

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

In the Matter of the Accusation Against:

**BPLP, A PHARMACY CORPORATION, DBA COLE'S VILLAGE PHARMACY,
GEORGE NABIL ABDEL MALEK IBRAHIM
Pharmacy Permit No. PHY 50435;**

And

GEORGE NABIL ABDEL MALEK, Pharmacist License No. 58732

Respondents

Agency Case No. 6663

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 July 29, 2020.

It is so ORDERED on June 29, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
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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:

13 **BPLP, A PHARMACY CORPORATION,**
14 **DBA COLE'S VILLAGE PHARMACY,**
15 **GEORGE NABIL ABDEL MALEK**
IBRAHIM
16 **17691 San Bernardino Ave.**
Fontana, CA 92335

17 **Pharmacy Permit No. PHY 50435**
18 **Pharmacy Permit No. Pharmacist in**
Charge,

19 **and**

20 **GEORGE NABIL ABDEL MALEK**
21 **IBRAHIM**
22 **6347 Granite Ct.**
Fontana, CA 92336

23 **Pharmacist License No. RPH 58732**
24
25

Respondents.

Case No. 6663

OAH No. 2019110786

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT GEORGE NABIL ABDEL
MALEK IBRAHIM

26
27 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
28 entitled proceedings that the following matters are true:

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Xavier Becerra, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney
5 General.

6 2. Respondent George Nabil Abdel Malek Ibrahim (Respondent Ibrahim) is represented
7 in this proceeding by attorney, Ivan Petrzelka, California Pharmacy Lawyers, whose address is:
8 49 Discovery, Suite 240, Irvine, CA 92618.

9 3. On or about September 19, 2006, the Board of Pharmacy issued Pharmacist License
10 Number RPH 58732 to George Nabil Abdel Malek Ibrahim (Respondent Ibrahim). The
11 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
12 and will expire on November 30, 2019, unless renewed.

13 **JURISDICTION**

14 4. Accusation No. 6663 was filed before the Board, and is currently pending against
15 Respondent. The Accusation and all other statutorily required documents were properly served
16 on Respondent on August 15, 2019. Respondent timely filed its Notice of Defense contesting the
17 Accusation.

18 5. A copy of Accusation No. 6663 is attached as exhibit A and incorporated herein by
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 6. Respondent has carefully read, fully discussed with counsel, and understands the
22 charges and allegations in Accusation No. 6663. Respondent has also carefully read, fully
23 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
24 Order.

25 7. Respondent is fully aware of its legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
27 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
28 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.

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 6663, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist License.

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

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

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that they may not withdraw its 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 Settlement 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.

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

14. This Stipulated Settlement and Disciplinary 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 Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License Pharmacist License Number RPH 587325 issued to Respondent George Nabil Abdel Malek Ibrahim is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the

Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws

a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal

criminal proceeding to any criminal complaint, information or indictment

a conviction of any crime

the filing of a disciplinary pleading, issuance of a citation, or initiation of another

administrative action filed by any state or federal agency which involves

respondent's license or which is related to the practice of pharmacy or the

1 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,
2 device or controlled substance.

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

4 **2. Report to the Board**

5 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
6 designee. The report shall be made either in person or in writing, as directed. Among other
7 requirements, respondent shall state in each report under penalty of perjury whether there has
8 been compliance with all the terms and conditions of probation.

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

14 **3. Interview with the Board**

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

20 **4. Cooperate with Board Staff**

21 Respondent shall timely cooperate with the board's inspection program and with the board's
22 monitoring and investigation of respondent's compliance with the terms and conditions of
23 Respondent's probation, including but not limited to: timely responses to requests for information
24 by board staff; timely compliance with directives from board staff regarding requirements of any
25 term or condition of probation; and timely completion of documentation pertaining to a term or
26 condition of probation. Failure to timely cooperate shall be considered a violation of probation.

