 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause that/those
4 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
5 probation.

6 "Employment" within the meaning of this provision shall include any
7 full-time, part-time, temporary, relief or pharmacy management service as a
8 pharmacist or any position for which a pharmacist license is a requirement or
9 criterion for employment, whether the respondent is an employee,
10 independent contractor or volunteer.

11 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as
12 Designated Representative-in-Charge, or Serving as a Consultant**

13 During the period of probation, respondent shall not supervise any intern pharmacist, be the
14 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board
15 nor serve as a consultant unless otherwise specified in this order. Assumption of any such
16 unauthorized supervision responsibilities shall be considered a violation of probation.

17 **9. Reimbursement of Board Costs**

18 As a condition precedent to successful completion of probation, respondent shall pay to the
19 board its costs of investigation and prosecution in the amount of \$15,000.00. Respondent shall
20 make said payments as follows \$220.00 per month for 68 months.

21 There shall be no deviation from this schedule absent prior written approval by the board or
22 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
23 probation.

24 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
25 reimburse the board its costs of investigation and prosecution.

26 **10. Probation Monitoring Costs**

27 Respondent shall pay any costs associated with probation monitoring as determined by the
28 board each and every year of probation. Such costs shall be payable to the board on a schedule as
directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
be considered a violation of probation.

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11. Status of License

Respondent shall, at all times while on probation, maintain an active, current license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If Respondent's license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

12. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender her license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish her pocket and wall license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

13. Notification of a Change in Name, Residence Address, Mailing Address or Employment

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

1 shall further notify the board in writing within ten (10) days of a change in name, residence
2 address, mailing address, or phone number.

3 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
4 phone number(s) shall be considered a violation of probation.

5 **14. Tolling of Probation**

6 Except during periods of suspension, respondent shall, at all times while on probation, be
7 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
8 month during which this minimum is not met shall toll the period of probation, i.e., the period of
9 probation shall be extended by one month for each month during which this minimum is not met.
10 During any such period of tolling of probation, respondent must nonetheless comply with all
11 terms and conditions of probation.

12 Should respondent, regardless of residency, for any reason (including vacation) cease
13 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
14 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
15 must further notify the board in writing within ten (10) days of the resumption of practice. Any
16 failure to provide such notification(s) shall be considered a violation of probation.

17 It is a violation of probation for respondent's probation to remain tolled pursuant to the
18 provisions of this condition for a total period, counting consecutive and non-consecutive months,
19 exceeding thirty-six (36) months.

20 "Cessation of practice" means any calendar month during which
21 respondent is not practicing as a pharmacist for at least 40 hours, as defined
by Business and Professions Code section 4000 et seq.

22 "Resumption of practice" means any calendar month during which
23 respondent is practicing as a pharmacist for at least 40 hours as a pharmacist
as defined by Business and Professions Code section 4000 et seq.

24
25 **15. Violation of Probation**

26 If a respondent has not complied with any term or condition of probation, the board shall
27 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
28 all terms and conditions have been satisfied or the board has taken other action as deemed

1 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
2 to impose the penalty that was stayed.

3 If respondent violates probation in any respect, the board, after giving respondent notice
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
5 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
6 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
7 a petition to revoke probation or an accusation is filed against respondent during probation, the
8 board shall have continuing jurisdiction and the period of probation shall be automatically
9 extended until the petition to revoke probation or accusation is heard and decided.

10 **16. Pharmacists Recovery Program (PRP)**

11 Within thirty (30) days of the effective date of this decision, respondent shall contact the
12 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,
13 successfully participate in, and complete the treatment contract and any subsequent addendums as
14 recommended and provided by the PRP and as approved by the board or its designee. The costs
15 for PRP participation shall be borne by the respondent.

16 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of
17 the effective date of this decision is no longer considered a self-referral under Business and
18 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
19 her current contract and any subsequent addendums with the PRP.

20 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
21 the treatment contract and/or any addendums, shall be considered a violation of probation.

22 Probation shall be automatically extended until respondent successfully completes the PRP.
23 Any person terminated from the PRP program shall be automatically suspended by the board.
24 Respondent may not resume the practice of pharmacy until notified by the board in writing.

25 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
26 licensed practitioner as part of a documented medical treatment shall result in the automatic
27 suspension of practice by respondent and shall be considered a violation of probation.

28 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

9 During suspension, respondent shall not engage in any activity that requires the
10 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
11 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
12 designated representative for any entity licensed by the board.

13 Subject to the above restrictions, respondent may continue to own or hold an interest in any
14 licensed premises in which she holds an interest at the time this decision becomes effective unless
15 otherwise specified in this order.

16 Failure to comply with this suspension shall be considered a violation of probation.

17 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
18 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
19 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

20 **17. Random Drug Screening**

21 Respondent, at her own expense, shall participate in random testing, including but not
22 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
23 screening program as directed by the board or its designee. Respondent may be required to
24 participate in testing for the entire probation period and the frequency of testing will be
25 determined by the board or its designee. At all times, respondent shall fully cooperate with the
26 board or its designee, and shall, when directed, submit to such tests and samples for the detection
27 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
28 designee may direct. Failure to timely submit to testing as directed shall be considered a violation

1 of probation. Upon request of the board or its designee, respondent shall provide documentation
2 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
3 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
4 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
5 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
6 shall be considered a violation of probation and shall result in the automatic suspension of
7 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until
8 notified by the board in writing.

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

17 During suspension, respondent shall not engage in any activity that requires the
18 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
19 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
20 designated representative for any entity licensed by the board.

21 Subject to the above restrictions, respondent may continue to own or hold an interest in any
22 licensed premises in which she holds an interest at the time this decision becomes effective unless
23 otherwise specified in this order.

24 Failure to comply with this suspension shall be considered a violation of probation.

25 **18. Abstain from Drugs and Alcohol Use**

26 Respondent shall completely abstain from the possession or use of alcohol, controlled
27 substances, dangerous drugs and their associated paraphernalia except when the drugs are
28 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon

1 request of the board or its designee, respondent shall provide documentation from the licensed
2 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
3 treatment of the respondent. Failure to timely provide such documentation shall be considered a
4 violation of probation. Respondent shall ensure that she is not in the same physical location as
5 individuals who are using illicit substances even if respondent is not personally ingesting the
6 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
7 not supported by the documentation timely provided, and/or any physical proximity to persons
8 using illicit substances, shall be considered a violation of probation.

