



California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8614
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor



APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES:

Name of Licensee: <u>Maged Naguib Beshay</u>	Case No.
Address of Record: <u>22749 White Fir Lane</u> <u>Diamond Bar, CA 91765</u>	<u>AC 5254</u>

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. AC 5254, I hereby request to surrender my license. License No. RPH 49580. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

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

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Be Mag
Applicant's Signature

09-20-2024
Date

Maged Naquib Beshay
Applicant's Printed Name

RPH 49580
Applicant's License Number

Executive Officer's Approval

Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 518-3100, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

MAGED NAGUIB BESHAY

22749 White Fir Lane
Diamond Bar, CA 91765

Pharmacist License No. RPH 49580

Respondent.

Case No. 5254

OAH No. 2018031079

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on December 6, 2018.

It is so ORDERED on November 6, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read 'Victor Law', is written over a horizontal line.

By

Victor Law, R.Ph.
Board President

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
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) 269-6299
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 5254

13 **MAGED NAGUIB BESHAY**

OAH No. 2018031079

14 22749 White Fir Ln.

15 Diamond Bar, CA 917656

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Pharmacist License No. RPH 49580**

17 Respondent.
18

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

21 **PARTIES**

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Xavier Becerra, Attorney General of the State of California, by Alvaro Mejia, Deputy Attorney
25 General.

26 ///

27 ///

2. Respondent Maged Naguib Beshay is represented in this proceeding by attorney Ivan Petrzeka, Pharm.D., J.D., M.B.A., whose address is: California Pharmacy Lawyers, 49 Discovery, Suite 240, Irvine, CA 92618-6713.

3. On or about August 22, 1997, the Board issued Pharmacist License No. RPH 49580 to Maged Naguib Beshay (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 5254, and will expire on January 31, 2019, unless renewed.

JURISDICTION

4. Accusation No. 5254 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on February 17, 2017. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 5254 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 5254. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

///

1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 5254, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
4 License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 11. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
10 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
13 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
14 communicate directly with the Board regarding this stipulation and settlement, without notice to
15 or participation by Respondent or his counsel. By signing the stipulation, Respondent
16 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation
17 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation
18 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
19 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
20 and the Board shall not be disqualified from further action by having considered this matter.

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
22 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
23 signatures thereto, shall have the same force and effect as the originals.

24 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
28 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a

1 writing executed by an authorized representative of each of the parties.

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

5 **DISCIPLINARY ORDER**

6 IT IS HEREBY ORDERED that Pharmacist License No. RPH 49580 issued to Respondent
7 Maged Naguib Beshay is revoked. However, the revocation is stayed and Respondent is placed
8 on probation for four (4) years on the following terms and conditions.

9 **1. Obey All Laws**

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

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

- 13 • an arrest or issuance of a criminal complaint for violation of any provision of the
14 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
15 substances laws
- 16 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
17 criminal proceeding to any criminal complaint, information or indictment
- 18 • a conviction of any crime
- 19 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
20 administrative action filed by any state or federal agency which involves
21 respondent's license or which is related to the practice of pharmacy or the
22 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
23 device or controlled substance.

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

25 **2. Report to the Board**

26 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
27 designee. The report shall be made either in person or in writing, as directed. Among other
28 requirements, respondent shall state in each report under penalty of perjury whether there has

1 been compliance with all the terms and conditions of probation.

2 Failure to submit timely reports in a form as directed shall be considered a violation of
3 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
4 total period of probation. Moreover, if the final probation report is not made as directed,
5 probation shall be automatically extended until such time as the final report is made and accepted
6 by the board.

7 **3. Interview with the Board**

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

13 **4. Cooperate with Board Staff**

14 Respondent shall timely cooperate with the board's inspection program and with the board's
15 monitoring and investigation of respondent's compliance with the terms and conditions of his
16 probation, including but not limited to: timely responses to requests for information by board
17 staff; timely compliance with directives from board staff regarding requirements of any term or
18 condition of probation; and timely completion of documentation pertaining to a term or condition
19 of probation. Failure to timely cooperate shall be considered a violation of probation.

20 **5. Continuing Education**

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

23 **6. Reporting of Employment and Notice to Employers**

24 During the period of probation, respondent shall notify all present and prospective
25 employers of the Decision in Accusation Number 5254 and the terms, conditions and restrictions
26 imposed on Respondent by the Decision, as follows:

27 Within thirty (30) days of the effective date of this Decision, and within ten (10) days of
28 undertaking any new employment, respondent shall report to the board in writing the name,

1 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
2 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
3 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
4 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
5 employment. Respondent shall sign and return to the board a written consent authorizing the
6 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
7 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
8 concerning respondent's work status, performance, and monitoring. Failure to comply with the
9 requirements or deadlines of this condition shall be considered a violation of probation.

