

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 ANTONIO LOPEZ, JR.  
Deputy Attorney General  
4 State Bar No. 206387  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2536  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

Case No. 5254

11 **MARIOMINA INC. DBA EO**  
12 **PHARMACY; MAGED NAGUIB**  
13 **BESHAY, OWNER**  
14 **820 W San Bernardino Rd**  
**Covina, CA 91722**

**A C C U S A T I O N**

15 **Pharmacy Permit No. PHY 54605**  
**(formerly PHY 50742),**

16 **and**

17 **MAGED NAGUIB BESHAY**  
18 **22749 White Fir Ln.**  
**Diamond Bar, CA 91765**

19 **Pharmacist License No. RPH 49580**

20 Respondents.

21  
22 Complainant alleges:

23 **PARTIES**

24 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

26 2. On or about October 3, 2011, the Board of Pharmacy issued Pharmacy Permit  
27 Number PHY 50742 to Mariomina Inc. dba EO Pharmacy with Maged Naguib Beshay as the  
28 Pharmacist-In-Charge ("Respondent Pharmacy"). The Pharmacy Permit was in full force and

1 effect at all times relevant to the charges brought herein and was cancelled on September 23,  
2 2016. On September 23, 2016, the Board of Pharmacy issued Pharmacy Permit Number PHY  
3 54605 to Mariomina Inc. dba EO Pharmacy with Maged Naguib Beshay as the Pharmacist-In-  
4 Charge ("Respondent Pharmacy"). The Pharmacy Permit was in full force and effect at all times  
5 relevant to the charges brought herein and will expire on September 1, 2017, unless renewed.

6 3. On or about August 22, 1997, the Board of Pharmacy issued Pharmacist License  
7 Number RPH 49580 to Maged Naguib Beshay ("Respondent Beshay"). The Pharmacist License  
8 was in full force and effect at all times relevant to the charges brought herein and will expire on  
9 January 31, 2019, unless renewed.

#### 10 JURISDICTION

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

14 5. Section 4300 of the Code states, in pertinent part:

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

16 "(b) The board shall discipline the holder of any license issued by the board, whose default  
17 has been entered or whose case has been heard by the board and found guilty, by any of the  
18 following methods:

19 "(1) Suspending judgment.

20 "(2) Placing him or her upon probation.

21 "(3) Suspending his or her right to practice for a period not exceeding one year.

22 "(4) Revoking his or her license.

23 "(5) Taking any other action in relation to disciplining him or her as the board in its  
24 discretion may deem proper."

25 6. Section 4300.1 of the Code states:

26 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
27 operation of law or by order or decision of the board or a court of law, the placement of a license  
28 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 **STATUTES AND REGULATIONS**

4 7. Section 4301 of the Code states, in pertinent part:

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

8 ...

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

11 ...

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

14 ...

15 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
16 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
17 federal and state laws and regulations governing pharmacy, including regulations established by  
18 the board or by any other state or federal regulatory agency."

19 8. Section 4307(a) of the Code states that:

20 Any person who has been denied a license or whose license has been revoked or is  
21 under suspension, or who has failed to renew his or her license while it was under suspension, or  
22 who has been a manager, administrator, owner member, officer, director, associate, or partner of  
23 any partnership, corporation, firm, or association whose application for a license has been denied  
24 or revoked, is under suspension or has been placed on probation, and while acting as the manager,  
25 administrator, owner, member, officer, director, associate, or partner had knowledge or  
26 knowingly participated in any conduct for which the license was denied as a manager,  
27 administrator, owner, member, officer, associate, or partner of a licensee as follows:

28

1 (1) Where a probationary license is issued or where an existing license is placed on  
2 probation, this prohibition shall remain in effect for a period not to exceed five years.

3 (2) Where the license is denied or revoked, the prohibition shall continue until the  
4 license is issued or reinstated.

5 . . . .

6 9. Health and Safety Code section 11153 states, in pertinent part:

7 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
8 purpose by an individual practitioner acting in the usual course of his or her professional practice.  
9 The responsibility for the proper prescribing and dispensing of controlled substances is upon the  
10 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the  
11 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)  
12 an order purporting to be a prescription which is issued not in the usual course of professional  
13 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of  
14 controlled substances, which is issued not in the course of professional treatment or as part of an  
15 authorized narcotic treatment program, for the purpose of providing the user with controlled  
16 substances, sufficient to keep him or her comfortable by maintaining customary use."