9 **19. Prescription Coordination and Monitoring of Prescription Use**

10 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
11 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
12 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
13 history with the use of alcohol, controlled substances, and/or dangerous drugs and who will
14 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled
15 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of
16 the board's Second Amended Accusation and decision. A record of this notification must be
17 provided to the board upon request. Respondent shall sign a release authorizing the practitioner
18 to communicate with the board about respondent's treatment(s). The coordinating physician,
19 nurse practitioner, physician assistant, or psychiatrist shall report to the board on a quarterly basis
20 for the duration of probation regarding respondent's compliance with this condition. If any
21 substances considered addictive have been prescribed, the report shall identify a program for the
22 time limited use of any such substances. The board may require that the single coordinating
23 physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive
24 medicine, or consult a specialist in addictive medicine. Should respondent, for any reason, cease
25 supervision by the approved practitioner, respondent shall notify the board immediately and,
26 within thirty (30) days of ceasing treatment, submit the name of a replacement physician, nurse
27 practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee
28 for its prior approval. Failure to timely submit the selected practitioner or replacement

1 practitioner to the board for approval, or to ensure the required reporting thereby on the quarterly
2 reports, shall be considered a violation of probation.

3 If at any time an approved practitioner determines that respondent is unable to practice
4 safely or independently as a pharmacist, the practitioner shall notify the board immediately by
5 telephone and follow up by written letter within three (3) working days. Upon notification from
6 the board or its designee of this determination, respondent shall be automatically suspended and
7 shall not resume practice until notified by the board that practice may be resumed.

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

16 During suspension, respondent shall not engage in any activity that requires the
17 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
18 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
19 designated representative for any entity licensed by the board.

20 Subject to the above restrictions, respondent may continue to own or hold an interest in any
21 licensed premises in which she holds an interest at the time this decision becomes effective unless
22 otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 **20. Community Services Program**

25 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
26 board or its designee, for prior approval, a community service program in which respondent shall
27 provide free health-care related services on a regular basis to a community or charitable facility or
28 agency for at least 150, the community service hours are to be completed no later than six months

1 from the termination of probation. Respondent shall report on progress with the community
2 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
3 program shall be considered a violation of probation.

4 **21. Supervised Practice**

5 During the period of probation, respondent shall practice only under the supervision of a
6 licensed pharmacist not on probation with the board. Upon and after the effective date of this
7 decision, respondent shall not practice pharmacy and her license shall be automatically suspended
8 until a supervisor is approved by the board or its designee. The supervision shall be, as required
9 by the board or its designee, either:

10 Continuous – At least 75% of a work week

11 Substantial - At least 50% of a work week

12 Partial - At least 25% of a work week

13 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

14 Within thirty (30) days of the effective date of this decision, respondent shall have her
15 supervisor submit notification to the board in writing stating that the supervisor has read the
16 decision in case number 4591 and is familiar with the required level of supervision as determined
17 by the board or its designee. It shall be the respondent's responsibility to ensure that her
18 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
19 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
20 acknowledgements to the board shall be considered a violation of probation.

21 If respondent changes employment, it shall be the respondent's responsibility to ensure that
22 her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
23 the board. Respondent shall have her new supervisor, within fifteen (15) days after employment
24 commences, submit notification to the board in writing stating the direct supervisor and
25 pharmacist-in-charge have read the decision in case number 4591 and is familiar with the level of
26 supervision as determined by the board. Respondent shall not practice pharmacy and her license

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1 shall be automatically suspended until the board or its designee approves a new supervisor.
2 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
3 acknowledgements to the board shall be considered a violation of probation.

4 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

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 devices
8 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
9 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
10 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the
11 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
12 and controlled substances. Respondent shall not resume practice until notified by the board.

13 During suspension, respondent shall not engage in any activity that requires the
14 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
15 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
16 designated representative for any entity licensed by the board.

17 Subject to the above restrictions, respondent may continue to own or hold an interest in any
18 licensed premises in which she holds an interest at the time this decision becomes effective unless
19 otherwise specified in this order.

20 Failure to comply with this suspension shall be considered a violation of probation.

21 **22. Tolling of Suspension**

22 During the period of suspension, respondent shall not leave California for any period
23 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess
24 of the (10) days during suspension shall be considered a violation of probation. Moreover, any
25 absence from California during the period of suspension exceeding ten (10) days shall toll the
26 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days
27 respondent is absent from California. During any such period of tolling of suspension,
28 Respondent must nonetheless comply with all terms and conditions of probation

1 Respondent must notify the board in writing within ten (10) days of departure, and must further
2 notify the board in writing within ten (10) days of return. The failure to provide such
3 notification(s) shall constitute a violation of probation. Upon such departure and return,
4 respondent shall not resume the practice of pharmacy until notified by the board that the period
5 of suspension has been satisfactorily completed.

6 **23. No Ownership of Licensed Premises**

7 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
8 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
9 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
10 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
11 days following the effective date of this decision and shall immediately thereafter provide written
12 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
13 documentation thereof shall be considered a violation of probation.

14 **24. Ethics Course**

15 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
16 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
17 Failure to initiate the course during the first year of probation, and complete it within the second
18 year of probation, is a violation of probation.

19 Respondent shall submit a certificate of completion to the board or its designee within five
20 days after completing the course.

21 **25. Completion of Probation**

22 Upon written notice by the board or its designee indicating successful completion of
23 probation, respondent's license will be fully restored.

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26 ///

27 ///

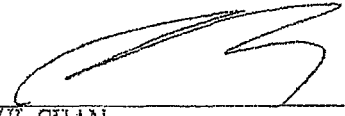
28 ///

ACCEPTANCE

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

DATED: 5/1/14 
NANCY FANWEI-MENG SEDRAK
Respondent

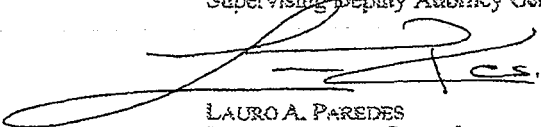
I have read and fully discussed with Respondent Nancy Fanwei-Meng Sedrak the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/1/14 
PAUL CHAN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Supervising Deputy Attorney General


LAURO A. PAREDES
Deputy Attorney General
Attorneys for Complainant

Sedrak Stipulated Settlement.doc

Exhibit A

Second Amended Accusation No. 4591

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LAURO A. PAREDES
Deputy Attorney General
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5 San Diego, CA 92101
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Attorneys for Complainant
8

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

11 In the Matter of the Accusation Against:

Case No. 4591

12 **NANCY FANWEI-MENG SEDRAK**
13 **3172 Ruth Elaine Drive**
14 **Rossmoor, CA 90720**

SECOND AMENDED ACCUSATION

15 **Pharmacist License No. RPH 52375**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Second Amended Accusation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs.