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1 **5. Continuing Education**

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

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

5 During the period of probation, respondent shall notify all present and prospective
6 employers of the decision in case number 6663 and the terms, conditions and restrictions imposed
7 on respondent by the decision, as follows:

8 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
9 undertaking any new employment, respondent shall report to the board in writing the name,
10 physical address, and mailing address of each of Respondent employer(s), and the name(s) and
11 telephone number(s) of all of Respondent direct supervisor(s), as well as any pharmacist(s)-in-
12 charge, designated representative(s)-in-charge, responsible manager, or other compliance
13 supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for
14 leaving the prior employment. Respondent shall sign and return to the board a written consent
15 authorizing the board or its designee to communicate with all of respondent's employer(s) and
16 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board
17 or its designee, concerning respondent's work status, performance, and monitoring. Failure to
18 comply with the requirements or deadlines of this condition shall be considered a violation of
19 probation.

20 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
21 respondent undertaking any new employment, respondent shall cause (a) Respondent direct
22 supervisor, (b) Respondent pharmacist-in-charge, designated representative-in-charge,
23 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
24 of Respondent employer, to report to the board in writing acknowledging that the listed
25 individual(s) has/have read the decision in case number 6663, and terms and conditions imposed
26 thereby. If one person serves in more than one role described in (a), (b), or (c), the
27 acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these
28 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)

1 serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause
2 the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of
3 the change acknowledging that he or she has read the decision in case number 6663, and the
4 terms and conditions imposed thereby.

5 If respondent works for or is employed by or through an employment service, respondent
6 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
7 of the decision in case number 6663, and the terms and conditions imposed thereby in advance of
8 respondent commencing work at such licensed entity. A record of this notification must be
9 provided to the board upon request.

10 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
11 (15) days of respondent undertaking any new employment by or through an employment service,
12 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
13 to report to the board in writing acknowledging that he or she has read the decision in case
14 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
15 ensure that these acknowledgment(s) are timely submitted to the board.

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

19 "Employment" within the meaning of this provision includes any full-time, part-time,
20 temporary, relief, or employment/management service position as a Pharmacy, or any position for
21 which a Pharmacy is a requirement or criterion for employment, whether the respondent is an
22 employee, independent contractor or volunteer.

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

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

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

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

1 During the period of probation, respondent shall not supervise any intern pharmacist, be the
2 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
3 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption
4 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

5 **9. Reimbursement of Board Costs**

6 As a condition precedent to successful completion of probation, respondent shall pay to the
7 board its costs of investigation and prosecution in the amount of \$20,000, jointly and severally.

8 Respondent shall make said payments as follows:

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

12 Respondent shall be permitted to pay these costs in a payment plan approved by the board
13 or its designee, so long as full payment is completed no later than one (1) year prior to the end
14 date of probation.

15 **10. Probation Monitoring Costs**

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

20 **11. Status of License**

21 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
22 Permit with the board, including any period during which suspension or probation is tolled.
23 Failure to maintain an active, current Pharmacy Permit shall be considered a violation of
24 probation.

25 If respondent's Pharmacy Permit expires or is cancelled by operation of law or otherwise at
26 any time during the period of probation, including any extensions thereof due to tolling or
27 otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and
28 conditions of this probation not previously satisfied.

1 **12. License Surrender While on Probation/Suspension**

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

10 Upon acceptance of the surrender, respondent shall relinquish Respondent's pocket and/or
11 wall license, including any indicia of licensure not previously provided to the board within ten
12 (10) days of notification by the board that the surrender is accepted if not already provided.
13 Respondent may not reapply for any license from the board for three (3) years from the effective
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
15 of the date the application for that license is submitted to the board, including any outstanding
16 costs.

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

18 Except during periods of suspension, respondent shall, at all times while on probation, be
19 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
20 Any month during which this minimum is not met shall extend the period of probation by one
21 month. During any such period of insufficient employment, respondent must nonetheless comply
22 with all terms and conditions of probation, unless respondent receives a waiver in writing from
23 the board or its designee.

24 If respondent does not practice as a pharmacist in California for the minimum number of
25 hours in any calendar month, for any reason (including vacation), respondent shall notify the
26 board in writing within ten (10) days of the conclusion of that calendar month. This notification
27 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
28 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume

1 practice at the required level. Respondent shall further notify the board in writing within ten (10)
2 days following the next calendar month during which respondent practices as a pharmacist in
3 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
4 considered a violation of probation.

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

9 **14. Violation of Probation**

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

16 If respondent violates probation in any respect, the board, after giving respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
19 probation, or the preparation of an accusation or petition to revoke probation is requested from
20 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
21 probation shall be automatically extended until the petition to revoke probation or accusation is
22 heard and decided, and the charges and allegations in Accusation No. 6663 shall be deemed true
23 and correct.