17 10. California Code of Regulations, title 16, section 1761 states:

18 "(a) No pharmacist shall compound or dispense any prescription which contains any  
19 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
20 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
21 validate the prescription.

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

25 **COST RECOVERY**

26 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 DRUG CLASSIFICATIONS

4 12. Vicodin, Norco, and Lortab are brand names for the combination of  
5 hydrocodone/acetaminophen, which is a Schedule III controlled substance pursuant to Health and  
6 Safety Code section 11056, subdivision (e)(4). and is a dangerous drug pursuant to Business and  
7 Professions Code section 4022. Hydrocodone is an opioid pain reliever that is subject to abuse  
8 because of the euphoric feeling it induces.

9 13. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance  
10 pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug  
11 pursuant to Business and Professions Code section 4022. Alprazolam is a depressant used to treat  
12 anxiety and is a popular member of a class of drugs called "benzodiazepines" which is a general  
13 name for any group of psychotropic agents used as anti-anxiety agents, muscle relaxants,  
14 sedatives, and hypnotics.

15 14. Phenergan with codeine is the brand name for promethazine with codeine, which is a  
16 Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision  
17 (c) and is a dangerous drug pursuant to Business and Professions Code section 4022.  
18 Promethazine with Codeine is typically used as a cough suppressant, but when mixed with soda is  
19 used recreationally and is known by the slang term "Purple Drank." This concoction causes a  
20 feeling of euphoria and dissociation from one's body.

### 21 BOARD INVESTIGATION

22 15. From November 2012 February 2014, the Board conducted an investigation of  
23 Respondent Pharmacy. A Board Inspector reviewed Respondent Pharmacy's controlled substance  
24 log, patient profiles, prescription copies, Patient Activity Reports (PARS) from CURES<sup>1</sup> and  
25 other documents.

26 <sup>1</sup> All prescription drug history information is maintained in the California Controlled  
27 Substance Utilization Review and Evaluation System, or CURES, a database which includes  
28 information about the drug dispensed, drug quantity and strength, patient name, address,  
prescriber name, and authorization number including DEA number or prescription number.



1           19. For the 25 patients, there were many irregularities with the prescriptions, including:  
2 (1) distance between the patient and prescriber; (2) distance between the pharmacy and the  
3 prescriber; (3) similar diagnoses of the patients; and (4) same/similar combination and strength  
4 of prescribed drugs. Additionally, each and every patient was prescribed Promethazine with  
5 Codeine, which is a cough medicine. 19 of the 25 patients received promethazine with codeine  
6 without concurrently being prescribed an antibiotic or other respiratory medication and none of the  
7 patients had a diagnosis of bronchitis or other respiratory related condition.

8           20. A detailed review of the 25 patients reveals the following results:

9           a) Patient R.A. Patient R.A. was diagnosed with abdominal cancer. On July 5,  
10 2011, Respondent Pharmacy dispensed prescriptions RX #506470 HC/AP 10-325, RX #506471  
11 promethazine with codeine, and RX #506472 alprazolam 2 mg. Patient R.A. did not receive any  
12 other medication for his underlying condition. Patient R.A. traveled approximately 66 miles to  
13 prescriber Darren Takeuchi's office for these prescriptions and travelled approximately 22 miles  
14 from his residence to Respondent Pharmacy to have the prescriptions filled. Patient R.A. paid  
15 cash for all of his prescriptions.

16           b) Patient M.D. Patient M.D. was diagnosed with gastrointestinal ("GI") pain,  
17 anxiety, and insomnia. On July 8, 2011, Respondent Pharmacy dispensed prescriptions RX  
18 #506528 HC/AP 10-325, RX #506529 promethazine with codeine, and RX #506530 alprazolam 2  
19 mg. On August 9, 2011, Respondent Pharmacy dispensed prescriptions RX #506905  
20 promethazine with codeine and RX #506906 HC/AP 10-325. Patient M.D. did not receive any  
21 other medication for her underlying condition. Patient M.D. travelled approximately 89 miles  
22 and 31 miles, respectively, to prescribers Darren Takeuchi's and Harpreet Sehkon's offices for  
23 these prescriptions and travelled approximately 43 miles from her residence to Respondent  
24 Pharmacy to have the prescriptions filled. Patient M.D. paid cash for all of her prescriptions.

