

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

In the Matter of the Accusation Against:

**EL SAYED B. A. HAMOUDA,  
AKA EL SAYED HAMOUDA  
DBA ROSAMOND PHARMACY**  
1415 Rosamond Blvd. Ste. 22  
Rosamond, CA 93560  
**Pharmacy Permit No. PHY 46967**

and

**EL SAYED B. A. HAMOUDA,  
AKA EL SAYED HAMOUDA**  
41916 Cabo Court  
Quartz Hill, CA 93551  
**Pharmacist License No. RPH 45022**

Respondents.

Case No. 5701

OAH No. 2017120603

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

**DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 August 2, 2018.

It is so ORDERED on July 3, 2018.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Victor Law, R.Ph.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6320  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation Against:

Case No. 5701

12 **EL SAYED B. A. HAMOUDA,**  
13 **AKA EL SAYED AHMED HAMOUDA**  
14 **DBA ROSAMOND PHARMACY**  
1415 Rosamond Blvd. Ste. 22  
Rosamond, CA 93560  
15 **Pharmacy Permit License No. PHY 46967**

OAH No. 2017120603

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 and

17 **EL SAYED B. A. HAMOUDA,**  
18 **AKA EL SAYED AHMED HAMOUDA**  
41916 Cabo Court  
Quartz Hill, CA 93551  
19 **Pharmacist License Number RPH 45022**  
20

21 Respondent.

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

24 **PARTIES**

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
26 (Board). She brought this action solely in her official capacity and is represented in this matter by  
27 Xavier Becerra, Attorney General of the State of California, by Nancy A. Kaiser, Deputy  
28 Attorney General.

2. El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond Pharmacy and El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda are represented in this proceeding by attorney Herb L. Weinberg, whose address is: Fenton Law Group, LLP, 1990 S Bundy Drive Suite 777, Los Angeles, CA 90025.

3. On or about November 5, 2004, the Board issued Pharmacy Permit No. PHY 46967 to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond Pharmacy (Respondent Rosamond Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 5701 and will expire on November 1, 2018, unless renewed.

4. On or about March 5, 1992, the Board issued Pharmacist License No. RPH 45022 to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda (Respondent Hamouda). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 5701 and will expire on January 31, 2018, unless renewed.

## JURISDICTION

5. Accusation No. 5701 was filed before the Board and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on July 27, 2017. Respondents timely filed their Notices of Defense contesting the Accusation. A copy of Accusation No. 5701 is attached as Exhibit A and incorporated by reference.

## ADVISEMENT AND WAIVERS

6. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 5701. Respondents also have carefully read, fully discussed with counsel, and understand the effects of this Stipulated Surrender of License and Order.

7. Respondents are fully aware of their 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 them; the right to present evidence and to testify on their 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. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

#### CULPABILITY

9. Respondents admit the truth of each and every charge and allegation in Accusation No. 5701, agree that cause exists for discipline and hereby surrender Pharmacy Permit No. PHY 46967 and Pharmacist License No. RPH 45022 and for the Board's formal acceptance.

10. Respondents understand that by signing this stipulation they enable the Board to issue an order accepting the surrender of the Pharmacy Permit and the Pharmacist License without further process.

#### CONTINGENCY

11. This stipulation shall be subject to approval by the Board. Respondents understand and agree that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
2 executed by an authorized representative of each of the parties.

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

5 **ORDER**

6 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 46967 issued to Respondent El  
7 Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond Pharmacy (Respondent  
8 Rosamond Pharmacy) is surrendered and accepted by the Board of Pharmacy.

9 FURTHERMORE, IT IS HEREBY ORDERED that Pharmacist License No. RPH 45022  
10 issued to Respondent El Sayed B. A. Hamouda (Respondent Hamouda) is surrendered and  
11 accepted by the Board of Pharmacy.

12 1. As to both the Pharmacy Permit and the Pharmacist License, this Order shall be  
13 stayed until September 1, 2018, to allow for sale of the pharmacy.