24 **15. Completion of Probation**

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

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1 **16. Restricted Practice**

2 Respondents practice as a Pharmacist shall be restricted in that Respondent shall not handle
3 controlled substances in Schedule II for the first year of probation. Respondent shall submit proof
4 satisfactory to the board or its designee of compliance with this term of probation.

5 **17. Remedial Education**

6 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
7 board or its designee, for prior approval, an appropriate program of remedial education related to
8 [corresponding responsibility and duties of a pharmacist-in-charge]. The program of remedial
9 education shall consist of at least 10 hours, of which at least 50% must be in-person or live
10 webinar training, which shall be completed within one year at respondent's own expense. All
11 remedial education shall be in addition to, and shall not be credited toward, continuing education
12 (CE) courses used for license renewal purposes for pharmacists.

13 Failure to timely submit for approval or complete the approved remedial education shall be
14 considered a violation of probation. The period of probation will be automatically extended until
15 such remedial education is successfully completed and written proof, in a form acceptable to the
16 board, is provided to the board or its designee.

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

22 **18. Ethics Course**

23 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
24 in a course in ethics, at respondent's expense, approved in advance by the board or its designee
25 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall
26 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall
27 submit a copy of the certificate of completion to the board or its designee. Failure to timely
28

1 enroll in an approved ethics course, to initiate the course during the first year of probation, to
2 successfully complete it before the end of the second year of probation, or to timely submit
3 proof of completion to the board or its designee, shall be considered a violation of probation.

4 **19. Diversion Training Program**

5 Within the first year of probation, Respondent shall enroll in the board's diversion training
6 program, "Prescription Drug Abuse and Diversion What a Pharmacist Needs to Know," at
7 respondent's expense. Respondent shall provide proof of enrollment upon request. Within five (5)
8 days of completion, respondent shall submit a copy of the certificate of completion to the board or
9 its designee. Failure to timely enroll in the program, to initiate the program during the first year of
10 probation, to successfully complete it before the end of the second year of probation, or to timely
11 submit proof of completion to the board or its designee, shall be considered a violation of
12 probation.

13 **20. No Ownership or Management of Licensed Premises**

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

22 **21. Community Service Term**

23 Within sixty (60) days of the effective date of this Decision, Respondent Ibrahim shall
24 submit to the board or its designee, for prior approval a plan to make a \$5,000.00 donation to a
25 non-profit organization focused on opioid safety and prevention of abuse and diversion of
26 controlled substances.

27 Within thirty (30) days of Board approval thereof, Respondent Ibrahim shall submit
28 documentation to the Board demonstrating commencement and/or completion of the community

1 service program.

2 Failure to timely submit, commence, or comply with the program shall be considered a
3 violation of probation.

4 **ACCEPTANCE**

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

10
11 DATED: _____

BPLP, A PHARMACY CORPORATION, DBA
COLE'S VILLAGE PHARMACY, GEORGE NABIL
ABDEL MALEK IBRAHIM
Respondent

14
15 I have read and fully discussed with Respondent BPLP, A Pharmacy Corporation, dba
16 Cole's Village Pharmacy, George Nabil Abdel Malek Ibrahim the terms and conditions and other
17 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
18 and content.

19
20 DATED: _____

IVAN PETRZELKA
Attorney for Respondent

1 service program.


2 Failure to timely submit, commence, or comply with the program shall be considered a
3 violation of probation.

4 ACCEPTANCE

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will
7 have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order
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9 Board of Pharmacy.


10
11 DATED:

5/11/20


BPLP, A PHARMACY CORPORATION, DBA
COLE'S VILLAGE PHARMACY, GEORGE NABIL
ABDEL MALEK IBRAHIM
Respondent

14
15 I have read and fully discussed with Respondent BPLP, A Pharmacy Corporation, dba
16 Cole's Village Pharmacy, George Nabil Abdel Malek Ibrahim the terms and conditions and other
17 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
18 and content.