25           c) Patient L.E. Patient L.E. was diagnosed with an esophageal abscess. On  
26 August 5, 2011, Respondent Pharmacy dispensed prescriptions RX #506866 HC/AP 10-500 and  
27 RX #506867 promethazine with codeine. Patient L.E. did not receive any other medication for  
28 her underlying condition. Patient L.E., whose address of record was in the Northern California

1 town of Sunnysvale, travelled approximately 345 miles to prescriber Harpreet Sekhon's office for  
2 these prescriptions and travelled approximately 20 miles from Dr. Sekhon's office to Respondent  
3 Pharmacy to have these prescriptions filled. Patient L.E.'s address of record was approximately  
4 358 miles from Respondent Pharmacy. Patient L.E. paid cash for her prescriptions.

5 d) Patient C.F. Patient C.F. was diagnosed with gastroenteritis and chronic pain.  
6 On June 7, 2011, Respondent dispensed prescriptions RX #506115 HC/AP 10-325, RX #506116  
7 alprazolam 2 mg, and RX #506117 promethazine with codeine from prescriber Billy Early. On  
8 July 1, 2011, Respondent Pharmacy dispensed prescription RX #506446 from prescriber Andrew  
9 Sun. On August 4, 2011, Respondent Pharmacy dispensed prescriptions RX #506832  
10 promethazine with codeine and RX #506833 HC/AP 10-500 from prescriber Harpreet Sekhon.  
11 Patient C.F. did not receive any other medication for her underlying conditions. Patient C.F. paid  
12 cash for all her prescriptions.

13 e) Patient M.G. Patient M.G. was diagnosed with abdominal pain and anxiety.  
14 On July 1, 2011, Respondent Pharmacy dispensed prescriptions RX #506452 HC/AP 10-500, RX  
15 #506453 promethazine with codeine, and RX #506454 alprazolam 2 mg. On August 8, 2011,  
16 Respondent Pharmacy dispensed prescriptions RX #506882 promethazine with codeine and RX  
17 #506885 HC/AP 10-325. Patient M.G. did not receive any other medication for her underlying  
18 conditions. Patient M.G. travelled approximately 167 miles and 108 miles, respectively, to  
19 prescribers Darren Takeuchi's and Harpreet Sekhon's offices for these prescriptions and travelled  
20 approximately 124 miles from her residence to Respondent Pharmacy to have the prescriptions  
21 filled. Patient M.D. paid cash for all of her prescriptions.

22 f) Patient S.H. Patient S.H. was diagnosed with abdominal pain and anxiety. On  
23 July 6, 2011, Respondent Pharmacy dispensed prescriptions RX #506500 HC/AP 10-325, RX  
24 #506501 promethazine with codeine, and RX # 506502 alprazolam 2 mg. On August 9, 2011,  
25 Respondent Pharmacy dispensed prescriptions RX #506898 for promethazine with codeine and  
26 RX #506899 HC/AP 10-325. Patient S.H. did not receive any other medication for his underlying  
27 conditions. Patient S.H. travelled approximately 64 miles and 5 miles, respectively, to prescribers  
28 Darren Takeuchi's and Harpreet Sekhon's offices for these prescriptions and travelled



1 approximately 24 miles from his residence to Respondent Pharmacy to have the prescriptions  
2 filled. Patient S.H. paid cash for all of his prescriptions. Had Respondents reviewed PARs  
3 reports, they would have noticed that between March 11, 2011 and November 23, 2011, Patient  
4 S.H. went to 8 different doctors and 4 different pharmacies (including Respondent Pharmacy).

