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

13 In the Matter of the Accusation Against:

Case Nos. 6934 and 6935

14 **ST. CYRIL INC.,**
15 **DBA RE COMMUNITY PHARMACY,**
16 **GENEVIEVE BENJAMIN, OWNER,**
17 **DIRECTOR AND OFFICER**
18 **2571 W. La Palma Ave., #A**
19 **Anaheim, CA 92801**

ACCUSATION

20 **Pharmacy Permit No. PHY 55522,**

21 **HAN.SAM CORP.,**
22 **DBA RE PHARMACY,**
23 **HANY SAMUEL BENJAMIN, OWNER,**
24 **DIRECTOR AND OFFICER**
25 **2571 W. La Palma Avenue, Suite A**
26 **Anaheim, CA 92801**

27 **Pharmacy Permit No. PHY 56970,**

28 **HAN.SAM CORP.,**
DBA RIVERS EDGE PHARMACY
HANY SAMUEL BENJAMIN, OWNER,
DIRECTOR AND OFFICER
36919 Cook Street, Suite 102
Palm Desert, CA 92211

Pharmacy Permit No. PHY 49157,

1 **HANY SAMUEL BENJAMIN**
2 **36919 Cook Street**
3 **Palm Desert, CA 92211**

4 **Pharmacist License No. RPH 58261,**

5 **GENEVIEVE SABRY BENJAMIN**
6 **1 Odessa**
7 **Foothill Ranch, CA 92610**

8 **Pharmacist License No. RPH 58193,**

9 **LISA NABIEH SMITH, AKA LISA**
10 **NABIEH LUTFI**
11 **11810 La Serna Dr.**
12 **Whittier, CA 90604**

13 **Pharmacist License No. RPH 69812,**

14 **and**

15 **FADI ATEF NASSAR EBEID**
16 **35782 Raphael Dr.**
17 **Palm Desert, CA 92211**

18 **Pharmacist License No. RPH 69962**

19 Respondents.

20 In the Matter of the Statement of Issues
21 Against:

22 **ST. CYRIL INC.,**
23 **DBA CAMINO CAPISTRANO**
24 **PHARMACY**

25 **Applicant for Pharmacy Permit**

26 Respondent.

27 In the Matter of the Statement of Issues
28 Against:

RESELL PHARMACEUTICALS, LLC,
HAN SAM CORP., SOLE MEMBER

Applicant for Wholesaler License

Respondent.

Case No. 7022

STATEMENT OF ISSUES

Case No. 6929

STATEMENT OF ISSUES

1 In the Matter of the Statement of Issues
2 Against:

3 **MIA CARE INC.,**
4 **DBA MIA CARE PHARMACY**

5 **Applicant for Pharmacy Permit**

6 Respondent.

Case No. 7102

STATEMENT OF ISSUES

7 **PARTIES**

8 1. Anne Sodergren (Complainant) brings this Accusation and Statements of Issues
9 solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
10 Consumer Affairs (Board).

11 2. On or about February 15, 2017, the Board of Pharmacy issued Pharmacy Permit
12 Number PHY 55522 to St. Cyril Inc., doing business as RE Community Pharmacy (RE
13 Community Pharmacy). The Board cancelled the Pharmacy Permit on January 16, 2019.

14 3. On or about January 16, 2019, the Board of Pharmacy issued Pharmacy Permit
15 Number PHY 56970 to Han.Sam Corp., doing business as RE Pharmacy (RE Pharmacy). The
16 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
17 and expired on February 8, 2021. The Board cancelled the Pharmacy Permit on March 11, 2021
18 due to a discontinuance of business, effective February 8, 2021.

19 4. On or about September 15, 2008, the Board of Pharmacy issued Pharmacy Permit
20 Number PHY 49157 to Han.Sam Corp., doing business as River's Edge Pharmacy (River's Edge
21 Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges
22 brought herein and will expire on September 1, 2022, unless renewed.

23 5. On or about May 9, 2006, the Board of Pharmacy issued Pharmacist License Number
24 RPH 58261 to Hany Samuel Benjamin (Hany Benjamin). The Pharmacist License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on October 31,
26 2021, unless renewed.