19
20 DATED: May 11, 2020


IVAN PETRZELKA
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

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

CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 5/12/2020

Respectfully submitted,

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



CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6663

1 XAVIER BECERRA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CHRISTINE J. LEE
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Attorneys for Complainant
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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. 6663

13 **BPLP, A PHARMACY CORPORATION,**
14 **DBA COLE'S VILLAGE PHARMACY,**
15 **GEORGE NABIL ABDEL MALEK**
16 **IBRAHIM, OWNER**
17691 San Bernardino Ave.
Fontana, CA 92335
Pharmacy Permit No. PHY 50435

A C C U S A T I O N

17 **and**

18 **GEORGE NABIL ABDEL MALEK**
19 **IBRAHIM**
6347 Granite Ct.
Fontana, CA 92336
20 **Pharmacist License No. RPH 58732**

21 Respondents.

22
23 **PARTIES**

24 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
25 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
26 Affairs.

27 2. On or about April 20, 2011, the Board of Pharmacy issued Pharmacy Permit Number
28 PHY 50435 to BPLP, A Pharmacy Corporation, dba Cole's Village Pharmacy, George Nabil

1 Abdel Malek Ibrahim (Respondent Cole's Pharmacy). The Pharmacy Permit was in full force
2 and effect at all times relevant to the charges brought herein and will expire on April 1, 2020,
3 unless renewed.

4 3. On or about September 19, 2006, the Board of Pharmacy issued Pharmacist License
5 Number RPH 58732 to George Nabil Abdel Malek Ibrahim (Respondent Ibrahim). The
6 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
7 and will expire on November 30, 2019, unless renewed.

8 **JURISDICTION**

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

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

14 6. Section 4300.1 states:

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

20 **STATUTORY PROVISIONS**

21 7. Section 4022 states

22 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans
23 or animals, and includes the following:

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

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

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

3 8. Section 4036.5 states: "Pharmacist-in-charge" means a pharmacist proposed by a
4 pharmacy and approved by the board as the supervisor or manager responsible for ensuring the
5 pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of
6 pharmacy."

7 9. Section 4301 states:

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

11

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

14

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

17

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

22 10. Section 4307 states, in pertinent part:

23 "(a) Any person who has been denied a license or whose license has been revoked or is under
24 suspension, or who has failed to renew his or her license while it was under suspension, or who
25 has been a manager, administrator, owner, member, officer, director, associate, or partner of any
26 partnership, corporation, firm, or association whose application for a license has been denied or
27 revoked, is under suspension or has been placed on probation, and while acting as the manager,
28 administrator, owner, member, officer, director, associate, or partner had knowledge of or

1 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
2 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
3 member, officer, director, associate, or partner of a licensee as follows:

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

6 “(2) Where the license is denied or revoked, the prohibition shall continue until the license is
7 issued or reinstated.”

8 11. Health and Safety Code Section 11153 states, in pertinent part:

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

19 **REGULATORY PROVISION**

20 12. California Code of Regulations, title 16, section 1761, states:

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

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

28 ///

COST RECOVERY

13. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BOARD INVESTIGATION AND INSPECTION OF PHARMACY

14. The Board reviewed controlled substance dispensing records for Respondent Cole's Pharmacy, including prescriptions that were filled for Dr. Edward Svadjian from North Hollywood, CA after his death on April 12, 2016.

15. The Board discovered nine prescriptions for Oxycodone 30 mg tablets purportedly from Dr. Edward Svadjian that were filled after his death. Additionally, the Board investigation discovered irregular prescribing patterns for several physicians including:

Dr. Atef E. Rafla from Ontario, CA;

Dr. Wendell Mark Street from Victorville, CA;

Dr. John Prosser from Long Beach, CA; and

Dr. Richard Marc Goldstein from Orange, CA.

16. On or about February 8, 2018, the Board inspected Respondent Cole's Pharmacy. Respondent Ibrahim was present during the inspection. The Board inspector looked through numerous "books" of filed, completed prescription documents in an attempt to locate prescription documents for the prescribers identified in the pharmacy's CURES data. However, the Board inspector was only able to locate a small number of sought prescriptions. The inspector reviewed the inspection report with Respondent Ibrahim and requested supplemental documents and the completion of a questionnaire.

17. The Board inspector received an excel file from Respondent Ibrahim indicating it contained dispensing records from July 1, 2016 to February 8, 2018.