5 g) Patient B.H. Patient B.H. was diagnosed with GI pain. On July 21, 2011,  
6 Respondent Pharmacy dispensed prescriptions RX #506688 promethazine with codeine and RX  
7 #506689 HC/AP 10-500. Patient B.H. did not receive any other medication for his underlying  
8 condition. Patient B.H. travelled approximately 12 miles to prescriber Harpreet Sehkon's office  
9 for these prescriptions and travelled approximately 30 miles from his residence to Respondent  
10 Pharmacy to have the prescriptions filled. Patient B.H. paid cash for all of his prescriptions.

11 h) Patient E.L. Patient E.L.'s diagnosis was unknown. On June 22, 2011,  
12 Respondent Pharmacy dispensed prescriptions RX #506302 HC/AP 10-325, RX # 506303  
13 promethazine with codeine, and RX # 506307 alprazolam 2 mg. On July 29, 2011, Respondent  
14 Pharmacy dispensed prescriptions RX #506778 promethazine with codeine and RX #506779  
15 HC/AP 10-500. Patient E.L. travelled approximately 40 miles and 84 miles, respectively, to  
16 prescribers Darren Takeuchi's and Harpreet Sehkon's offices for these prescriptions and travelled  
17 approximately 64 miles from his residence to Respondent Pharmacy to have the prescriptions  
18 filled. Patient E.L. paid cash for all of his prescriptions.

19 i) Patient A.H. Patient A.H. was diagnosed with abdominal pain. On July 18,  
20 2011, Respondent Pharmacy dispensed prescriptions RX #506655 promethazine with codeine and  
21 RX #506656 HC/AP 10-500. Patient A.H. did not receive any other medication for his  
22 underlying condition. Patient A.H. travelled approximately 67 miles to prescriber Harpreet  
23 Sehkon's office for these prescriptions and travelled approximately 80 miles from his residence to  
24 Respondent Pharmacy to have the prescriptions filled. Patient A.H. paid cash for all of his  
25 prescriptions.

26 j) Patient Z.M. Patient Z.M. was diagnosed with GI pain and anxiety. On July 6,  
27 2011, Respondent Pharmacy dispensed prescriptions RX #506492 HC/AP 10-500, RX #506493  
28 promethazine with codeine, and RX #506494 alprazolam 2 mg. On August 11, 2011, Respondent

1 Pharmacy dispensed prescriptions RX #506966 promethazine with codeine and RX #506967  
2 HC/AP 10-325. Patient Z.M. did not receive any other medication for her underlying conditions.  
3 Patient Z.M. travelled approximately 67 miles and 1 mile, respectively, to prescribers Darren  
4 Takeuchi's and Harpreet Sehkon's offices for these prescriptions and travelled approximately 20  
5 miles from her residence to Respondent Pharmacy to have the prescriptions filled. Patient Z.M.  
6 paid cash for all of her prescriptions.

7 k) Patient L.M. Patient L.M. was diagnosed with gastroenteritis. On August 5,  
8 2011, Respondent Pharmacy dispensed prescriptions RX #506870 HC/AP 10-500 and RX  
9 #506871 promethazine with codeine. Patient L.M. did not receive any other medication for his  
10 underlying condition. Patient L.M. travelled approximately 39 miles to prescriber Harpreet  
11 Sehkon's office for these prescriptions and travelled approximately 40 miles from his residence to  
12 Respondent Pharmacy to have the prescriptions filled. Patient L.M. paid cash for all of his  
13 prescriptions.

14 l) Patient S.M. Patient S.M. was diagnosed with GI pain and insomnia. On July  
15 1, 2011, Respondent Pharmacy dispensed prescriptions RX #506456 HC/AP 10-500, RX  
16 #506457 promethazine with codeine, and RX #506458 alprazolam 2 mg. On August 9, 2011,  
17 Respondent Pharmacy dispensed prescriptions RX #506901 promethazine with codeine and RX  
18 #506907 HC/AP 10-325. Patient S.M. did not receive any other medication for his underlying  
19 conditions. Patient S.M. travelled approximately 43 miles and 36 miles, respectively, to  
20 prescribers Darren Takeuchi's and Harpreet Sehkon's offices for these prescriptions and travelled  
21 approximately 7 miles from his residence to Respondent Pharmacy to have the prescriptions  
22 filled. Patient S.M. paid cash for all of his prescriptions.