23 2. On or about March 22, 2001, the Board of Pharmacy issued Pharmacist License
24 Number RPH 52375 to Nancy Fanwei-Meng Sedrak (Respondent). The Pharmacist License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on
26 August 31, 2014, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Section 4300 of the Code states:

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

7 ...

8 5. Section 4300 of the Code states:

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

13 **STATUTORY PROVISIONS**

14 6. Section 482 of the Code states:

15 Each board under the provisions of this code shall develop criteria to
16 evaluate the rehabilitation of a person when:

17 (a) Considering the denial of a license by the board under Section 480;
18 or

19 (b) Considering suspension or revocation of a license under Section
20 490.

20 Each board shall take into account all competent evidence of
21 rehabilitation furnished by the applicant or licensee.

21 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
22 revoke a license on the ground that the licensee has been convicted of a crime substantially
23 related to the qualifications, functions, or duties of the business or profession for which the
24 license was issued.

25 8. Section 493 of the Code states:

26 Notwithstanding any other provision of law, in a proceeding conducted
27 by a board within the department pursuant to law to deny an application for a
28 license or to suspend or revoke a license or otherwise take disciplinary
action against a person who holds a license, upon the ground that the

1 applicant or the licensee has been convicted of a crime substantially related
2 to the qualifications, functions, and duties of the licensee in question, the
3 record of conviction of the crime shall be conclusive evidence of the fact
4 that the conviction occurred, but only of that fact, and the board may inquire
into the circumstances surrounding the commission of the crime in order to
fix the degree of discipline or to determine if the conviction is substantially
related to the qualifications, functions, and duties of the licensee in question.

5 As used in this section, "license" includes "certificate," "permit,"
6 "authority," and "registration."

7 9. Section 4060 of the Code states:

8 No person shall possess any controlled substance, except that
9 furnished to a person upon the prescription of a physician, dentist, podiatrist,
10 optometrist, veterinarian, or naturopathic doctor pursuant to Section
11 3640.7, or furnished pursuant to a drug order issued by a certified
12 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to
13 Section 2836.1, or a physician assistant pursuant to Section 3502.1, or
14 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to
15 either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph
16 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall
17 not apply to the possession of any controlled substance by a manufacturer,
18 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
19 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner,
20 or physician assistant, when in stock in containers correctly labeled with the
21 name and address of the supplier or producer.

22 Nothing in this section authorizes a certified nurse-midwife, a nurse
23 practitioner, a physician assistant, or a naturopathic doctor, to order his or
24 her own stock of dangerous drugs and devices.

25 10. Section 4301 of the Code states:

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

29 ...
30 (f) The commission of any act involving moral turpitude, dishonesty,
31 fraud, deceit, or corruption, whether the act is committed in the course of
32 relations as a licensee or otherwise, and whether the act is a felony or
33 misdemeanor or not.

34 (g) Knowingly making or signing any certificate or other document
35 that falsely represents the existence or nonexistence of a state of facts.

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(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

(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.

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

...

11. Section 4323 of the Code states:

Every person who, in order to obtain any drug, falsely represents himself or herself to be a physician or other person who can lawfully prescribe the drug, or falsely represents that he or she is acting on behalf of a

1 person who can lawfully prescribe the drug, in a telephone or electronic
2 communication with a pharmacist, shall be punished by imprisonment in the
county jail for not more than one year.

3 12. Section 4324 subdivision (a) of the Code states:

4 Any person who fails, neglects, or refuses to maintain the records
5 required by Section 4081 or who, when called upon by an authorized officer
6 or a member of the board, fails, neglects, or refuses to produce or provide
the records within a reasonable time, or who willfully produces or furnishes
records that are false, is guilty of a misdemeanor.

7 REGULATORY PROVISIONS

8 13. California Code of Regulations, title 16, section 1769, states:

9 ...

10 (b) When considering the suspension or revocation of a facility or a
11 personal license on the ground that the licensee or the registrant has been
convicted of a crime, the board, in evaluating the rehabilitation of such
12 person and his present eligibility for a license will consider the following
criteria:

13 (1) Nature and severity of the act(s) or offense(s).

14 (2) Total criminal record.

15 (3) The time that has elapsed since commission of the act(s) or
offense(s).

16 (4) Whether the licensee has complied with all terms of parole,
17 probation, restitution or any other sanctions lawfully imposed against the
licensee.

18 (5) Evidence, if any, of rehabilitation submitted by the licensee.

19 14. California Code of Regulations, title 16, section 1770, states:

20 For the purpose of denial, suspension, or revocation of a personal or facility
21 license pursuant to Division 1.5 (commencing with Section 475) of the Business
and Professions Code, a crime or act shall be considered substantially related to
22 the qualifications, functions or duties of a licensee or registrant if to a substantial
degree it evidences present or potential unfitness of a licensee or registrant to
23 perform the functions authorized by his license or registration in a manner
consistent with the public health, safety, or welfare.

24 COST RECOVERY

25 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request
26 the administrative law judge to direct a licentiate found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28

1 and enforcement of the case. The Board may also include investigation and recovery costs in a
2 stipulated settlement.

3 **DRUG**

4 16. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled substance
5 as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug pursuant
6 to Business & Professions Code section 4022.

7 17. Clonazepam, generic name for Klonopin, is a Schedule IV controlled substance
8 under California Health and Safety Code section 11057(d)(7), and is a dangerous drug pursuant to
9 Business and Professions Code section 4022.

10 18. Suboxone, a brand name for Buprenorphine/Naloxone, a Schedule III controlled
11 substance as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug
12 pursuant to Business & Professions Code section 4022.

13 **FIRST CAUSE FOR DISCIPLINE**

14 (Unlawful Possession of a Controlled Substance)

15 19. Respondent is subject to disciplinary action under sections 4301 subdivisions (j), and
16 (o) and 4060 and in that she was convicted of crimes that are substantially related to the
17 qualifications, duties, and functions of a pharmacist. The circumstances are as follows:

18 a. On or about November 5, 2012 Respondent, while working at Kaiser
19 Permanente, located at 9449 East Imperial Highway, Downey, CA, admitted in a signed written
20 statement to diverting Suboxone 2mg from the pharmacy for self use on at least four separate
21 occasions.