18. Respondent Ibrahim claimed that a flood had destroyed Respondent Cole's Pharmacy's computer server where older records were purportedly stored. The Board had requested Respondent's controlled substance dispensing records for the period of February 8,

2015 through February 8, 2018.

19. The investigation identified multiple factors of irregularity or red flags consistent with illegitimate doctor prescribing and indiscriminate pharmacy dispensing. These red flags included:

- initial prescriptions written for strong dosages of opiates (in contrast to an initial prescription at a lower dose, which is slowly raised to a higher dose);
- some patient profiles showing the patient using prescription insurance for non-controlled substances yet paying with cash for controlled substances; and,
- Respondents filling prescriptions in which groups of the same or similar prescriptions were processed together, a factor of irregularity because it is unusual to have several patients with the same diagnoses, all requiring the same drug therapy, to arrive in the pharmacy at the same time.

These red flags either gave, or should have given, Respondent Pharmacy and Respondent Ibrahim sufficient information to identify potential problems with the prescriptions, and put them on notice to conduct further inquiries into the legitimacy of the prescriptions.

CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

20. **TABLE I: DRUG CLASSIFICATIONS**

Brand Name	Generic Name	Dangerous Drug Per BPC 4022	Controlled Substance	Indications for Use
Roxicodone 30mg	Oxycodone 30mg	Yes	Yes- Schedule II per HSC 11055(b)(1)(M)	To treat pain
Opana 15 mg ER	Oxymorphone 15mg extended release	Yes	Yes- Schedule II per HSC 1055(b)(1)(N)	To treat pain
Motrin	Ibuprofen	Yes	No	To treat pain and inflammation
Flexeril 10mg	Cyclobenzaprine 10mg	Yes	No	To treat as muscle relaxer

Naprosyn	Naproxen	Yes	No	To treat pain and inflammation
Soma	Carisoprodol 350 mg	Yes	Yes- Schedule IV per Title 21 CFR 1308.14(c)(6)	To treat muscle spasms

21. **TABLE II: MOST COMMONLY DISPENSED MEDICATIONS**
AT COLE'S VILLAGE PHARMACY FROM 07/01/2016 TO 02/08/2018

Medication	Controlled Substance	Number of Rx Dispensed	Percent of Pharmacy's Total Dispensing
Ibuprofen 800 mb tablets	No	966	2.03%
Omeprazole DR 20mg capsules	No	953	2.00%
Oxycodone HCI 30 mg tablets	Yes- Schedule II	852	1.79%
Loratadine 10 mg tablets	No	809	1.70%
Ibuprofen 600 mg tablets	No	710	1.49%
Gabapentine 300 mg capsules	No	560	1.18%
Amoxicillin 500 mg capsules	No	558	1.17%
Ventolin HFA 90 mcg inhalers	No	545	1.15%
Metformin HCI 500 mg tablets	No	541	1.14%
Aspirin EC 81 mg tablets	No	536	1.13%
Metformin HCI 1,000 mg tablets	No	523	1.10%
Hydrochlorothiazide 25 mg tablets	No	509	1.07%
True Metrix glucose test strips	No	462	0.97%
Cyclobenzaprine 10 mg tablets	No	456	0.96%
Simvastatin 20 mg tablets	No	431	0.91%

Ferrous sulfate 325 mg tablets	No	429	0.90%
Tramadol HCl 50 mg tablets	Yes- Schedule IV	425	0.89%
Divalproex Sodium DR 500 mg tab	No	408	0.86%
Doc-q-lace 100 mg softgels	No	402	0.85%
Hydrocodone/Acetaminophen 10/325 mg	Yes- Schedule II	373	0.78%

**22. TABLE III: AS REPORTED TO CURES: MOST COMMONLY
DISPENSED CONTROLLED SUBSTANCES AT COLE'S VILLAGE
PHARMACY FROM 02/08/15 TO 06/30/16**