27 6. On or about March 20, 2006, the Board of Pharmacy issued Pharmacist License
28 Number RPH 58193 to Genevieve Sabry Benjamin (Genevieve Benjamin). The Pharmacist

1 License was in full force and effect at all times relevant to the charges brought herein and will
2 expire on April 30, 2022, unless renewed.

3 7. On or about September 30, 2013, the Board of Pharmacy issued Pharmacist License
4 Number RPH 69812 to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi (Lisa Smith). The Pharmacist
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on June 30, 2023, unless renewed.

7 8. On or about October 10, 2013, the Board of Pharmacy issued Pharmacist License
8 Number RPH 69962 to Fadi Atef Nassar Ebeid (Fadi Ebeid). The Pharmacist License was in full
9 force and effect at all times relevant to the charges brought herein and will expire on July 31,
10 2023, unless renewed.

11 9. On or about October 30, 2019, the Board received an application for a wholesaler
12 license from ReSell Pharmaceuticals, LLC with Han.Sam Corp. identified as the sole member of
13 ReSell Pharmaceuticals, LLC. Hany Benjamin was an owner of outstanding shares, and an
14 officer and Genevieve Benjamin was an officer and director of Han.Sam Corp. On or about
15 August 14, 2019, Genevieve Benjamin, on behalf of ReSell Pharmaceuticals, LLC certified under
16 penalty of perjury to the truthfulness of all statements, answers, and representations in the
17 application. On or about March 2, 2020, the Board denied ReSell Pharmaceuticals, LLC's
18 application.

19 10. On or about October 23, 2019, the Board received an application for a pharmacy
20 permit from St. Cyril, Inc. to do business as Camino Capistrano Pharmacy. On February 18,
21 2020, Camino Capistrano Pharmacy filed an amended application. Genevieve Benjamin was an
22 owner of outstanding shares, an officer and a director of St. Cyril, Inc. On or about July 29, 2019,
23 Genevieve Benjamin, on behalf of Camino Capistrano Pharmacy certified under penalty of
24 perjury to the truthfulness of all statements, answers, and representations in the application. On
25 or about August 4, 2020, the Board denied Camino Capistrano Pharmacy's application.

26 11. On or about November 18, 2020, the Board received an application for a pharmacy
27 permit from Mia Care, Inc. to do business as Mia Care Pharmacy. Genevieve Benjamin's mother,
28 Mervet Mecheal Abdelmalik was the sole owner of the outstanding shares, an officer and director

1 of Mia Care, Inc. and Genevieve Benjamin’s father, Sabry Shafik Abdelmalik was an officer of
2 Mia Care, Inc. On or about February 4, 2021, the Board denied Mia Care Pharmacy’s
3 application.

4 **JURISDICTION**

5 12. The Accusation and Statements of Issues are brought before the Board under the
6 authority of the following laws. All section references are to the Business and Professions Code
7 (Code) unless otherwise indicated.

8 13. Code section 4011 provides that the Board shall administer and enforce both the
9 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
10 (Health & Safety Code, § 11000 *et seq.*).

11 14. Code section 4300, subdivision (a) provides that every license issued by the Board
12 may be suspended or revoked.

13 15. Code section 4300, subdivision (c) states:

14 The board may refuse a license to any applicant guilty of unprofessional
15 conduct. The board may, in its sole discretion, issue a probationary license to any
16 applicant for a license who is guilty of unprofessional conduct and who has met all
17 other requirements for licensure. . .

18 16. Code section 4300.1 states:

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

25 **STATUTORY PROVISIONS**

26 17. Code section 4022 states:

27 “Dangerous drug” or “dangerous device” means any drug or device unsafe for
28 self-use in humans or animals, and includes the following:

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

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

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

3 18. Code section 4043 states:

4 'Wholesaler' means and includes a person who acts as a wholesale merchant,
5 broker, jobber customs broker, reverse distributor, agent, or a nonresident wholesaler,
6 who sells for resale, or negotiates for distribution, or takes possession of, any drug or
7 device included in Section 4022. Unless otherwise authorized by law, a wholesaler
8 may not store, warehouse, or authorize the storage or warehousing of drugs with any
9 person or at any location not licensed by the board.