23 m) Patient C.N. Patient C.N. was diagnosed with GI pain. On July 19, 2011,  
24 Respondent Pharmacy dispensed prescriptions RX #506670 promethazine with codeine and RX  
25 #506671 HC/AP 10-325. Patient C.N. did not receive any other medications for his underlying  
26 condition. Patient C.N. travelled approximately 58 miles to prescriber Harpreet Sehkon's office  
27 for these prescriptions and travelled approximately 41 miles from his residence to Respondent  
28 Pharmacy to have the prescriptions filled. Patient C.N. paid cash for all of his prescriptions.

1           n) Patient M.O. Patient M.O. was diagnosed with Crohn's disease and abdominal  
2 pain. On July 5, 2011, Respondent Pharmacy dispensed prescriptions RX #506474 HC/AP 10-  
3 324, RX #506475 promethazine with codeine, and RX #506476 alprazolam 2 mg. Patient M.O.  
4 did not receive any other medication for her underlying conditions. Patient M.O. travelled  
5 approximately 62 miles to prescriber Darren Takeuchi's office for these prescriptions and  
6 travelled approximately 24 miles from her residence to Respondent Pharmacy to have the  
7 prescriptions filled. Patient M.O. paid cash for all of her prescriptions.

8           o) Patient F.P. Patient F.P. was diagnosed with GI pain. On July 25, 2011,  
9 Respondent Pharmacy dispensed prescriptions RX #506715 promethazine with codeine and RX  
10 #506716 HC/AP 10-500. Patient F.P. did not receive any other medication for his underlying  
11 condition. Patient F.P. travelled approximately 18 miles to prescriber Harpreet Sehkon's office  
12 for these prescriptions and travelled approximately 28 miles from his residence to Respondent  
13 Pharmacy to have the prescriptions filled. Patient F.P. paid cash for all of his prescriptions.

14           p) Patient M.P. Patient M.P. was diagnosed with abdominal pain and anxiety. On  
15 July 8, 2011, Respondent Pharmacy dispensed prescriptions RX #506531 HC/AP 10-500, RX  
16 #506532 promethazine with codeine, and RX #506533 alprazolam 2 mg. On August 9, 2011,  
17 Respondent Pharmacy dispensed prescriptions RX #506903 promethazine with codeine and RX  
18 #506904 HC/AP 10-500. Patient M.P. did not receive any other medication for his underlying  
19 conditions. Patient M.P., who resided in Oceanside, travelled approximately 73 miles and 93  
20 miles, respectively, to prescribers Darren Takeuchi's and Harpreet Sehkon's offices for these  
21 prescriptions and travelled approximately 96 miles from his residence to Respondent Pharmacy to  
22 have the prescriptions filled. Patient M.P. paid cash for all of his prescriptions.

23           q) Patient G.R. Patient G.R. was diagnosed with abdominal pain. On June 28,  
24 2011, Respondent Pharmacy dispensed prescriptions RX #506408 HC/AP 10-500, RX #506409  
25 promethazine with codeine, and RX #506410 alprazolam 2 mg. On August 4, 2011, Respondent  
26 Pharmacy dispensed prescriptions RX #506837 promethazine with codeine and RX #506838  
27 HC/AP 10-325. Patient G.R. did not receive any other medication for his underlying condition.  
28 Patient G.R., who resided in Bakersfield, travelled approximately 165 miles and 106 miles,

1 respectively, to prescribers Darren Takeuchi's and Harpreet Sekhon's offices for these  
2 prescriptions and travelled approximately 119 miles from his residence to Respondent Pharmacy  
3 to have the prescriptions filled. Patient G.R. paid cash for all of his prescriptions.

4 r) Patient A.R. Patient A.R. was diagnosed with cancer and chronic pain. On  
5 June 13, 2011, Respondent Pharmacy dispensed prescription RX #506195 promethazine with  
6 codeine. On July 14, 2011, Respondent Pharmacy dispensed prescriptions RX #506628 HC/AP  
7 10-325 and RX #506630 promethazine with codeine. Patient A.R. did not receive any other  
8 medication for her underlying conditions. Patient A.R. travelled approximately 60 miles to  
9 prescriber Harpreet Sekhon's office for these prescriptions and travelled approximately 55 miles  
10 from her residence to Respondent Pharmacy to have these prescriptions filled. Patient A.R. paid  
11 cash for all of her prescriptions.