14 2. The surrender of Respondents' Pharmacy Permit and Pharmacist License and the  
15 acceptance of the surrendered permit and license by the Board shall constitute the imposition of  
16 discipline against Respondents. This decision constitutes a record of discipline and shall become  
17 a part of Respondents' license history with the Board. Respondents are required to report this  
18 surrender as disciplinary action.

19 3. Respondents shall lose all rights and privileges as a Pharmacy and Pharmacist in  
20 California as of the effective date of the Board's Decision and Order, or at the time the change of  
21 ownership, whichever occurs first.

22 4. In the event that Respondent Rosamond Pharmacy is not sold by September 1, 2018,  
23 Respondent Rosamond Pharmacy shall, within ten (10) days of the stayed effective date of the  
24 Board's Order, arrange for the destruction of, the transfer to, sale of or storage in a facility  
25 licensed and approved by the Board of all controlled substances and dangerous drugs and/or  
26 dangerous devices. Respondent Rosamond Pharmacy shall further arrange for the transfer of all  
27 records of acquisition and disposition of dangerous drugs to premises licensed and approved by  
28 the Board. Respondent Rosamond Pharmacy shall further provide written proof of such

1 disposition and submit a completed Discontinuance of Business form according to Board  
2 guidelines.

3 5. In the event that Respondent Rosamond Pharmacy is not sold by September 1, 2018,  
4 Respondent Rosamond Pharmacy shall within ten (10) days of the stayed effective date of the  
5 Board's Order, arrange for the continuation of care for ongoing patients of the pharmacy by, at  
6 minimum, providing a written notice to ongoing patients that specifies the anticipated closing  
7 date of the pharmacy and that identifies one or more area pharmacies capable of taking up the  
8 patients' care, and by cooperating as may be necessary in the transfer of records or prescriptions  
9 for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients,  
10 Respondent shall provide a copy of the written notice to the Board. For the purposes of this  
11 provision, "ongoing patients" means those patients for whom the pharmacy has on file a  
12 prescription with one or more refills outstanding, or for whom the pharmacy has filled a  
13 prescription within the preceding sixty (60) days.

14 6. Respondents understand and agree that if they ever file an application for licensure or  
15 a licensed premises or a petition for reinstatement in the State of California, the Board shall treat  
16 it as a new application for licensure.

17 7. Respondents may not reapply for any license from the Board for three (3) years from  
18 the effective date of this decision. Respondents stipulate that should they apply for any license  
19 from the Board on or after the effective date of this decision, all allegations set forth in the  
20 Accusation No. 5701 shall be deemed to be true, correct and admitted by Respondents when the  
21 Board determines whether to grant or deny the application. Respondents shall satisfy all  
22 requirements applicable to that license as of the date the application is submitted to the Board,  
23 including, but not limited to, taking and passing licensing examination(s) as well as fulfilling any  
24 education or experience requirements prior to the issuance of a new license.

25 8. Respondent Hamouda shall relinquish his license, including any indicia of licensure  
26 issued by the Board, to the Board within ten (10) days of the effective date of this decision.  
27 Respondent Pharmacy shall relinquish the premises wall license and renewal license to the Board  
28 within ten (10) days of the effective date of this decision.

9. Respondents Rosamond Pharmacy and Hamouda stipulate that should either one of them apply for any license from the Board on or after the effective date of this Decision the investigation and prosecution costs in the amount of \$16,485 shall be paid to the Board prior to issuance of the new license.

## ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on the Pharmacy Permit No. PHY 46967 and Pharmacist License No. RPH 45022. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

5-31-2018

**EL SAYED B. A. HAMOUDA,**  
**AKA EL SAYED AHMED HAMOUDA,** as an  
individual and as the owner of  
**EL SAYED B. A. HAMOUDA,**  
**AKA EL SAYED AHMED HAMOUDA DBA**  
**ROSAMOND PHARMACY**  
*Respondents*

I have read and fully discussed with Respondents El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda and El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond Pharmacy the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

5-31-2018

**HERBERT L. WEINBERG**  
*Attorney for Respondents*

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 6/1/18

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

*Nancy Kaiser*  
NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5701**

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Accusation Against:

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12 **EL SAYED B. A. HAMOUDA,**  
13 **AKA EL SAYED AHMED HAMOUDA**  
14 **DBA ROSAMOND PHARMACY**  
14 1415 Rosamond Blvd. Ste. 22  
Rosamond, CA 93560  
15 Pharmacy Permit License No. PHY 46967

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

16 and

17 **El Sayed B. A. Hamouda,**  
18 **aka El Sayed Ahmed Hamouda**  
19 41916 Cabo Court  
Quartz Hill, CA 93551  
20 **Pharmacist License Number RPH 45022**

21 Respondents.

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 November 5, 2004, the Board of Pharmacy issued Pharmacy Permit  
27 License Number PHY 46967 to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba  
28 Rosamond Pharmacy (Respondent Pharmacy). El Sayed B. A. Hamouda, aka El Sayed Ahmed

1 Hamouda is and has been the Pharmacist-in-Charge and the Individual Licensed Owner since  
2 November 5, 2004. The Pharmacy Permit License was in full force and effect at all times relevant  
3 to the charges brought herein and will expire on November 1, 2017, unless renewed.

4 3. On or about March 5, 1992, the Board of Pharmacy issued Pharmacist License  
5 Number RPH 45022 to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda (Respondent  
6 Hamouda). The Pharmacist License was in full force and effect at all times relevant to the  
7 charges brought herein and will expire on January 31, 2018, unless renewed.

#### 8 JURISDICTION

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

12 5. Section 4300 of the Code provides, in part, that every license issued by the Board  
13 is subject to discipline, including suspension or revocation.

14 6. Section 4302 of the Code states:

15 "The board may deny, suspend, or revoke any license of a corporation where conditions  
16 exist in relation to any person holding 10 percent or more of the corporate stock of the  
17 corporation, or where conditions exist in relation to any officer or director of the corporation that  
18 would constitute grounds for disciplinary action against a licensee."

19 7. Section 4113 of the Code states, in part:

20 "(b) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all  
21 state and federal laws and regulations pertaining to the practice of pharmacy."

22 8. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
23 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
24 disciplinary action during the period within which the license may be renewed, restored, reissued  
25 or reinstated.

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"The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

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

10. Section 4306.5 of the Code states:

"(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his education, training, or experience as a pharmacist, whether or not the act or omission arises out of the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

.(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.

III

1       "(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and  
2 retain appropriate patient-specific information pertaining to the performance of any pharmacy  
3 function."

4       12.   Section 4307, subdivision (a), of the Code states that:

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

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

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

18                               **STATE REGULATORY AUTHORITY**

19       11.   California Code of Regulations, title 16, section 1707.3 states:

20       "Prior to consultation as set forth in section 1707.2, a pharmacist shall review a patient's  
21 drug therapy and medication record before each prescription drug is delivered. The review shall  
22 include screening for severe potential drug therapy problems."

23       12.   California Code of Regulations, title 16, section 1718 states:

24       "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions  
25 Code shall be considered to include complete accountability for all dangerous drugs handled by  
26 every licensee enumerated in Sections 4081 and 4332.

27       The controlled substances inventories required by Title 21, CFR, Section 1304 shall be  
28 available for inspection upon request for at least 3 years after the date of the inventory."

1 13. California Code of Regulations, title 16, section 1761 states, in part:

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

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

9 **HEALTH AND SAFETY CODES**

10 14. Health and Safety Code section 11153 states, in part:

11 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical  
12 purpose by an individual practitioner acting in the usual course of his or her professional practice.

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

21 15. Health and Safety Code Section 11162.1 states, in part:

22 "(a) The prescription forms for controlled substances shall be printed with the following  
23 features: . . . (2) A watermark shall be printed on the backside of the prescription blank; the  
24 watermark shall consist of the words "California Security Prescription." . . . (4) A feature printed  
25 in thermochromic ink . . . (6) A description of the security features included on each prescription  
26 form. . . (8) Prescription blanks shall contain a statement printed on the bottom of the  
27 prescription blank that the "Prescription is void if the number of drugs prescribed is not noted" . .  
28 . (13) An identifying number assigned to the approved security printer by the Department of

1 Justice... (b) Each batch of controlled substance prescription forms shall have the lot number  
2 printed on the form and each form within that batch shall be numbered sequentially beginning  
3 with the numeral one."