10 19. Code section 4059.5, subdivision (a) states:

11 Except as otherwise provided in this chapter, dangerous drugs or dangerous
12 devices may only be ordered by an entity licensed by the board and shall be delivered
13 to the licensed premises and signed for and received by a pharmacist. Where a
14 licensee is permitted to operate through a designated representative, or in the case of a
15 reverse distributor, a designated representative-reverse distributor, that individual
16 shall sign for and receive the delivery.

17 20. Code section 4113, subdivision (c) states:

18 The pharmacist-in-charge shall be responsible for a pharmacy's compliance
19 with all state and federal laws and regulations pertaining to the practice of pharmacy.

20 21. Code section 4160, subdivision (a) states:

21 A person shall not act as a wholesaler or third-party logistics provider of any
22 dangerous drug or dangerous device unless he or she has obtained a license from the
23 board.

24 22. Code section 4169, subdivisions (a)(1) and (a)(4) state:

25 (a) A person or entity shall not do any of the following:

26 (1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or
27 dangerous devices at wholesale with a person or entity that is not licensed with the
28 board as a wholesaler, third-party logistics provider, or pharmacy.

...

(4) Purchase, trade sell, or transfer dangerous drugs or dangerous devices after
the beyond use date on the label.

23. Code section 4300, subdivision (c) of the Code states, in pertinent part:

The board may refuse a license to any applicant guilty of unprofessional
conduct. The board may, in its sole discretion, issue a probationary license to any
applicant for a license who is guilty of unprofessional conduct and who has met all
other requirements for licensure.

1 24. Code section 4301 states in pertinent part:

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

6 ...

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

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

12 ...

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

15 ...

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

21 ...

22 25. Code section 4302 states:

23 The board may deny, suspend, or revoke any license where conditions exist in
24 relation to any person holding 10 percent or more of the ownership interest or where
25 conditions exist in relation to any officer, director, or other person with management
26 or control of the license that would constitute grounds for disciplinary action against a
27 licensee.

28 26. Code section 4307, subdivision (a) states:

Any person who has been denied a license or whose license has been revoked
or is under suspension, or who has failed to renew his or her license while it was
under suspension, or who has been a manager, administrator, owner member, officer,
director, associate, or partner of any partnership, corporation, firm, or association
whose application for a license has been denied or revoked, is under suspension or
has been placed on probation, and while acting as the manger, administrator, owner,
member, officer, director, associate, or partner had knowledge or knowingly
participated in any conduct for which the license was denied, revoked, suspended, or
placed on probation, shall be prohibited from serving as a manger, administrator,
owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

3 **COST RECOVERY**

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

8 **DRUGS**

9 28. Actemra is an expensive oncology drug and a dangerous drug as defined by Business
10 and Professions Code section 4022.

11 29. Avastin is an expensive oncology drug and a dangerous drug as defined by Business
12 and Professions Code section 4022.

13 30. Herceptin is an expensive oncology drug and a dangerous drug as defined by
14 Business and Professions Code section 4022.

15 31. Hyqvia is an expensive oncology drug and a dangerous drug as defined by Business
16 and Professions Code section 4022.

17 32. Herceptin is an expensive oncology drug and a dangerous drug as defined by
18 Business and Professions Code section 4022.

19 33. Imbruvica is an expensive oncology drug and a dangerous drug as defined by
20 Business and Professions Code section 4022.

21 34. Invokana is an expensive oncology drug and a dangerous drug as defined by Business
22 and Professions Code section 4022.

23 35. Keytruda is an expensive oncology drug and a dangerous drug as defined by Business
24 and Professions Code section 4022.

25 36. Neupogen is an expensive oncology drug and a dangerous drug as defined by
26 Business and Professions Code section 4022.

27 37. Octagam is an expensive oncology drug and a dangerous drug as defined by Business
28 and Professions Code section 4022.

1 38. Tasigna is an expensive oncology drug and a dangerous drug as defined by Business
2 and Professions Code section 4022.