10 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
11 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
12 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
13 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
14 board in writing acknowledging that the listed individual(s) has/have read the Decision in
15 Accusation Number 5254, and terms and conditions imposed thereby. If one person serves in
16 more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
17 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
18 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
19 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
20 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
21 read the Decision in Accusation Number 5254, and the terms and conditions imposed thereby.

22 If respondent works for or is employed by or through an employment service, respondent
23 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
24 of the decision in case number 5254, and the terms and conditions imposed thereby in advance of
25 respondent commencing work at such licensed entity. A record of this notification must be
26 provided to the board upon request.

27 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
28 (15) days of respondent undertaking any new employment by or through an employment service,

1 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
2 to report to the board in writing acknowledging that he or she has read the decision in case
3 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
4 ensure that these acknowledgment(s) are timely submitted to the board.

5 Failure to timely notify present or prospective employer(s) or failure to cause the identified
6 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
7 shall be considered a violation of probation.

8 "Employment" within the meaning of this provision includes any full-time, part-time,
9 temporary, relief, or employment/management service position as a Pharmacist, or any position
10 for which a Pharmacist is a requirement or criterion for employment, whether the respondent is an
11 employee, independent contractor or volunteer.

12 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

13 Respondent shall further notify the board in writing within ten (10) days of any change in
14 name, residence address, mailing address, e-mail address or phone number.

15 Failure to timely notify the board of any change in employer, name, address, or phone
16 number shall be considered a violation of probation.

17 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

18 During the period of probation, respondent shall not supervise any intern pharmacist, be the
19 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
20 compliance supervisor of any entity licensed by the board, nor serve as a consultant, without prior
21 approval by the Board. However, respondent may be the pharmacist-in-charge of Mariomina
22 Inc., d.b.a., EO Pharmacy, only. Assumption of any other unauthorized supervision
23 responsibilities shall be considered a violation of probation.

24 **9. Reimbursement of Board Costs**

25 As a condition precedent to successful completion of probation, respondent shall pay to the
26 board its costs of investigation and prosecution in the amount of \$12,500.00. Respondent shall be
27 jointly and severally liable for the payment of these costs with Respondent Mariomina Inc., d.b.a.,
28 EO Pharmacy. Respondent shall be permitted to pay these costs in a payment plan approved by

1 the board or its designee, so long as full payment is completed no later than one (1) year prior to
2 the end date of probation.

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

6 10. Probation Monitoring Costs

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

11 11. Status of License

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

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

20 12. License Surrender While on Probation/Suspension

21 Following the effective date of this decision, should respondent cease practice due to
22 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
23 respondent may relinquish his license, including any indicia of licensure issued by the board,
24 along with a request to surrender the license. The board or its designee shall have the discretion
25 whether to accept the surrender or take any other action it deems appropriate and reasonable.
26 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
27 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
28 become a part of the respondent's license history with the board.

1 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall
2 license, including any indicia of licensure not previously provided to the board within ten (10)
3 days of notification by the board that the surrender is accepted if not already provided.
4 Respondent may not reapply for any license from the board for three (3) years from the effective
5 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
6 of the date the application for that license is submitted to the board, including any outstanding
7 costs.

8 **13. Practice Requirement – Extension of Probation**

9 Except during periods of suspension, respondent shall, at all times while on probation, be
10 employed as a Pharmacist in California for a minimum of eighty (80) hours per calendar month.
11 Any month during which this minimum is not met shall extend the period of probation by one
12 month. During any such period of insufficient employment, respondent must nonetheless comply
13 with all terms and conditions of probation, unless respondent receives a waiver in writing from
14 the board or its designee.

15 If respondent does not practice as a Pharmacist in California for the minimum number of
16 hours in any calendar month, for any reason (including vacation), respondent shall notify the
17 board in writing within ten (10) days of the conclusion of that calendar month. This notification
18 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
19 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
20 practice at the required level. Respondent shall further notify the board in writing within ten (10)
21 days following the next calendar month during which respondent practices as a Pharmacist in
22 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
23 considered a violation of probation.

24 It is a violation of probation for respondent's probation to be extended pursuant to the
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,
26 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
27 probation period on its website.

28 ///

1 **14. Violation of Probation**

2 If respondent has not complied with any term or condition of probation, the board shall
3 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
4 that probation shall automatically be extended, until all terms and conditions have been satisfied
5 or the board has taken other action as deemed appropriate to treat the failure to comply as a
6 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
7 board or its designee may post a notice of the extended probation period on its website.

8 If respondent violates probation in any respect, the board, after giving respondent notice
9 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
10 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
11 probation, or the preparation of an accusation or petition to revoke probation is requested from
12 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
13 probation shall be automatically extended until the petition to revoke probation or accusation is
14 heard and decided, and the charges and allegations in Accusation Number 5254 shall be deemed
15 true and correct.