4 16. Health and Safety Code Section 11164 states, in part:

5 "[N]o person shall prescribe a controlled substance, nor shall any person fill, compound, or  
6 dispense a prescription for a controlled substance, unless it complies with the requirements of this  
7 section. (a) Each prescription for a controlled substance ... shall be made on a controlled  
8 substance prescription form as specified in Section 11162.1."

9 **FEDERAL REGULATIONS**

10 17. Code of Federal Regulations, title 21, section 1304.11, states, in pertinent part:

11 "b. Initial inventory date. Every person required to keep records shall take an inventory of  
12 all stocks of controlled substances on hand on the date he/she first engages in the manufacture,  
13 distribution, or dispensing of controlled substances, in accordance with paragraph (e) of this  
14 section as applicable. In the event a person commences business with no controlled substances on  
15 hand, he/she shall record this fact as the initial inventory.

16 "c. Biennial inventory date. After the initial inventory is taken, the registrant shall take a  
17 new inventory of all stocks of controlled substances on hand at least every two years. The biennial  
18 inventory may be taken on any date which is within two years of the previous biennial inventory  
19 date."

20 **COST RECOVERY**

21 18. Section 125.3 of the Code provides, in part, that the Board may request the  
22 administrative law judge to direct a licensee found to have committed a violation or violations of  
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
24 enforcement of the case.

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19. **DRUG CLASSIFICATIONS**

Brand Name(s)	Generic Name	Dangerous Drug Per Bus. & Prof. Code § 4022	Scheduled Drug per Health & Safety Code (HSC)	Indications For Use
Norco 10 mg/325mg	Hydrocodone/acetaminophen 10mg/325mg (APAP)	Yes	Schedule III HSC § 11056(e)(4) and Schedule II per 21 CFR 1308 as of 10/6/14	Pain
Roxicodone 30mg	Oxycodone	Yes	Schedule II HSC § 11055(b)(1)(M)	Pain
Phenergan with Codeine Syrup	Promethazine with codeine syrup	Yes	Schedule V per HSC 11058(c)(1)	Cough
Valium 10 mg	Diazepam 10 mg (non-barbiturate, benzodiazepine sedative hypnotic)	Yes	Schedule IV HSC § 1057(d)(9)	Anxiety
Xanax 2 mg	Alprazolam 2 mg (non-barbiturate, benzodiazepine sedative hypnotic)	Yes	Schedule IV HSC § 1057(d)(1)	Anxiety
Dilaudid 4 mg	Hydromorphone 4mg	Yes	Schedule II per HSC 11055(b)(1)(J)	Pain

**FIRST CAUSE FOR DISCIPLINE**

**(Failure to Assume Corresponding Responsibility)**

20. Respondent Pharmacy and Respondent Hamouda are subject to discipline pursuant to Code sections 4301, subdivision (d), (j) and (o), 4302, and 4113, on the grounds of unprofessional conduct, in that they failed to assume their corresponding responsibility to ensure that controlled substances are dispensed for a legitimate medical purpose, in violation of Code section 4306.5, Health and Safety Code section 11153, and California Code of Regulations, title 16, section 1761, subdivisions (a) and (b). Respondents failed to exercise their best professional judgment and evaluate the totality of the circumstances (information from the patient, physician and other sources) to determine a prescription's legitimate medical purpose, in connection with the prescribers' controlled substance prescriptions. Respondents ignored numerous warning signs or



1 red flags that should put a reasonable and prudent dispensing pharmacist on notice that a  
2 prescription may not have been issued for a legitimate medical purpose. The red flags included,  
3 but were not limited to the following:

4 21. Between January 1, 2012, and June 11, 2015, Respondent Pharmacy filled 5,405  
5 prescriptions for 416 patients under the prescribing authority of Drs. Madhu Garg<sup>1</sup>, H.A., H.F.,  
6 R.G., E.H., D.H., S.J., C.O., C.P., H.P., S.S., and A.W., and Physician Assistant L.L. Objective  
7 factors indicating the medical illegitimacy of the prescriptions of commonly abused controlled  
8 substances attributed to these prescribers included the following:

9 a. Driving distances of approximately 70 to 90 miles between the prescribers' offices  
10 and Respondent Pharmacy's facility for Drs. Garg, H.A., H.F., R.G., C.O., C.P., H.P., S.S., and  
11 A.W., and PA L.L.