12 s) Patient M.R. Patient M.R.'s diagnosis was unknown. On August 12, 2011,  
13 Respondent Pharmacy dispensed prescriptions RX #506978 promethazine with codeine and RX  
14 #506979 HC/AP 10-325. Patient M.R. travelled approximately 54 miles to prescriber Harpreet  
15 Sekhon's office for these prescriptions and travelled approximately 52 miles from her residence to  
16 Respondent Pharmacy to have these prescriptions filled. Patient M.R. paid cash for all of her  
17 prescriptions.

18 t) Patient M.T. Patient M.T. was diagnosed with abdominal pain. On July 28,  
19 2011, Respondent Pharmacy dispensed prescriptions RX #506760 promethazine with codeine and  
20 RX #506761. Patient M.T. did not receive any other medication for underlying condition.  
21 Patient M.T. travelled approximately 27 miles to prescriber Harpreet Sekhon's office for these  
22 prescriptions and travelled approximately 33 miles from his residence to Respondent Pharmacy to  
23 have the prescriptions filled. Patient M.T. paid cash for all of his prescriptions.

24 u) Patient J.T. Patient J.T. was diagnosed with abdominal cancer. On July 22,  
25 2011, Respondent Pharmacy dispensed prescriptions RX #506704 promethazine with codeine and  
26 RX # 506705 HC/AP 10-500. On January 11, 2012, Respondent Pharmacy dispensed  
27 prescriptions RX #508201 promethazine with codeine and RX #508202 HC/AP 10-500. Patient  
28 J.T. did not receive any other medication for his underlying condition. Patient J.T. travelled

1 approximately 6 miles and 25 miles, respectively, to prescribers Harpreet Sekhon's and Oliver  
2 Tsai's offices for these prescriptions and travelled approximately 22 miles from his residence to  
3 Respondent Pharmacy to have the prescriptions filled. Patient J.T. paid cash for all of his  
4 prescriptions.

5 v) Patient M.A.T. Patient M.A.T. was diagnosed with abdominal pain, anxiety,  
6 and insomnia. On July 1, 2011, Respondent Pharmacy dispensed prescriptions RX #506447  
7 HC/AP 10-325, RX #506448 promethazine with codeine, and RX #506449 alprazolam 2 mg. On  
8 August 8, 2011, Respondent Pharmacy dispensed prescriptions for RX #506880 promethazine  
9 with codeine and RX #506886 HC/AP 10-325. Patient M.A.T. did not receive any other  
10 medication for underlying conditions. Patient M.A.T., who resided in San Diego, travelled  
11 approximately 88 miles and 117 miles, respectively, to prescribers Darren Takeuchi's and  
12 Harpreet Sekhon's offices for these prescriptions and travelled approximately 120 miles from her  
13 residence to Respondent Pharmacy to have the prescriptions filled. Patient M.A.T. paid cash for  
14 all of her prescriptions.

15 w) Patient N.V. Patient N.V. was diagnosed with abdominal pain. On August 12,  
16 2011, Respondent Pharmacy dispensed prescriptions RX #506976 promethazine with codeine and  
17 RX #506977 HC/AP 10-325. Patient N.V. did not receive any other medication for her under  
18 medical condition. Patient N.V. travelled approximately 46 miles to prescriber Harpreet Sekhon's  
19 office for these prescriptions and travelled approximately 61 miles from her residence to  
20 Respondent Pharmacy to have the prescriptions filled. Patient N.V. paid cash for all of her  
21 prescriptions.

22 x) Patient M.W. Patient M.W. was diagnosed with acid reflux. On August 5,  
23 2011, Respondent Pharmacy dispensed prescriptions RX #506864 HC/AP 10-500 and RX  
24 #506865 promethazine with codeine. Patient M.W. did not receive any other medication for her  
25 underlying condition. Patient M.W., whose address of record was in the Northern California  
26 town of Dublin, travelled approximately 344 miles to prescriber Harpreet Sekhon's office for  
27 these prescriptions and travelled approximately 20 miles from Dr. Sekhon's office to Respondent  
28

1 Pharmacy to have these prescriptions filled. Patient M.W.'s address of record was approximately  
2 357 miles from Respondent Pharmacy. Patient M.W. paid cash for her prescriptions.

