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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

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

Pharmacist License No. RPH 52375

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 right to be represented by counsel.

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 23, 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.

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28 ///

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

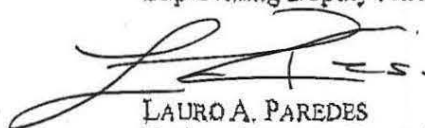

NANCY FANWEI-MENG SEDRAK
RespondentENDORSEMENT

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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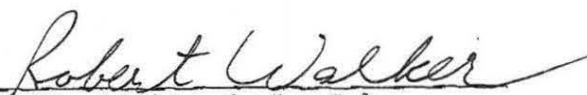
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ORDER

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

80763857.doc

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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

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.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this First 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 First 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.

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."

10
11
12 9. Section 4060 of the Code states:

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

27 Nothing in this section authorizes a certified nurse-midwife, a nurse
28 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

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.

...
18

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.

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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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
			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
			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 (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 Fanweimen 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 PRAYER

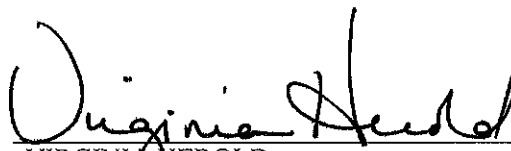
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacist License Number RPH 52375, issued to Nancy
5 Fanwei-Meng Sedrak;

6 2. Ordering Nancy Fanwei-Meng Sedrak to pay the Board of Pharmacy the reasonable
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions
8 Code section 125.3;

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

10
11 DATED: 3/4/14


12 VIRGINIA HEROLD
13 Executive Officer
14 Board of Pharmacy
15 Department of Consumer Affairs
16 State of California
17 Complainant

18 SD2013705061
19 First Amended Sedrak.docx
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Attorney General of California
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9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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**

A C C U S A T I O N

15 **Pharmacist License No. RPH 52375**

16 Respondent.

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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4. Section 4300 of the Code states:

• • •

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

6. Section 482 of the Code states:

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

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

8. Section 493 of the Code states:

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

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.

...

(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
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.

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 licensee 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 he 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 4 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 as
24 outlined in Table 1 below. In total Respondent fraudulently obtained over 1,000 pills.

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26 ///

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28 ///

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	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	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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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
			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	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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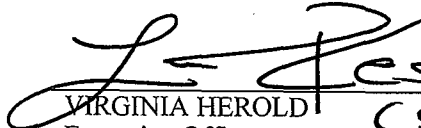
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PRAYER

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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