12 b. The prescribing profiles for the listed prescribers consisting almost entirely of  
13 controlled substances.

14 c. The prescribing profiles for the listed prescribers consisting almost entirely of  
15 prescriptions paid in cash, without the assistance of prescription insurance.

16 d. Irregularities on the prescription forms including:

17 i. Misspellings of the brand name Roxicodone

18 ii. Irregularly shaped prescription forms, i.e., not in the usual rectangular shape.

19 iii. Multiple prescription forms with the same form number

20 iv. Varying signatures on one prescriber's prescription forms

21 e. Prescribing patterns for some of the listed prescribers which were seemingly  
22 incongruent with the physicians' specialty listed on BreEZe.<sup>2</sup> Examples included the following:

23 <sup>1</sup> In or about January 2015, Dr. Madhu Garg was federally indicted for writing  
24 prescriptions for controlled substances for patients without a medical need as part of an illegal  
25 narcotics trafficking ring. In or about February 2016, Dr. Garg plead guilty to one count of  
26 illegally distributing oxycodone and one count of money laundering for transferring the proceeds  
27 of criminal activity to a Malaysian bank account. The Medical Board of California revoked  
28 Garg's medical license in December 2013, due to her self-abuse of controlled substances. The  
Board of Pharmacy initiated an investigation at Respondent Pharmacy due to an analysis of  
CURES data, which showed Respondent Pharmacy filled a portion of Dr. Garg's prescriptions.

<sup>2</sup> BreEZe is the Department of Consumer Affairs' online licensing and enforcement  
system.

1 i. Dr. R.G., a rheumatologist, prescribing promethazine/codeine cough syrup more  
2 often than any other medication.

3 ii. Dr. H.A., an obstetrician/gynecologist, prescribing alprazolam 2 mg tablets  
4 more than any other medication without prescribing oral contraceptives or vaginal antibiotics or  
5 antifungals.

6 ii. Dr. H.P., a surgeon, prescribing alprazolam 2 mg tablets for all of his patients.

7 f. The prescribing profiles for the listed practitioners containing almost exclusively the  
8 highest available doses of the medications. Drs. Garg, C.P., H.A., S.S., H.P., H.F., and S.J.  
9 prescribed large quantities of alprazolam 2 mg tablets and oxycodone 30 mg tablets without  
10 prescribing any lower strengths of alprazolam and oxycodone.

11 g. The dispensing histories of many patients consisting only of controlled substances,  
12 purchased in cash, and written by prescribers from out of the pharmacy's normal trade area.

13 h. Respondent Pharmacy did not have any records of verification for the prescriptions  
14 identified in the documents that were collected during the Board's inspection.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Required Forms for Controlled Substance Prescriptions)**

17 22. Respondent Pharmacy and Respondent Hamouda are subject to discipline pursuant to  
18 Code sections 4301, subdivision (j) and (o), and 4113, on the grounds of unprofessional conduct,  
19 by filling prescriptions that were not written on controlled substance prescription forms as  
20 specified in Health and Safety Code Section 11162.1, in violation of Health and Safety Code  
21 Section 11164. Specifically, between January 24, 2013, and May 11, 2015, Respondent  
22 Pharmacy filled at least 53 prescriptions under the prescribing authority of Drs. R.G., H.A., A.W.,  
23 E.H., C.P., C.O., D.H., and PA L.L. pursuant to prescriptions written on forms that did not  
24 comply with the requirements of Health and Safety Code Section 11162.1. The prescription  
25 forms lacked a watermark consisting of the words "California Security Prescription", a feature  
26 printed in thermochromic ink, and an identifying number assigned to the security printer by the  
27 Department of Justice, and other requirements.