22 b. Between June 2, 2012 and February 28, 2013. Respondent fraudulently
23 purchased and received at least 23 different prescriptions. Respondent fraudulently phoned in 21
24 prescriptions and in one case fraudulently refilled 2 prescriptions. The prescriptions were under
25 Respondent's name, her maiden name, variations of her maiden name and her husband's name
26 (S. Sedrak) as outlined in Table 1 below. In total Respondent fraudulently obtained over 1,000
27 pills.

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TABLE 1

Date	Name	Doctor	Drug	Rx#	Pharmacy
6/2/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
10/23/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
6/2/2012	Nancy Sedrak	K.	Wellbutrin XL 300mg #30	942345	Rite Aid
11/19/2012	S. Sedrak	K.	Zolpidem 10mg #30	858288	Rite Aid
			Amoxil 500mg # 30	858282	Rite Aid
			Ibuprofen 800mg # 30	858285	Rite Aid
11/19/2012	Nancy Sedrak	S.	Refillx x2 added to Ambien RX	4507966	Ralphs
			Lexapro 20mg # 60	6739752	Sam's Club
			Klonopin 1mg # 20	4421424	Sam's Club
			Zolpidem 10mg #60	4421423	Sam's Club
11/30/2012	Nancy Sedrak		Zolpidem 10mg # 30	591413540	Kaiser
			Lexapro 20mg # 60	591413572	Kaiser
12/3/2012	S. Sedrak	S.	Zolpidem 10mg # 90	4421493	Sam's Club
12/7/2012	Fanwei Meng	S.	Zolpidem 10mg # 90	1195302	CVS
			Lasix 20mg #90	1195300	CVS
			Atenolol 25mg # 90	1195299	CVS
2/15/2013	Nancy Meng	C.	Zolpidem 10mg # 60	4423318	Walmart
2/18/2013	Nancy Meng	S.	Zolpidem 10mg # 30	631427	Walgreens
4/11/2012	S. Sedrak	M.	Zolpidem 10mg # 60	936062	Rite Aid
2/28/2013	S.Sedrak	P.	Seroquel 25mg # 100	6765600	Walmart
			Buspar 10mg #90	6765602	Walmart
			Zolpidem 10mg # 60	4424405	Walmart

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (False Representation of Self as a Physician or Agent of Physician to Obtain Drug)

3 20. Respondent is subject to disciplinary action under sections 4323 in that she
4 fraudulently represented herself as physician or physician's representative in order to procure
5 prescription drugs. The circumstances are as follows:

6 a. Between June 2, 2012 and February 28, 2013. Respondent fraudulently
7 telephoned the pharmacies listed below in TABLE 2 and unlawfully obtained the prescription
8 medication listed.

9 **TABLE 2**

Date	Name	Doctor	Drug	Rx#	Pharmacy
6/2/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
10/23/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
6/2/2012	Nancy Sedrak	K.	Wellbutrin XL 300mg #30	942345	Rite Aid
11/19/2012	S. Sedrak	K.	Zolpidem 10mg #30	858288	Rite Aid
			Amoxil 500mg # 30	858282	Rite Aid
			Ibuprofen 800mg # 30	858285	Rite Aid
11/19/2012	Nancy Sedrak	S.	Refill x2 added to Ambien RX	4507966	Ralphs
			Lexapro 20mg # 60	6739752	Sam's Club
			Klonopin 1mg # 20	4421424	Sam's Club
			Zolpidem 10mg #60	4421423	Sam's Club
11/30/2012	Nancy Sedrak		Zolpidem 10mg # 30	591413540	Kaiser
			Lexapro 20mg # 60	591413572	Kaiser
12/3/2012	S.Sedrak	S.	Zolpidem 10mg # 90	4421493	Sam's Club
12/7/2012	Fanwei Meng	S.	Zolpidem 10mg # 90	1195302	CVS
			Lasix 20mg #90	1195300	CVS
			Atenolol 25mg # 90	1195299	CVS
2/15/2013	Nancy Meng	C.	Zolpidem 10mg # 60	4423318	Walmart
2/18/2013	Nancy Meng	S.	Zolpidem 10mg # 30	631427	Walgreens
4/11/2012	S. Sedrak	M.	Zolpidem 10mg # 60	936062	Rite Aid
2/28/2013	S. Sedrak	P.	Seroquel 25mg # 100	6765600	Walmart
			Buspar 10mg #90	6765602	Walmart
			Zolpidem 10mg # 60	4424405	Walmart

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (October 12, 2012 Conviction for Petty Theft)

3 21. Respondent is subject to disciplinary action under sections 490 and 4301 subdivision
4 (l) in that she was convicted of a crimes that are substantially related to the qualifications, duties,
5 and functions of a pharmacist. The circumstances are as follows:

6 a. On or about October 12, 2012, in a criminal proceeding entitled *People of*
7 *the State of California vs. Nancy Farweimen Sedrak*, in Los Angeles County Superior Court
8 case number 2BF00447, Respondent was convicted on her plea of guilty of violating Penal Code
9 section 490.1, petty theft. A charge of commercial burglary was dismissed as part of a plea
10 agreement.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct-Danger to the Public)

13 22. Respondent is subject to disciplinary action under sections 4301 subdivision (h) in
14 that she administered to herself a number of controlled substances including:

15 a. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled
16 substance as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug
17 pursuant to Business & Professions Code section 4022.

18 b. Clonazepam, generic name for Klonopin, is a Schedule IV controlled substance
19 under California Health and Safety Code section 11057(d)(7), and is a dangerous drug pursuant to
20 Business and Professions Code section 4022.

21 c. Suboxone, a brand name for Buprenorphine/Naloxone, a Schedule III
22 controlled substance as designated by Health and Safety Code section 11057(d)(32), and is a
23 dangerous drug pursuant to Business & Professions Code section 4022.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct – Moral Turpitude)

26 23. Respondent is subject to disciplinary action for unprofessional conduct under section
27 4301(f) of the Code in that Respondent was dishonest and fraudulent in her procurement of
28 prescriptions drugs, as detailed in paragraphs 19-22, which is incorporated herein by reference.

1 **DISCIPLINARY CONSIDERATIONS**

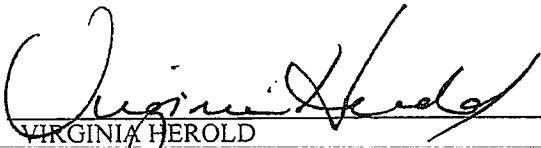
2 24. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about April 23, 2011, the Board of Pharmacy Department of
4 Consumer Affairs State of California issued Citation and Fine Number CI 2010 45269 to
5 Respondent Nancy Fanwei-Meng Sedrak, RPH 52375 for a criminal conviction substantially
6 related to her practice of pharmacy and administering to herself a dangerous drug or alcoholic
7 beverage in a manner dangerous to herself or others in violation of Business and Professions
8 Code section 4301 subsections (h) and (l).