3 39. Xtandi is an expensive oncology drug and a dangerous drug as defined by Business
4 and Professions Code section 4022.

5 **FACTUAL ALLEGATIONS**

6 40. RE Community Pharmacy was a closed door, specialty pharmacy¹ located in
7 Anaheim, California until it ceased doing business on January 16, 2019. Lisa Smith was the
8 Pharmacist-in-Charge.

9 41. RE Pharmacy was a closed door, specialty pharmacy located in Anaheim, California
10 until it ceased doing business in February 2021. Lisa Smith was the Pharmacist-in-Charge until
11 March 2020.

12 42. River's Edge Pharmacy is a closed door, specialty pharmacy located in Palm Desert,
13 California. Fadi Ebeid is the Pharmacist-in-Charge.

14 43. After receiving several complaints, the Board conducted investigations of these
15 pharmacies' operations that revealed the following facts, unprofessional conduct and violations of
16 law.

17 44. RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy created
18 separate partnerships with three physicians, Dr. K.A., Dr. G.C. and Dr. W.B. (affiliated
19 physicians) to purchase expensive oncology drugs from Cardinal Health 108, LLC (Cardinal
20 Health) at discounted prices. As a condition to purchasing oncology drugs at discounted prices
21 through these partnerships with the affiliated physicians, RE Community Pharmacy, RE
22 Pharmacy and River's Edge Pharmacy and Cardinal Health, doing business as Vital Source GPO
23 and RainTree GPO, LLC entered into group purchasing organization participation agreements
24 (group purchasing organization participation agreements).

25 45. In connection with the group purchasing organization participation agreements, RE
26 Community Pharmacy, RE Pharmacy and River's Edge confirmed that they intended to establish

27 ¹ Specialty pharmacies dispense specialty drugs that are either high cost, high complexity
28 or high touch (i.e., involve a higher degree of sophistication in terms of distribution,
administration or patient management).

1 a business relationship that complied with the Medicare and Medicaid anti-kickback statute set
2 forth in 42 U.S.C. § 1320a-7b. They also confirmed that they intended to comply with the
3 requirements of the “safe harbor” regulations regarding payments to group organization
4 purchasing organizations set forth in 42 C.F.R. § 1001.952(j) and discounts offered to buyers set
5 forth in 42 C.F.R. § 1001.952(h).²

6 46. Cardinal Health and a drug manufacturer, Genentech operated a program to sell drugs
7 at discounted prices to free-standing physician-owned solo or group practices who were treating
8 patients on an out-patient basis, if they certified they were eligible for the program. RE
9 Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy certified their eligibility to
10 participate in this program (manufacturer distribution agreement).

11 47. Cardinal Health expected that RE Community Pharmacy, RE Pharmacy, River’s Edge
12 Pharmacy and their affiliated physicians would be purchasing discounted drugs under the group
13 purchasing organization participation agreements and the manufacturer distribution agreement,
14 solely for administration to the affiliated physicians’ own respective patients and not for RE
15 Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy to resell or transfer to other
16 pharmacies.

17 48. Cardinal Health sent multiple notices to RE Community Pharmacy, RE Pharmacy and
18 River’s Edge Pharmacy advising them that they could not dispense the drugs purchased at
19 discounted prices under the terms of the group purchasing organization participation agreements
20 to patients who were not treated by the affiliated physicians. For example, the Cardinal Health
21 invoices received by those pharmacies contained the following acknowledgment: “CUSTOMER
22 DOES NOT AND WILL NOT REDISTRIBUTE PRESCRIPTION PHARMACEUTICAL
23 PRODUCTS PURCHASED FROM CARDINAL INTO THE SECONDARY MARKET.” The
24 invoices also specified that RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy
25 warrant that the purchased drugs were for “OWN USE.”

26 ² The federal Anti-Kickback Statute prohibits the offering, soliciting, payment, or receipt
27 of remuneration in exchange for the referral of items and services that are paid for by federal
28 health care programs such as Medicare and Medicaid. Since the statute is broad, Congress
enacted safe harbor provisions to limit the reach of the statute to encourage beneficial cost
savings to federal health care programs and their beneficiaries.