Medication	Controlled Substance	Number of Rxs Dispensed	Percent of Pharmacy's Total CII-CIV Controlled Substance Dispensing
Oxycodone 30 mg tablets	Schedule II	607	15.69%
Tramadol 50 mg tablets	Schedule IV	384	9.93%
Hydrocodone/Acetaminophen 10/325 mg tablets	Schedule II	357	9.23%
Lorazepam 1mg tablets	Schedule IV	261	6.75%
Hydrocodone/acetaminophen 5/325 mg tablets	Schedule II	249	6.44%
Clonazepam 1 mg tablets	Schedule IV	173	4.47%
Acetaminophen/codeine 300/30 mg tablets	Schedule III	164	4.24%
Zolpidem 10 mg tablets	Schedule IV	145	3.75%
Hydrocodone/acetaminophen 10/325 mg tablets	Schedule II	133	3.44%
Carisoprodol 350 mg tablets	Schedule IV	105	2.71%
Clonazepam 0.5 mg tablets	Schedule IV	102	2.64%
Lorazepam 0.5 mg tablets	Schedule IV	96	2.48%
Hydrocodone/Acetaminophen 5/325 mg tablets	Schedule II	94	2.38%
Diazepam 10 mg tablets	Schedule IV	92	1.99%
Lorazepam 2 mg tablets	Schedule IV	77	1.86%
Alprazolam 0.5 mg tablets	Schedule IV	72	1.73%
Temazepam 15 mg tablets	Schedule IV	67	1.71%

Zolpidem 5 mg tablets	Schedule IV	67	1.53%
Alprazolam 2 mg tablets	Schedule IV	66	1.71%
Phentermine 37.5 mg tablets	Schedule IV	59	1.53%

FIRST CAUSE FOR DISCIPLINE
(Failure to Perform Corresponding Responsibility in Legitimacy of Prescriptions)

23. Respondents are subject to disciplinary action under section 4301, subdivisions (d), (j), and (o), in conjunction with Health and Safety Code section 11153, subdivision (a), and California Code of Regulations, title 16, section 1761, in that Respondents failed to comply with their corresponding responsibility in dispensing controlled substance prescriptions under in the prescribing authority of Dr. Edward Svadjian, Dr. Atef E. Rafla, Dr. Wendell Mark Street, Dr. John Prosser, and Dr. Richard Marc Goldstein, in the presence of numerous factors of irregularity suggesting the prescriptions were not written for legitimate medical purposes.

A. IRREGULAR PRESCRIPTIONS

24. The Board noted irregular prescribing patterns for these doctors including:

- Over 75% of Dr. Wendell Mark Street's controlled substance prescriptions were for Oxycodone 30 mg tablets.
- Over 98% of Dr. Atef E. Rafla's, controlled substance prescriptions were for Oxycodone 30 mg tablets.
- 84% of Dr. John Prosser's controlled substance prescriptions were for Oxycodone 30 mg tablets.
- Over 74% of Dr. Richard Marc Goldstein's controlled substance prescriptions were for Oxycodone 30 mg tablets.

Additionally, based on the initial CURES review, the prescribers had unusual limited prescribing patterns with high dose narcotic pain relievers, typically Oxycodone 30 mg tablets, accounting for a significant percentage of each prescriber's total prescriptions.

25. Between February 8, 2015 and February 8, 2018, Respondent dispensed approximately 1,501 controlled substance prescriptions from the above listed doctors.

26. During this period, 43 of 45 patients who received prescriptions from Dr. John Prosser received Oxycodone 30 mg tablets.

27. During this period, 26 of 27 controlled substance prescriptions filled at Respondent Cole's Pharmacy under Dr. Richard Marc Goldstein's prescribing authority were for Oxycodone 30 mg tablets.

28. Multiple prescriptions from Dr. Atef E. Rafla, Dr. John Prosser, and Dr. Richard Marc Goldstein, were attached to faxed verification forms that contained multiple errors and misspellings.

29. The prescriptions from Dr. Edward Svadjian and some of the prescriptions from Dr. Richard Marc Goldstein were written on forms that are not in compliance with Health and Safety Code section 11162.1.

B. INITIATION OF THERAPY WITH HIGH DOSES

30. Standard practice for prescribers is to initiate therapy with a low dose of medication and increase the dose if necessary. Dispensing data for Respondents showed many instances where the patients' initial prescriptions were for the highest available dose.

31. Dr. Wendell Mark Street's prescriptions included 451 prescriptions for Oxycodone 30 mg tablets but no prescriptions for a lower strength. The same was for Dr. John Prosser and Dr. Richard Marc Goldstein who had zero prescriptions for lower strength.