3 y) Patient W.W. Patient W.W. was diagnosed with abdominal pain. On June 9,  
4 2011, Respondent Pharmacy dispensed prescription RX #506167 promethazine with codeine. On  
5 July 12, 2011, Respondent Pharmacy dispensed prescriptions RX #506583 promethazine with  
6 codeine and RX #506585 alprazolam 2 mg. Patient W.W. travelled approximately 58 miles to  
7 prescriber Harpreet Sehkon's office for these prescriptions and travelled approximately 41 miles  
8 from his residence to Respondent Pharmacy to have the prescriptions filled. Patient W.W. paid  
9 cash for all of his prescriptions.

10 21. The Board Inspector also reviewed a number of patient prescriptions aside from the  
11 25 patients that he selected to profile. Just as with the 25 selected patients, there were many  
12 irregularities with the prescriptions including: (1) many of the prescriptions dispensed were dated  
13 the same day and were from the same doctor; (2) many of the prescriptions were for the  
14 same/similar combination and strength of prescribed drugs. The details are described in the  
15 following chart:

Patient	RX Date	RX#	Drug	Prescriber/Location
N.J.	6/26/12	509502 509503	HC/AP 10-325 promethazine with codeine	Sri Wijegoonaratna/ Anaheim
A.J.	6/26/12	509506 509507	HC/AP 10-325 promethazine with codeine	Sri Wijegoonaratna/ Anaheim
R.W.	7/11/12	509609 509610	promethazine with codeine HC/AP 10-325	Sri Wijegoonaratna/ Anaheim
A.C.	7/11/12	509611 509612	promethazine with codeine HC/AP 10-325	Sri Wijegoonaratna/ Anaheim
S.W.	7/11/12	509613 509614	HC/AP 10-325 promethazine with codeine	Sri Wijegoonaratna/ Anaheim
G.G.	7/11/12	509626 509627	promethazine with codeine HC/AP 10-325	Sri Wijegoonaratna/ Anaheim
T.C.	7/11/12	509628 509629	HC/AP 10-325 promethazine with codeine	Sri Wijegoonaratna/ Anaheim
G.T.	7/11/12	509630 509631	promethazine with codeine HC/AP 10-325	Sri Wijegoonaratna/ Anaheim
G.P.	7/17/12	509662 509663	Alprazolam 2 mg promethazine with codeine	Sri Wijegoonaratna/ Anaheim
J.J.	7/17/12	509664 509665	HC/AP 10-325 promethazine with codeine	Sri Wijegoonaratna/ Anaheim
S.C.	11/7/12	510531	promethazine with codeine	Michael

1		510532	Alprazolam 2 mg	Fraipont/Pasadena	
		510533	HC/AP 10-325		
2	S.T.	11/7/12	510535 510536	promethazine with codeine Alprazolam 2 mg	Michael Fraipont/Pasadena
3	A.W.	3/26/13	511930 511931 511932	promethazine with codeine HC/AP 10-325 Alprazolam 2 mg	Madhu Garg/Los Angeles
4	D.L.	3/26/12	511935 511936 511937	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Madhu Garg/Los Angeles
5	L.H.	3/26/12	511938 511940 511941	promethazine with codeine Alprazolam 2 mg HC/AP 10-325	Madhu Garg/Los Angeles
6	L.N.	3/29/12	511967 511968	HC/AP 10-325 promethazine with codeine	Daniel Shin/Santa Monica
7	D.C.	3/29/12	511970 511971 511972	Alprazolam 2 mg HC/AP 10-325 promethazine with codeine	Daniel Shin/Santa Monica
8	A.M.	3/29/12	511974	promethazine with codeine	Daniel Shin/Santa Monica
9	E.N.	3/29/12	511976 511977	HC/AP 10-325 promethazine with codeine	Daniel Shin/Santa Monica
10	C.S.	3/29/12	511987 511988 511989	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Santa Monica
11	R.S.	4/4/12	512012	promethazine with codeine	Daniel Shin/Not Available <sup>2</sup>
12	L.C.	4/4/12	512014	promethazine with codeine	Daniel Shin/Not Available
13	C.P.	4/4/12	512055 512056 512057	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available
14	T.P.	4/4/12	512061	promethazine with codeine	Daniel Shin/Not Available
15	W.A.	4/13/13	512106 512109	HC/AP 10-325 promethazine with codeine	Daniel Shin/Not Available
16	T.D.	4/13/13	512111 512112 512113	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available
17	T.B.	4/13/13	512115 512116 512117	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available
18	J.S.	4/13/13	512125 512128	HC/AP 10-325 promethazine with codeine	Daniel Shin/Not Available
19	L.D.	4/13/13	512130 512131 512132	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available