1 49. On behalf of the manufacturers, Cardinal Health also sent “contract summaries” on a
2 frequent basis, notifying RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy
3 that they were eligible to receive the discounted drug prices only if they were a physician,
4 physician clinic, infusion center or closed door, on-site clinic pharmacy servicing its own
5 patients. Thus, RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy were aware
6 of the requirement that drugs purchased at discounted prices under these agreements could only
7 be administered to the respective patients of the affiliated physicians.

8 50. RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy misrepresented
9 to Cardinal Health that their accounts were established for oncology offices and infusion clinics
10 overseen by the affiliated physicians for which they were merely facilitating those physicians’
11 purchase of drugs for administration to their own respective patients.

12 51. RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy, signed and
13 submitted certifications and declarations to Cardinal Health representing that the drugs purchased
14 under the group purchasing organization participation agreements and the manufacturer
15 distribution agreement were solely for the administration to the affiliated physicians’ own
16 respective patients and that they were an infusion or oncology clinic. For example, RE
17 Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy represented and certified as
18 part of the manufacturer distribution agreement that “[p]roducts purchased by the practice are
19 only for dispensing to its patients in connection with, and on the same day as, the provision of
20 treatment and/or evaluation and not for transfer, dispensing, or resale to any wholesaler,
21 distributor, hospital, infusion center, or institution, within or outside of the U.S.” Yet, drugs
22 purchased at discounted prices by RE Community Pharmacy, RE Pharmacy and River’s Edge
23 Pharmacy were dispensed and resold to other physicians’ patients.

24 52. From February 15, 2017 through October 28, 2019, RE Community Pharmacy and
25 RE Pharmacy purchased 99 packages of Imbruvica and Xtandi at discounted prices, in connection
26 with the group purchasing organization participation agreements, ostensibly for dispensing and
27 administration to Dr. K.A.’s patients.

28 ///

1 53. RE Community Pharmacy and RE Pharmacy stored and transferred 99 packages of
2 Imbruvica and Xtandi to other commonly controlled pharmacies which dispensed them to patients
3 who were not treated by Dr. K.A., even though those discounted oncology drugs were only
4 available for dispensing and administration to Dr. K.A.'s patients.

5 54. From February 15, 2017 through October 28, 2019, RE Community Pharmacy and
6 RE Pharmacy purchased 887 packages of Avastin, Herceptin and Actemra in connection with the
7 manufacturer distribution agreement, ostensibly for dispensing and administration to Dr. K.A.'s
8 patients. RE Pharmacy's technicians and clerks signed for and/or received certain of these drugs,
9 rather than pharmacists.

10 55. RE Community Pharmacy and RE Pharmacy stored and transferred 832 packages of
11 Avastin, Herceptin and Actemra to other commonly controlled pharmacies which in turn,
12 dispensed them to patients who were not treated by Dr. K.A even though those discounted
13 oncology drugs were only available for dispensing and administration to Dr. K.A.'s patients.

14 56. From February 15, 2017 through November 14, 2019, River's Edge Pharmacy
15 purchased 621 packages of Actemra, Keytruda and Octagam in connection with the group
16 purchasing organization participation agreements and the manufacturer distribution agreement,
17 ostensibly for dispensing and administration to Dr. G.C.'s patients. River's Edge Pharmacy's
18 technicians and clerks signed for and/or received certain of these drugs, rather than pharmacists.

19 57. River's Edge Pharmacy stored and transferred 597 packages of Actemra, Keytruda
20 and Octagam to other commonly controlled pharmacies which in turn, dispensed them to patients
21 who were not treated by Dr. G.C. even though those discounted oncology drugs were only
22 available for dispensing and administration to Dr. G.C.'s patients.

23 58. From February 15, 2017 through November 14, 2019, River's Edge Pharmacy
24 purchased 29 packages of Hyqvia and Keytruda in connection with the group purchasing
25 organization participation agreements, ostensibly for dispensing and administration to Dr. W.B.'s
26 patients.