9 **PRAYER**

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

- 12 1. Revoking or suspending Pharmacist License Number RPH 52375, issued to Nancy
13 Fanwei-Meng Sedrak;
- 14 2. Ordering Nancy Fanwei-Meng Sedrak to pay the Board of Pharmacy the reasonable
15 costs of the investigation and enforcement of this case, pursuant to Business and Professions
16 Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: 4/17/14


20 VIRGINIA HEROLD
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 Complainant

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28 SD2013705061
70857720.docx

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LAURO A. PAREDES
Deputy Attorney General
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6 San Diego, CA 92186-5266
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7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

11 In the Matter of the Accusation Against:

Case No. 4591

12 **NANCY FANWEI-MENG SEDRAK**
13 **3172 Ruth Elaine Drive**
14 **Rossmoor, CA 90720**

FIRST AMENDED ACCUSATION

15 **Pharmacist License No. RPH 52375**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs.

23 2. On or about March 22, 2001, the Board of Pharmacy issued Pharmacist License
24 Number RPH 52375 to Nancy Fanwei-Meng Sedrak (Respondent). The Pharmacist License was
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26 August 31, 2014, unless renewed.

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11 court of law, the placement of a license on a retired status, or the voluntary
12 surrender of a license by a licensee shall not deprive the board of jurisdiction
13 to commence or proceed with any investigation of, or action or disciplinary
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21 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
22 revoke a license on the ground that the licensee has been convicted of a crime substantially
23 related to the qualifications, functions, or duties of the business or profession for which the
24 license was issued.

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27 by a board within the department pursuant to law to deny an application for a
28 license or to suspend or revoke a license or otherwise take disciplinary
action against a person who holds a license, upon the ground that the

1 applicant or the licensee has been convicted of a crime substantially related
2 to the qualifications, functions, and duties of the licensee in question, the
3 record of conviction of the crime shall be conclusive evidence of the fact
4 that the conviction occurred, but only of that fact, and the board may inquire
5 into the circumstances surrounding the commission of the crime in order to
6 fix the degree of discipline or to determine if the conviction is substantially
7 related to the qualifications, functions, and duties of the licensee in question.

8 As used in this section, "license" includes "certificate," "permit,"
9 "authority," and "registration."

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Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

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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:

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(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the

1 extent that the use impairs the ability of the person to conduct with safety to
2 the public the practice authorized by the license.

3 ...

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

7 ...

8 (l) The conviction of a crime substantially related to the qualifications,
9 functions, and duties of a licensee under this chapter. The record of
10 conviction of a violation of Chapter 13 (commencing with Section 801) of
11 Title 21 of the United States Code regulating controlled substances or of a
12 violation of the statutes of this state regulating controlled substances or
13 dangerous drugs shall be conclusive evidence of unprofessional conduct. In
14 all other cases, the record of conviction shall be conclusive evidence only of
15 the fact that the conviction occurred. The board may inquire into the
16 circumstances surrounding the commission of the crime, in order to fix the
17 degree of discipline or, in the case of a conviction not involving controlled
18 substances or dangerous drugs, to determine if the conviction is of an
19 offense substantially related to the qualifications, functions, and duties of a
20 licensee under this chapter. A plea or verdict of guilty or a conviction
21 following a plea of nolo contendere is deemed to be a conviction within the
22 meaning of this provision. The board may take action when the time for
23 appeal has elapsed, or the judgment of conviction has been affirmed on
24 appeal or when an order granting probation is made suspending the
25 imposition of sentence, irrespective of a subsequent order under Section
26 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
27 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty,
28 or dismissing the accusation, information, or indictment.

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

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

25 ...

26 11. Section 4323 of the Code states:

27 Every person who, in order to obtain any drug, falsely represents
28 himself or herself to be a physician or other person who can lawfully
prescribe the drug, or falsely represents that he or she is acting on behalf of a
person who can lawfully prescribe the drug, in a telephone or electronic
communication with a pharmacist, shall be punished by imprisonment in the
county jail for not more than one year.

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12. Section 4324 subdivision (a) of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

REGULATORY PROVISIONS

13. California Code of Regulations, title 16, section 1769, states:

...

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

14. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

COST RECOVERY

15. 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. The Board may also include investigation and recovery costs in a stipulated settlement.

1 **DRUG**

2 16. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled substance
3 as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug pursuant
4 to Business & Professions Code section 4022.

5 17. Clonazepam, generic name for Klonopin, is a Schedule IV controlled substance
6 under California Health and Safety Code section 11057(d)(7), and is a dangerous drug pursuant to
7 Business and Professions Code section 4022.

8 18. Suboxone, a brand name for Buprenorphine/Naloxone, a Schedule III controlled
9 substance as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug
10 pursuant to Business & Professions Code section 4022.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Unlawful Possession of a Controlled Substance)

13 19. Respondent is subject to disciplinary action under sections 4301 subdivisions (j), and
14 (o) and 4060 and in that she was convicted of crimes that are substantially related to the
15 qualifications, duties, and functions of a pharmacist. The circumstances are as follows:

16 a. On or about November 5, 2012 Respondent, while working at Kaiser
17 Permanente, located at 9449 East Imperial Highway, Downey, CA, admitted in a signed written
18 statement to diverting Suboxone 2mg from the pharmacy for self use on at least four separate
19 occasions.

20 b. Between June 2, 2012 and February 28, 2013: Respondent fraudulently
21 purchased and received at least 23 different prescriptions. Respondent fraudulently phoned in 21
22 prescriptions and in one case fraudulently refilled 2 prescriptions. The prescriptions were under
23 Respondent's name, her maiden name, variations of her maiden name and her husband's name
24 (S. Sedrak) as outlined in Table 1 below. In total Respondent fraudulently obtained over 1,000
25 pills.