C. EXCESSIVE CASH PAYMENTS

32. The patients of the above referenced prescribers typically paid in cash, without using prescription insurance.

33. Between July 1, 2016 to February 8, 2018, Respondents dispensed 2,338 prescriptions under Dr. Atef E. Rafla's prescribing authority of which 99.53% were paid using cash.

34. The pharmacy labels affixed to the back of the prescriptions indicated patients typically paid between \$179 to \$210 for 90 to 100 oxycodone 30 mg tablets.

1 **D. EXCESSIVE DISTANCE FROM HOME TO THE PRESCRIBERS' OFFICES AND**
2 **TO RESPONDENT PHARMACY**

3 35. For example, 383 of Dr. A.R's prescriptions were written for patients with
4 addresses in Los Angeles, California, approximately 49 miles from Respondent Cole's Pharmacy.

- 5 - 11 prescriptions were written for patients with addresses in Carmel Valley, approximately
6 365 miles from Respondent Cole's Pharmacy.
- 7 - 18 prescriptions were written for patients with addresses in Northridge, California,
8 approximately 77 miles from Respondent Cole's Pharmacy.
- 9 - 15 prescriptions were written for patients with addresses in San Pedro, California,
10 approximately 70 miles from Respondent Cole's Pharmacy.
- 11 - 12 prescriptions were written for patients with addresses in Marina Del Rey, California,
12 approximately 67 miles from Respondent Cole's Pharmacy.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Excessive Furnishing of Controlled Substances)**

15 36. Respondents are subject to disciplinary action under section 4301, subdivisions
16 (d), (j), and (o), in conjunction with Health and Safety Code section 11153, subdivision (a), in
17 that Respondents engaged in the clearly excessive furnishing of controlled substances, suggesting
18 a level of specificity from patients when choosing what pharmacy to use when filling specific
19 controlled substances. Complainant refers to paragraphs 14 through 35 as set forth fully.

20 **OTHER MATTERS**

21 37. Pursuant to section 4307, if discipline is imposed on Original Permit Number PHY
22 50435 issued to Cole's Village Pharmacy, Cole's Village Pharmacy shall be prohibited from
23 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
24 licensee for five years if Original Permit Number PHY 50435 is placed on probation or until
25 Original Permit Number PHY 50435 is reinstated if the license is revoked.

26 38. Pursuant to section 4307, if discipline is imposed on Original Permit Number PHY
27 50435 issued to Cole's Village Pharmacy Inc., while George Abdel Malek Ibrahim has been
28 owner and had knowledge of, or knowingly participated in, any conduct for which Cole's Village

1 Pharmacy was disciplined, George Abdel Malek Ibrahim shall be prohibited from serving as a
2 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
3 five years if Original Permit Number PHY 50435 is placed on probation or until Original Permit
4 Number PHY 50435 is reinstated if the license is revoked.

5 **PRAYER**

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

- 8 1. Revoking or suspending Original Permit Number PHY 50435, issued to Cole's Village
9 Pharmacy Inc. with George Abdel Malek Ibrahim as the Pharmacist-in-Charge;
- 10 2. Revoking or suspending Original Pharmacist License Number RPH 58732 issued to George
11 Abdel Malek Ibrahim;
- 12 3. Prohibiting Cole's Village Pharmacy from serving as a manager, administrator, owner,
13 member, officer, director, associate, or partner of a licensee for five years if Original Permit
14 Number PHY 50435 is placed on probation or until Original Permit Number PHY 50435 is
15 reinstated if Original Permit Number PHY 50435 issued to Cole's Village Pharmacy is revoked;
- 16 4. Prohibiting George Abdel Malek Ibrahim from serving as a manager, administrator, owner,
17 member, officer, director, associate, or partner of a licensee for five years if Original Permit
18 Number PHY 50435 is placed on probation or until Original Permit Number PHY 50435 is
19 reinstated if Original Permit Number PHY 50435 issued to Cole's Village Pharmacy is revoked;

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1 5. Ordering Cole's Village Pharmacy and George Abdel Malek Ibrahim to pay the Board of
2 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3; and,

4 6. Taking such other and further action as deemed necessary and proper.
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6
7

8 DATED: August 12, 2019



9 ANNE SODERGREN
10 Interim Executive Officer
11 Board of Pharmacy
12 Department of Consumer Affairs
13 State of California
14 *Complainant*
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