27 59. River's Edge Pharmacy stored and transferred the packages of Hyqvia and Keytruda
28 to other commonly controlled pharmacies which in turn, dispensed them to patients who were not

1 treated by Dr. W.B. even though those discounted oncology drugs were only available for
2 dispensing and administration to Dr. W.B.'s patients.

3 60. On October 28, 2019, Cardinal Health placed the account affiliated with Dr. K.A. on
4 a "no-ship" status after Dr. K.A. requested that Cardinal Health close his account because it had
5 "become subject to fraudulent purchases in millions of dollars by Han.Sam Corporation for other
6 doctors or resale, since January of 2019."

7 61. On November 20, 2019, Cardinal Health removed Dr. G.C.'s affiliation with River's
8 Edge Pharmacy on his account and placed it on a "no-ship" status until Dr. G.C., and River's
9 Edge Pharmacy complied with Cardinal Health's regulatory obligations under the federal Drug
10 Supply Chain Security Act and California law.

11 62. On March 2, 2020, upon discovering five orders placed in February 2020 under Dr.
12 W.B.'s account, Cardinal Health placed the account affiliated with Dr. W.B. on a "no-ship"
13 status.

14 63. During the Board's investigation, Hany Benjamin, Genevieve Benjamin, Lisa Lufti
15 and Fadi Ebeid falsely claimed that Cardinal Health encouraged them to enter into the
16 aforementioned schemes.

17 64. More violations of Pharmacy Law were uncovered during the Board's investigations.
18 The Board determined that River's Edge Pharmacy violated Pharmacy law when it transferred
19 expired and unexpired oncology drugs, including Neupogen, Tasigna and Invokana from a
20 person, V.A. whom the Board did not license as a wholesaler, third party logistics provider, or
21 pharmacy and warehoused those drugs.

22 65. The Board also determined that Han.Sam, an unlicensed wholesaler violated
23 Pharmacy Law when it purchased 1,588 packages of dangerous drugs from Cardinal Health from
24 February 15, 2017 through January 15, 2019 and, sold, distributed and/or transferred those drugs
25 to Re Community Pharmacy, owned by St. Cyril, Inc. In those same transactions, RE
26 Community Pharmacy violated Pharmacy Law when it purchased and/or warehoused 1,588
27 packages of dangerous drugs from Han.Sam.

28 ///

1 warehoused drugs from an entity unlicensed with the Board as a wholesaler, Han.Sam, as
2 described above in paragraphs 40 through 66 which are incorporated herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Transferred and Warehoused Expired and Unexpired Dangerous Drugs Against**
5 **Respondents River’s Edge Pharmacy and Fabi Ebeid)**

6 71. Respondents River’s Edge Pharmacy and Fabi Ebeid are subject to disciplinary action
7 under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code
8 section 4169, subdivisions (a)(1) and (a)(4), because they transferred expired and unexpired
9 dangerous drugs from a person, V.A. to River’s Edge Pharmacy and warehoused those drugs, as
10 described above in paragraphs 40 through 66 which are incorporated herein.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Unauthorized Receipt of Drugs Against Respondents River’s Edge Pharmacy, Fabi Ebeid,**
13 **RE Pharmacy and Lisa Smith)**

14 72. Respondents RE Pharmacy, Lisa Smith, River’s Edge Pharmacy and Fabi Ebeid are
15 subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating
16 Business and Professions Code section 4059.5, subdivision (a), because they allowed pharmacy
17 technicians and clerks to sign for and receive dangerous drugs, as described above in paragraphs
18 40 through 66 which are incorporated herein.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct against All Respondents)**

21 73. Respondents are subject to disciplinary action under Code section 4301 for
22 unprofessional conduct because they engaged in the activities described above in paragraphs 40
23 through 66 which are incorporated herein.

24 **OTHER MATTERS**

25 74. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
26 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, it shall be prohibited
27 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
28

1 of a licensee for five years if Pharmacy Permit Number PHY 55522 is placed on probation or
2 until the Pharmacy Permit is reinstated if it is revoked.