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TABLE 1

Date	Name	Doctor	Drug	Rx#	Pharmacy
6/2/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
10/23/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
6/2/2012	Nancy Sedrak	K.	Wellbutrin XL 300mg #30	942345	Rite Aid
11/19/2012	S. Sedrak	K.	Zolpidem 10mg #30	858288	Rite Aid
			Amoxil 500mg # 30	858282	Rite Aid
			Ibuprofen 800mg # 30	858285	Rite Aid
11/19/2012	Nancy Sedrak	S.	Refillx x2 added to Ambien RX	4507966	Ralphs
			Lexapro 20mg # 60	6739752	Sam's Club
			Klonopin 1mg # 20	4421424	Sam's Club
			Zolpidem 10mg #60	4421423	Sam's Club
11/30/2012	Nancy Sedrak		Zolpidem 10mg # 30	591413540	Kaiser
			Lexapro 20mg # 60	591413572	Kaiser
12/3/2012	S. Sedrak	S.	Zolpidem 10mg # 90	4421493	Sam's Club
12/7/2012	Fanwei Meng	S.	Zolpidem 10mg # 90	1195302	CVS
			Lasix 20mg #90	1195300	CVS
			Atenolol 25mg # 90	1195299	CVS
2/15/2013	Nancy Meng	C.	Zolpidem 10mg # 60	4423318	Walmart
2/18/2013	Nancy Meng	S.	Zolpidem 10mg # 30	631427	Walgreens
4/11/2012	S. Sedrak	M.	Zolpidem 10mg # 60	936062	Rite Aid
2/28/2013	S.Sedrak	P.	Seroquel 25mg # 100	6765600	Walmart
			Buspar 10mg #90	6765602	Walmart
			Zolpidem 10mg # 60	4424405	Walmart

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (False Representation of Self as a Physician or Agent of Physician to Obtain Drug)

3 20. Respondent is subject to disciplinary action under sections 4323 in that she
4 fraudulently represented herself as physician or physician's representative in order to procure
5 prescription drugs. The circumstances are as follows:

6 a. Between June 2, 2012 and February 28, 2013. Respondent fraudulently
7 telephoned the pharmacies listed below in TABLE 2 and unlawfully obtained the prescription
8 medication listed.

9 **TABLE 2**

Date	Name	Doctor	Drug	Rx#	Pharmacy
6/2/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
10/23/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
6/2/2012	Nancy Sedrak	K.	Wellbutrin XL 300mg #30	942345	Rite Aid
11/19/2012	Sam Sedrak	K.	Zolpidem 10mg #30	858288	Rite Aid
			Amoxil 500mg # 30	858282	Rite Aid
			Ibuprofen 800mg # 30	858285	Rite Aid
11/19/2012	Nancy Sedrak	S.	Refillx x2 added to Ambien RX	4507966	Ralphs
			Lexapro 20mg # 60	6739752	Sam's Club
			Klonopin 1mg # 20	4421424	Sam's Club
			Zolpidem 10mg #60	4421423	Sam's Club
11/30/2012	Nancy Sedrak		Zolpidem 10mg # 30	591413540	Kaiser
			Lexapro 20mg # 60	591413572	Kaiser
12/3/2012	Sam Sedrak	S.	Zolpidem 10mg # 90	4421493	Sam's Club
12/7/2012	Fanwei Meng	S.	Zolpidem 10mg # 90	1195302	CVS
			Lasix 20mg #90	1195300	CVS
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2/15/2013	Nancy Meng	C.	Zolpidem 10mg # 60	4423318	Walmart
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4/11/2012	S. Sedrak	M.	Zolpidem 10mg # 60	936062	Rite Aid
2/28/2013	S. Sedrak	P.	Seroquel 25mg # 100	6765600	Walmart
			Buspar 10mg #90	6765602	Walmart
			Zolpidem 10mg # 60	4424405	Walmart

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (February 28, 2013 Conviction for Petty Theft)

3 21. Respondent is subject to disciplinary action under sections 490 and 4301 subdivision
4 (l) in that she was convicted of a crimes that are substantially related to the qualifications, duties,
5 and functions of a pharmacist. The circumstances are as follows:

6 a. On or about February 28, 2012, in a criminal proceeding entitled *People*
7 *of the State of California vs. Nancy Farweimen Sedrak*, in Los Angeles County Superior Court
8 case number 2BF00447, Respondent was convicted on her plea of guilty of violating Penal Code
9 section 490.1, petty theft. A charge of commercial burglary was dismissed as part of a plea
10 agreement.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 (Unprofessional Conduct-Danger to the Public)

13 22. Respondent is subject to disciplinary action under sections 4301 subdivision (h) in
14 that she administered to herself a number of controlled substances including:

15 a. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled
16 substance as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug
17 pursuant to Business & Professions Code section 4022.

18 b. Clonazepam, generic name for Klonopin, is a Schedule IV controlled substance
19 under California Health and Safety Code section 11057(d)(7), and is a dangerous drug pursuant to
20 Business and Professions Code section 4022.

21 c. Suboxone, a brand name for Buprenorphine/Naloxone, a Schedule III
22 controlled substance as designated by Health and Safety Code section 11057(d)(32), and is a
23 dangerous drug pursuant to Business & Professions Code section 4022.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct – Moral Turpitude)

26 23. Respondent is subject to disciplinary action for unprofessional conduct under section
27 4301(f) of the Code in that Respondent was dishonest and fraudulent in her procurement of
28 prescriptions drugs, as detailed in paragraphs 19-22, which is incorporated herein by reference.

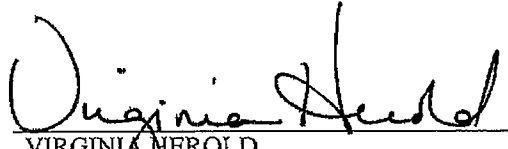
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PRAYER

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 Pharmacist License Number RPH 52375, issued to Nancy Fanwei-Meng Sedrak;
2. Ordering Nancy Fanwei-Meng Sedrak 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: 3/4/14


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

SD2013705061
First Amended Sedrak.docx

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5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2091
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:
13 **NANCY FANWEI-MENG SEDRAK**
3172 Ruth Elaine Drive
14 Rossmoor, CA 90720
15 **Pharmacist License No. RPH 52375**
16 Respondent.

Case No. 4591

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 March 22, 2001, the Board of Pharmacy issued Pharmacist License
23 Number RPH 52375 to Nancy Fanwei-Meng Sedrak (Respondent). The Pharmacist License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on
25 August 31, 2014, unless renewed.

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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 unless otherwise indicated.

5 4. Section 4300 of the Code states:

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

7 ...

8 5. Section 4300 of the Code states:

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

13 **STATUTORY PROVISIONS**

14 6. Section 482 of the Code states:

15 Each board under the provisions of this code shall develop criteria to
16 evaluate the rehabilitation of a person when:

17 (a) Considering the denial of a license by the board under Section 480;
18 or

19 (b) Considering suspension or revocation of a license under Section
20 490.