16 **15. Completion of Probation**

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

19 **16. Remedial Education**

20 Within ninety (90) days of the effective date of this decision, respondent shall submit to the
21 board or its designee, for prior approval, an appropriate program of remedial education related to
22 prescription drug abuse prevention and pharmacy law. The program of remedial education shall
23 consist of at least six (6) hours per year, which shall be completed during each of probation at
24 respondent's own expense, with at least 50% of the hours must be in-person training. All
25 remedial education shall be in addition to, and shall not be credited toward, continuing education
26 (CE) courses used for license renewal purposes for pharmacists.

27 Failure to timely submit for approval or complete the approved remedial education shall be
28 considered a violation of probation. The period of probation will be automatically extended until

1 such remedial education is successfully completed and written proof, in a form acceptable to the
2 board, is provided to the board or its designee.

3 Following the completion of each course, the board or its designee may require the
4 respondent, at his own expense, to take an approved examination to test the respondent's
5 knowledge of the course. If the respondent does not achieve a passing score on the examination
6 that course shall not count towards satisfaction of this term. Respondent shall take another course
7 approved by the board in the same subject area.

8 **17. Ethics Course**

9 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
10 in a course in ethics, at respondent's expense, approved in advance by the board or its designee
11 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall
12 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall
13 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll
14 in an approved ethics course, to initiate the course during the first year of probation, to
15 successfully complete it before the end of the second year of probation, or to timely submit proof
16 of completion to the board or its designee, shall be considered a violation of probation.

17 **18. No New Ownership or Management of Licensed Premises**

18 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
19 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
20 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
21 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
22 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
23 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
24 that interest, but only to the extent of that position or interest as of the effective date of this
25 decision. Violation of this restriction shall be considered a violation of probation.

26 ///

27 ///

28 ///

ACCEPTANCE

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

DATED: 09-04-2018



MAGED NAGUIB BESHAY
Respondent

I have read and fully discussed with Respondent Maged Naguib Beshay the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: September 4, 2018



Ivan Petrzelka, Pharm.D., J.D., M.B.A.
Attorney for Respondent

///

///

///

///

///

///

///

///

///

///

///

///

///

ENDORSEMENT

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

Dated:

9/5/2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General



ALVARO MEJIA
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 5254

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 licensee 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 CURES¹ and
25 other documents.

26 ¹ 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.

16. Between October 3, 2011 and September 18, 2013, Respondent Pharmacy dispensed a total of 1,325 prescriptions for controlled substances. The top four controlled substances dispensed were Alprazolam 2 mg, Hydrocodone/Acetaminophen ("HC/AP") 10-325 mg, Oxycodone 30 mg and HC/AP 10-500 mg. Of these prescriptions, approximately 84% of them were paid for in cash (meaning that insurance was not billed). Respondent Pharmacy inflated the sales price of these medications between 525% and 1175% over its purchase price, depending on the medication.

CAUSE FOR DISCIPLINE

**(Filling of Erroneous or Uncertain Prescriptions and Failure to Assume Co-Responsibility
to Validate Legitimacy of Prescription)**

17. Respondents Pharmacy and Beshay are subject to disciplinary action under Code section 4301, subdivisions (d) and (j) for violating Health and Safety Code section 11153, subdivision (a), and Code section 4301, subdivision (o), for violating California Code of Regulations title 16, section 1761, in that between October 2011 and May 2013, Respondents failed to assume their corresponding responsibility by failing to validate the legitimacy of the prescriptions and/or reviewing the patients' drug therapy, by dispensing prescriptions to physician shoppers or habitual users, and/or by dispensing erroneous/uncertain prescriptions. The circumstances are as follows:

18. The Board Inspector selected 25 patients and asked Respondent Beshay to complete questionnaires regarding the patients. Some of the questions asked were the patients' diagnoses, the methods of payment, and the nature of prescribers' practice. For the 25 patients, Darren Takeuchi and/or Harpreet Sekhon were the prescribers for almost all of the patients. Respondent Beshay indicated that Darren Takeuchi and/or Harpreet Sekhon had practices in pain management. However neither Darren Takeuchi nor Harpreet Sekhon are pain management physicians and are not listed as such on the California Medical Board's website. Rather, Darren Takeuchi's prescription pad has a heading of "Premier Outpatient Surgery Center," and Harpreet Sekhon's prescription pad has a heading of "gastroenterology." Accordingly, Respondent Beshay lacked knowledge of the prescribers scope of practice.

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 Sunnyvale, 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 Chrohn'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 Sehkon'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 Sehkon'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 Sehkon'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 Sehkon'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 Sehkon'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

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

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

21. The Board Inspector also reviewed a number of patient prescriptions aside from the 25 patients that he selected to profile. Just as with the 25 selected patients, there were many irregularities with the prescriptions including: (1) many of the prescriptions dispensed were dated the same day and were from the same doctor; (2) many of the prescriptions were for the same/similar combination and strength of prescribed drugs. The details are described in the 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

² 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."

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

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

OTHER MATTERS

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

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

///

///

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

LA2014512777