3 75. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
4 56970 issued to Han.Sam Corp., doing business as RE Pharmacy, it shall be prohibited from
5 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
6 licensee for five years if Pharmacy Permit Number PHY 56970 is placed on probation or until the
7 Pharmacy Permit is reinstated if it is revoked.

8 76. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
9 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy, it shall be prohibited
10 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
11 of a licensee for five years if Pharmacy Permit Number PHY 49157 is placed on probation or
12 until the Pharmacy Permit is reinstated if it is revoked.

13 77. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No.
14 PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, (b) Pharmacy
15 Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Community Pharmacy
16 and/or (c) Pharmacy Permit No. PHY 49157 issued to Han.Sam, doing business as River's Edge
17 Pharmacy, while Hany Samuel Benjamin has been an owner or manager and had knowledge of or
18 knowingly participated in any conduct for which the licensees were disciplined, he shall be
19 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
20 or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the
21 Pharmacy Permits are reinstated, if they are revoked.

22 78. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No.
23 PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, (b) Pharmacy
24 Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Community Pharmacy
25 and/or (c) Pharmacy Permit No. PHY 49157 issued to Han.Sam, doing business as River's Edge
26 Pharmacy while Genevieve Sabry Benjamin has been an owner or manager and had knowledge of
27 or knowingly participated in any conduct for which the licensees were disciplined, she shall be
28 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,

1 or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the
2 Pharmacy Permit is reinstated, if they are revoked.

3 79. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No.
4 PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy and/or (b)
5 Pharmacy Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Pharmacy
6 while Lisa Nabieh Smith, aka Lisa Nabieh Lutfi has been a manager and had knowledge of or
7 knowingly participated in any conduct for which the licensees were disciplined, she shall be
8 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
9 or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the
10 Pharmacy Permits are reinstated, if they are revoked.

11 80. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
12 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy while Fabi Atef
13 Nassar Ebeid has been a manager and had knowledge of or knowingly participated in any conduct
14 for which the licensee was disciplined, he shall be prohibited from serving as a manager,
15 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
16 the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is
17 revoked.

18 81. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
19 RPH 58261 issued to Hany Samuel Benjamin, he shall be prohibited from serving as a manager,
20 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
21 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is
22 revoked.

23 82. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
24 RPH 58193 issued to Genevieve Sabry Benjamin, she shall be prohibited from serving as a
25 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
26 five years if the Pharmacist License is placed on probation or until the Pharmacist License is
27 reinstated, if it is revoked.

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1 83. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
2 RPH 69812 issued to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi, she shall be prohibited from
3 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
4 licensee for five years if the Pharmacist License is placed on probation or until the Pharmacist
5 License is reinstated, if it is revoked.

6 84. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
7 RPH 69962 issued to Fadi Atef Nassar Ebeid, he shall be prohibited from serving as a manager,
8 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
9 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is
10 revoked.

11 **STATEMENT OF ISSUES AGAINST:**

12 **RESELL PHARMACEUTICALS, LLC**

13 **CAUSE FOR DENIAL**

14 **(Various)**

15 85. Respondent ReSell Pharmaceuticals, LLC's application is subject to denial under
16 Code sections 4300, subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating
17 the statutes referenced in the Accusation, which are incorporated herein by reference.

18 **STATEMENT OF ISSUES AGAINST:**

19 **ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY**

20 **CAUSE FOR DENIAL**

21 **(Various)**

22 86. Respondent St. Cyril, Inc., dba Camino Capistrano Pharmacy's application is subject
23 to denial is subject to denial under Code sections 4300, subdivision (c), 4301, subdivisions (f),
24 (g), (j) and (o) and 4302 for violating the statutes and regulations referenced in the Accusation,
25 which are incorporated herein by reference.

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STATEMENT OF ISSUES AGAINST:
MIA CARE, INC., DBA MIA CARE PHARMACY
CAUSE FOR DENIAL

(Various)

87. Respondent Mia Care, Inc., dba Mia Care Pharmacy's application is subject to denial is subject to denial under Code sections 4300, subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating the statutes and regulations referenced in the Accusation, which are incorporated herein by reference.