21 Each board shall take into account all competent evidence of
22 rehabilitation furnished by the applicant or licensee.

23 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
24 revoke a license on the ground that the licensee has been convicted of a crime substantially
25 related to the qualifications, functions, or duties of the business or profession for which the
26 license was issued.

27 8. Section 493 of the Code states:

28 Notwithstanding any other provision of law, in a proceeding conducted
by a board within the department pursuant to law to deny an application for a
license or to suspend or revoke a license or otherwise take disciplinary
action against a person who holds a license, upon the ground that the

1 applicant or the licensee has been convicted of a crime substantially related
2 to the qualifications, functions, and duties of the licensee in question, the
3 record of conviction of the crime shall be conclusive evidence of the fact
4 that the conviction occurred, but only of that fact, and the board may inquire
5 into the circumstances surrounding the commission of the crime in order to
6 fix the degree of discipline or to determine if the conviction is substantially
7 related to the qualifications, functions, and duties of the licensee in question.

8 As used in this section, "license" includes "certificate," "permit,"
9 "authority," and "registration."

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18 9. Section 4060 of the Code states:

19 No person shall possess any controlled substance, except that
20 furnished to a person upon the prescription of a physician, dentist, podiatrist,
21 optometrist, veterinarian, or naturopathic doctor pursuant to Section
22 3640.7, or furnished pursuant to a drug order issued by a certified
23 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to
24 Section 2836.1, or a physician assistant pursuant to Section 3502.1, or
25 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to
26 either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph
27 (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall
28 not apply to the possession of any controlled substance by a manufacturer,
wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner,
or physician assistant, when in stock in containers correctly labeled with the
name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse
practitioner, a physician assistant, or a naturopathic doctor, to order his or
her own stock of dangerous drugs and devices.

10. 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:

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

(g) Knowingly making or signing any certificate or other document
that falsely represents the existence or nonexistence of a state of facts.

(h) The administering to oneself, of any controlled substance, or the
use of any dangerous drug or of alcoholic beverages to the extent or in a
manner as to be dangerous or injurious to oneself, to a person holding a
license under this chapter, or to any other person or to the public, or to the

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extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

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Every person who, in order to obtain any drug, falsely represents himself or herself to be a physician or other person who can lawfully prescribe the drug, or falsely represents that he or she is acting on behalf of a person who can lawfully prescribe the drug, in a telephone or electronic communication with a pharmacist, shall be punished by imprisonment in the county jail for not more than one year.

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15. 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. The Board may also include investigation and recovery costs in a stipulated settlement.

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TABLE 1

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10/23/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
6/2/2012	Nancy Sedrak	K.	Wellbutrin XL 300mg #30	942345	Rite Aid
11/19/2012	Sam Sedrak	K.	Zolpidem 10mg #30	858288	Rite Aid
			Amoxil 500mg # 30	858282	Rite Aid
			Ibuprofen 800mg # 30	858285	Rite Aid
11/19/2012	Nancy Sedrak	S.	Refill x2 added to Ambien RX	4507966	Ralphs
			Lexapro 20mg # 60	6739752	Sam's Club
			Klonopin 1mg # 20	4421424	Sam's Club
			Zolpidem 10mg #60	4421423	Sam's Club
11/30/2012	Nancy Sedrak		Zolpidem 10mg # 30	591413540	Kaiser
			Lexapro 20mg # 60	591413572	Kaiser
12/3/2012	S. Sedrak	S.	Zolpidem 10mg # 90	4421493	Sam's Club
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			Lasix 20mg #90	1195300	CVS
			Atenolol 25mg # 90	1195299	CVS
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2/18/2013	Nancy Meng	S.	Zolpidem 10mg # 30	631427	Walgreens
4/11/2012	S. Sedrak	M.	Zolpidem 10mg # 60	936062	Rite Aid
2/28/2013	S.Sedrak	P.	Seroquel 25mg # 100	6765600	Walmart
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			Zolpidem 10mg # 60	4424405	Walmart

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SECOND CAUSE FOR DISCIPLINE

(False Representation of Self as a Physician or Agent of Physician to Obtain Drug)

20. Respondent is subject to disciplinary action under sections 4323 in that she fraudulently represented herself as physician or physician's representative in order to procure prescription drugs. The circumstances are as follows:

a. Between June 2, 2012 and February 28, 2013. Respondent fraudulently telephoned the pharmacies listed below in TABLE 2 and unlawfully obtained the prescription medication listed.

TABLE 2

Date	Name	Doctor	Drug	Rx#	Pharmacy
6/2/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
10/23/2012	Nancy Sedrak	K.	Zolpidem 10mg #30	942346	Rite Aid
6/2/2012	Nancy Sedrak	K.	Wellbutrin XL 300mg #30	942345	Rite Aid
11/19/2012	Sam Sedrak	K.	Zolpidem 10mg #30	858288	Rite Aid
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11/19/2012	Nancy Sedrak	S.	Refillix x2 added to Ambien RX	4507966	Ralphs
			Lexapro 20mg # 60	6739752	Sam's Club
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			Zolpidem 10mg #60	4421423	Sam's Club
11/30/2012	Nancy Sedrak		Zolpidem 10mg # 30	591413540	Kaiser
			Lexapro 20mg # 60	591413572	Kaiser
12/3/2012	Sam Sedrak	S.	Zolpidem 10mg # 90	4421493	Sam's Club
12/7/2012	Fanwei Meng	S.	Zolpidem 10mg # 90	1195302	CVS
			Lasix 20mg #90	1195300	CVS
			Atenolol 25mg # 90	1195299	CVS
2/15/2013	Nancy Meng	C.	Zolpidem 10mg # 60	4423318	Walmart
2/18/2013	Nancy Meng	S.	Zolpidem 10mg # 30	631427	Walgreens
4/11/2012	Sam Sedrak	M.	Zolpidem 10mg # 60	936062	Rite Aid
2/28/2013	Sam Sedrak	P.	Seroquel 25mg # 100	6765600	Walmart
			Buspar 10mg #90	6765602	Walmart
			Zolpidem 10mg # 60	4424405	Walmart

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (February 28, 2013 Convictions for Burglary and Petty Theft)

3 21. Respondent is subject to disciplinary action under sections 490 and 4301 subdivision
4 (l) in that she was convicted of crimes that are substantially related to the qualifications, duties,
5 and functions of a pharmacist. The circumstances are as follows:

6 a. On or about February 28, 2012, in a criminal proceeding entitled *People*
7 *of the State of California vs. Nancy Fanweimen Sedrak*, in Los Angeles County Superior Court
8 case number 2BF00447, Respondent was convicted on her plea of guilty of misdemeanor
9 commercial burglary and petty theft.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Unprofessional Conduct-Danger to the Public)

12 22. Respondent is subject to disciplinary action under sections 4301 subdivision (h) in
13 that she administered to herself a number of controlled substances including:

14 a. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled
15 substance as designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug
16 pursuant to Business & Professions Code section 4022.