<sup>2</sup> Dr. Shin has three offices according to his prescription pad: Los Angeles, Santa Monica, and Burbank. Where no particular office is indicated on the prescription, the location is listed as "not available."

1	H.D.	4/16/13	512166	promethazine with codeine	Daniel Shin/Not Available
2	C.S.	4/16/13	512168 512170 512171	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available
3					
4	G.C.	4/16/13	512173 512175 512176	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available
5					
6	DA	4/16/13	512181 512183 512184	HC/AP 10-325 Alprazolam 2 mg promethazine with codeine	Daniel Shin/Not Available
7					
8	I.G.	4/16/13	512193 512195	HC/AP 10-325 promethazine with codeine	Daniel Shin/Not Available

9  
10 Additionally, the prescription pad from Daniel Shin identifies him as a physician practicing  
11 pain management and anesthesiology. There is no apparent reason for such a physician with  
12 these practice specialties to prescribe the excessive amounts of cough syrup detailed above.

13  
14 **OTHER MATTERS**

15 22. Pursuant to Code Section 4307, if discipline is imposed on Pharmacy Permit Number  
16 PHY 54605 issued to Mariomina Inc. dba EO Pharmacy, Mariomina Inc. shall be prohibited from  
17 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
18 licensee for five years if Pharmacy Permit Number PHY 54605 is placed on probation or until  
19 Pharmacy Permit Number PHY 54605 is reinstated if it is revoked.

20 23. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
21 54605 issued to Mariomina Inc. while Maged Naguib Beshay has been an officer and owner and  
22 had knowledge of or knowingly participated in any conduct for which the licensee was  
23 disciplined, Maged Naguib Beshay shall be prohibited from serving as manager, administrator,  
24 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
25 Permit Number PHY 54605 is placed on probation or until Pharmacy Permit Number PHY 54605  
26 is reinstated if it is revoked.

27 ///

28 ///



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 Pharmacy Permit Number PHY 54605 (formerly PHY  
5 50742), issued to Mariomina Inc. dba EO Pharmacy with Maged Naguib Beshay as the  
6 Pharmacist-in-Charge;

7 2. Revoking or suspending Pharmacist License Number RPH 49580, issued to Maged  
8 Naguib Beshay;

9 3. Prohibiting Mariomina Inc. dba EO Pharmacy from serving as a manager,  
10 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
11 Pharmacy Permit Number PHY 54605 is placed on probation or until Pharmacy Permit Number  
12 PHY 54605 is reinstated if Pharmacy Permit Number 54605 issued to Mariomina Inc. dba EO  
13 Pharmacy is revoked;

14 4. Prohibiting Maged Naguib Beshay from serving as a manager, administrator, owner,  
15 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
16 Number PHY 54605 is placed on probation or until Pharmacy Permit Number PHY 54605 is  
17 reinstated if Pharmacy Permit Number 54605 issued to Mariomina Inc. dba EO Pharmacy is  
18 revoked;

19 5. Ordering Mariomina Inc. dba EO Pharmacy and Maged Naguib Beshay to pay the  
20 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
21 pursuant to Business and Professions Code section 125.3; and

22 6. Taking such other and further action as deemed necessary and proper.

23 DATED: 2/8/17

*Virginia Herold*

24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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