1                                   **THIRD CAUSE FOR DISCIPLINE**

2                                   **(Failure to Conduct DEA Biennial Inventory)**

3           23.   Respondent Pharmacy and Respondent Hamouda are subject to discipline pursuant to  
4   Code sections 4301, subdivision (o), and 4113, on the grounds of unprofessional conduct, in that  
5   they violated Code of Federal Regulations, title 21, section 1304.11 and California Code of  
6   Regulations, title 16, section 1718, by failing to conduct the Drug Enforcement Administration  
7   (DEA) biennial inventory of controlled substances as required. Specifically, on or about June 12,  
8   2015, during a Board inspection of Respondent Pharmacy's facility, located at 1415 Rosamond  
9   Boulevard, Suite 22, Rosamond, California, the Board inspector found that the most recent DEA  
10   biennial inventory of controlled substances completed by Respondent Hamouda was in January  
11   2013.

12                                   **FOURTH CAUSE FOR DISCIPLINE**

13                                   **(Unprofessional Conduct)**

14           24.   Respondent Pharmacy and Respondent Hamouda are subject to discipline pursuant  
15   to Code sections 4301 and 4113, in that Respondents committed unprofessional conduct, as more  
16   fully discussed in paragraphs 20 through 23, above.

17                                   **OTHER MATTERS**

18           25.   Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
19   PHY 46967 issued to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond  
20   Pharmacy, while El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda has been an officer  
21   and owner and had knowledge of or knowingly participated in any conduct for which the licensee  
22   was disciplined, El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda shall be prohibited  
23   from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
24   of a licensee for five years if Pharmacy Permit Number PHY 46967 is placed on probation or  
25   until Pharmacy Permit Number PHY 46967 is reinstated if it is revoked.

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**DISCIPLINE CONSIDERATIONS**

26. To determine the degree of discipline, if any, to be imposed on Respondent Pharmacy, Complainant alleges that on or about November 2, 2011, in a prior action, the Board of Pharmacy issued Citation Number CI 2009 44516 to Respondent Pharmacy and ordered it to pay a fine of \$3,350, for violating Code section 4125 and California Code of Regulations, title 16, sections 1715, subdivision (a), 1793.7, subdivision (c), 1793.7, subdivision (a), 1716, and 1711, subdivisions (d) and (e) and 21 Code of Federal Regulations section 1306.22, subdivision (b). That Citation is now final and is incorporated by reference as if fully set forth. The Citation has been paid in full.

27. To determine the degree of discipline, if any, to be imposed on Respondent Hamouda, Complainant alleges that on or about November 2, 2011, in a prior action, the Board of Pharmacy issued Citation Number CI 20011 49809 to Respondent Hamouda and ordered him to pay a fine of \$5,250, for violating Code section 4125 and California Code of Regulations, title 16, sections 1715, subdivision (a), 1793.7, subdivision (c), 1793.7, subdivision (a), 1716, and 1711, subdivisions (d) and (e) and 21 Code of Federal Regulations section 1306.22, subdivision (b). That Citation is now final and is incorporated by reference as if fully set forth. The Citation has been paid in full.

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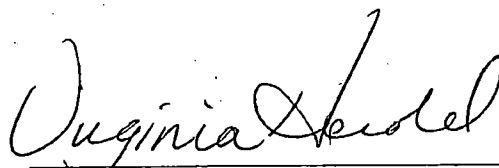
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**PRAYER**

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

1. Revoking or suspending Pharmacy Permit License Number PHY 46967, issued to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond Pharmacy;
2. Revoking or suspending Pharmacist License Number RPH 45022, issued to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda;
3. Prohibiting El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 46967 is placed on probation or until Pharmacy Permit Number PHY 46967 is reinstated if Pharmacy Permit Number 50434 issued to El Sayed B. A. Hamouda, aka El Sayed Ahmed Hamouda dba Rosamond Pharmacy is revoked;
4. Ordering El Sayed Ahmed Hamouda to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
5. Taking such other and further action as deemed necessary and proper.

DATED: 7/7/17



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

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