17 b. Clonazepam, generic name for Klonopin, is a Schedule IV controlled substance
18 under California Health and Safety Code section 11057(d)(7), and is a dangerous drug pursuant to
19 Business and Professions Code section 4022.

20 c. Suboxone, a brand name for Buprenorphine/Naloxone, a Schedule III
21 controlled substance as designated by Health and Safety Code section 11057(d)(32), and is a
22 dangerous drug pursuant to Business & Professions Code section 4022.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct – Moral Turpitude)

25 23. Respondent is subject to disciplinary action for unprofessional conduct under section
26 4301(f) of the Code in that Respondent was dishonest and fraudulent in her procurement of
27 prescriptions drugs, as detailed in paragraphs 19-22, which is incorporated herein by reference.

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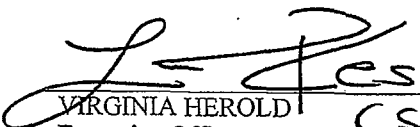
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PRAYER

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 Pharmacist License Number RPH 52375, issued to Nancy Fanwei-Meng Sedrak;
2. Ordering Nancy Fanwei-Meng Sedrak 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: 5/10/13


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant (Signed for)

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 2 LINDA K. SCHNEIDER
 Supervising Deputy Attorney General
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 6 San Diego, CA 92186-5266
 Telephone: (619) 645-2091
 7 Facsimile: (619) 645-2061
 Attorneys for Petitioner

RECEIVED
 APR 24 2013
 Office of Administrative Hearings
 SAN DIEGO

**BEFORE THE
 OFFICE OF ADMINISTRATIVE HEARINGS
 STATE OF CALIFORNIA**

In the Matter of the Interim Suspension Order
 Against:

Case No. 4591

NANCY FANWEI-MENG SEDRAK
 3172 Ruth Elaine Drive
 Rossmore, CA 90720
 Pharmacist License No. RPH 52375

**STIPULATED ORDER FOR INTERIM
 SUSPENSION OF LICENSE PURSUANT
 TO BUSINESS AND PROFESSIONS
 CODE SECTION 494**

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this proceeding that the following matters are true:

1. Virginia Herold (Complainant and Petitioner) is the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board). She brought this action solely in her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Lauro A. Paredes, Deputy Attorney General.
2. Respondent, Nancy Fanwei-Meng-Sedrak (Respondent), is representing herself in this proceeding and has chosen not to exercise ^{her} his right to be represented by counsel. _{K.W.}
3. On April 22, 2013, Petitioner filed a Petition for Interim Suspension Order (Petition) against Nancy Fanwei-Meng-Sedrak in Board of Pharmacy Case Number 4591.
4. The *ex parte* hearing on the Petition is scheduled for April 25, 2013 at 1:00 p.m. at the Office of Administrative Hearings in San Diego. Respondent hereby waives her right to the

1 *ex parte* hearing scheduled for April 25, 2013 on the Petition pursuant to Business and
2 Professions Code section 494.

3 5. In addition, Respondent understands that she is entitled to a noticed hearing on the
4 Petition within twenty (20) days of the issuance of an interim order without notice (noticed
5 hearing). Respondent hereby waives her right to a noticed hearing on the Petition pursuant to
6 Business and Professions Code section 494(c).

7 6. Respondent agrees that her Pharmacist License Number RPH 52375 shall be
8 suspended pursuant to Business and Professions Code section 494. Respondent is hereby
9 prohibited from practicing as a pharmacist until a final decision on the Accusation that will be
10 filed in this matter, or until this interim suspension order is modified or vacated.

11 7. Pursuant to Business and Professions Code section 494(f), the Accusation against
12 Respondent shall be filed within 15 days of the issuance of this Order.

13 8. Respondent understands that she is entitled to a hearing on the Accusation within
14 thirty (30) days after she files a Notice of Defense as is set forth in Business and Professions
15 Code section 494. Respondent hereby waives her right to a hearing within the statutory time
16 deadline set forth in Business and Professions Code section 494.

17 9. The parties understand and agree that facsimile and electronic copies of this
18 Stipulation, including facsimile signatures thereto, shall have the same force and effect as the
19 originals.

20 10. This stipulation will be submitted to the Presiding Administrative Law Judge of the
21 San Diego Office of Administrative Hearings and upon his signature, or the signature of his
22 designee, the stipulation will become an Order. The Order shall be effective upon execution by
23 the Presiding Administrative Law Judge or his designee. The Order shall be served to
24 Respondent's address of record with the Board of Pharmacy within two business days after issue
25 by overnight and certified mail.

26 ///

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ACCEPTANCE

I have carefully read the above Stipulated Order for Interim Suspension of License. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Order for Interim Suspension of License voluntarily, knowingly, and intelligently, and agree to be bound by the Order.

DATED:

4/24/13


NANCY FANWEI-MENG SEDRAK
Respondent

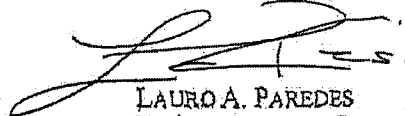
ENDORSEMENT

The foregoing Stipulated Order for Interim Suspension of License is hereby respectfully submitted for consideration to the Office of Administrative Hearings.

DATED:

Respectfully submitted,

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


LAURO A. PAREDES
Deputy Attorney General
Attorneys for Petitioner

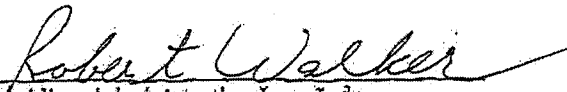
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ORDER

IT IS SO ORDERED pursuant to the above Stipulation that Respondent Nancy Fanwei-Meng-Sedrak, Pharmacy License No. RPH 52375 is suspended and Respondent D Nancy Fanwei-Meng-Sedrak, is prohibited from practicing as a pharmacist until a final decision on the Accusation in this matter becomes effective, or until this interim suspension order is modified or vacated.

DATED: 4-25-13


Presiding Administrative Law Judge
Office of Administrative Hearings

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