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 Pharmacy Permit Number PHY 55522, issued to St. Cyril Inc., dba RE Community Pharmacy;
2. Revoking or suspending Pharmacy Permit Number PHY 56970, issued to Han.Sam Corp., dba RE Pharmacy;
3. Revoking or suspending Pharmacy Permit Number PHY 49157, issued to Han.Sam Corp., dba River's Edge Pharmacy;
4. Revoking or suspending Pharmacist License Number RPH 58261, issued to Hany Samuel Benjamin;
5. Revoking or suspending Pharmacist License Number RPH 58193, issued to Genevieve Sabry Benjamin;
6. Revoking or suspending Pharmacist License Number RPH 69812, issued to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi;
7. Revoking or suspending Pharmacist License Number RPH 69962, issued to Fadi Atef Nassar Ebeid;
8. Prohibiting St. Cyril, Inc., doing business as RE Community Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee

1 for five years if Pharmacy Permit Number PHY 55522 is placed on probation or until the
2 Pharmacy Permit is reinstated, if it is revoked;

3 9. Prohibiting Han.Sam Corp., doing business as RE Pharmacy from serving as a
4 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
5 five years if Pharmacy Permit Number PHY 56970 is placed on probation or until the Pharmacy
6 Permit is reinstated, if it is revoked;

7 10. Prohibiting St. Cyril, Inc., doing business as RE Community Pharmacy from serving
8 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
9 for five years if Pharmacy Permit Number PHY 55522 is placed on probation or until the
10 Pharmacy Permit is reinstated, if it is revoked;

11 11. Prohibiting Hany Samuel Benjamin from serving as a manager, administrator, owner,
12 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
13 Numbers PHY 49157, 55522 and/or 56970, are placed on probation or until the Pharmacy
14 Permits are reinstated, if they are revoked;

15 12. Prohibiting Genevieve Sabry Benjamin from serving as a manager, administrator,
16 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
17 Permit Numbers PHY 49157, 55522 and/or 56970 are placed on probation or until the Pharmacy
18 Permits are reinstated, if they are revoked;

19 13. Prohibiting Lisa Nabieh Smith, aka Lisa Nabieh Lutfi from serving as a manager,
20 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
21 Pharmacy Permit Numbers PHY 55522 and/or 56970 are placed on probation or until the
22 Pharmacy Permits are reinstated, if they are revoked;

23 14. Prohibiting Fadi Atef Nassar Ebeid from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
25 Number PHY 49157 is placed on probation or until the Pharmacy Permit is reinstated, if it is
26 revoked;

27 15. Prohibiting Hany Samuel Benjamin from serving as a manager, administrator, owner,
28 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License

1 Number RPH 58261 is placed on probation or until the Pharmacist License is reinstated, if it is
2 revoked;

3 16. Prohibiting Genevieve Sabry Benjamin from serving as a manager, administrator,
4 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
5 License Number RPH 58193 is placed on probation or until the Pharmacist License is reinstated,
6 if it is revoked;

7 17. Prohibiting Lisa Nabieh Smith, aka Lisa Nabieh Lutfi from serving as a manager,
8 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
9 Pharmacist License Number RPH 69812 is placed on probation or until the Pharmacist License is
10 reinstated, if it is revoked;

11 18. Prohibiting Fadi Atef Nassar Ebeid from serving as a manager, administrator, owner,
12 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
13 Number RPH 69962 is placed on probation or until the Pharmacist License is reinstated, if it is
14 revoked;

15 19. Ordering St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE
16 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve
17 Sabry Benjamin, Lisa Nabieh Smith, aka Lisa Nabieh Lutfi and Fadi Atef Nassar Ebeid to pay the
18 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
19 pursuant to Business and Professions Code section 125.3;

20 20. Denying the Application of Resell Pharmaceuticals, LLC for a wholesaler license;

21 21. Denying the Application of St. Cyril, Inc., dba Camino Capistrano Pharmacy for a
22 pharmacy permit;

23 22. Denying the Application of Mia Care, Inc., dba Mia Care Pharmacy for a pharmacy
24 permit; and,

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

DATED: 8/19/2021

Signature on File
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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