

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

In the Matter of the Accusation Against:

**BEST MARINA CORP., dba
THE DRUGGIST #2;
HANNY MAHER TADROS;
SHERINE FOUAD TADROS;
MARY ASKANDER IBRAHIM,
Pharmacy Permit No. PHY 46167;**

**SHERINE FOUAD TADROS,
Pharmacist License No. RPH 44428;**

**HANNY MAHER TADROS,
Pharmacist License No. RPH 42160;**

and

**MARY ASKANDER IBRAHIM,
Pharmacist License No. RPH 40082,**

Respondents.

Agency Case No. 6779

OAH No. 2021060075

DECISION AND ORDER

The attached Stipulated Surrender of License 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 April 21, 2022.

It is so ORDERED on March 22, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible, and "W." in the middle.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 MOLLY E. SELWAY
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

14 **BEST MARINA CORP., DBA THE**
15 **DRUGGIST #2; HANNY MAHER**
16 **TADROS; SHERINE FOUAD TADROS;**
17 **MARY ASKANDER IBRAHIM**
18 **16881 Algonquin Street**
19 **Huntington Beach, CA 92649**

20 **Pharmacy Permit No. PHY 46167,**

21 **SHERINE FOUAD TADROS**
22 **6165 Fairfield Drive**
23 **La Verne, CA 91750**

24 **Pharmacist License No. RPH 44428,**

25 **HANNY MAHER TADROS**
26 **6165 Fairfield Drive**
27 **La Verne, CA 91750**

28 **Pharmacist License No. RPH 42160,**

and

MARY ASKANDER IBRAHIM
7256 Sunset Blvd.
Los Angeles, CA 90046

Pharmacist License No. RPH 40082

Respondents.

Case No. 6779

OAH No. 2021060075

STIPULATED SURRENDER OF
LICENSE AND ORDER AS TO BEST
MARINA CORP., DBA THE DRUGGIST
#2 AND HANNY MAHER TADROS
ONLY

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
5 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Molly E. Selway, Deputy Attorney
7 General.

8 2. Best Marina Corp., dba The Druggist #2 and Hanny Maher Tadros (Respondents) are
9 represented in this proceeding by attorney Ivan Petrzelka, Esq., whose address is: 55 Cetus, 1st
10 Floor, Irvine, CA 92618.

11 3. On or about March 14, 2003, the Board issued Pharmacy Permit No. PHY 46167 to
12 Best Marina Corp., dba The Druggist #2 (Respondent Druggist). The Pharmacy Permit was in
13 full force and effect at all times relevant to the charges brought in Accusation No. 6779 and
14 expired on March 1, 2020, and has not been renewed.

15 4. On or about August 25, 1988, the Board of Pharmacy issued Pharmacist License
16 Number RPH 42160 to Hanny Maher Tadros (Respondent Tadros). The Pharmacist License was
17 in full force and effect at all times relevant to the charges brought herein and will expire on
18 September 30, 2023, unless renewed.

19 **JURISDICTION**

20 5. Accusation No. 6779 was filed before the Board, and is currently pending against
21 Respondents. The Accusation and all other statutorily required documents were properly served
22 on Respondents on January 20, 2021. Respondents timely filed their Notices of Defense
23 contesting the Accusation. A copy of Accusation No. 6779 is attached as Exhibit A and
24 incorporated by reference.

25 **ADVISEMENT AND WAIVERS**

26 6. Respondents have carefully read, fully discussed with counsel, and understand the
27 charges and allegations in Accusation No. 6779. Respondents also have carefully read, fully

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discussed with counsel, and understand the effects of this Stipulated Surrender of License and Order.

7. Respondents are fully aware of its 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. 6779, agree that cause exists for discipline and hereby surrenders their Pharmacy Permit No. PHY 46167 and Pharmacist License Number RPH 42160 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 their Pharmacy Permit and 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.

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12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including 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 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 46167 issued to Respondent Best Marina Corp., dba The Druggist #2 (Respondent Druggist) is surrendered and accepted by the Board.

IT IS FURTHER ORDERED that Pharmacist License Number RPH 42160 issued to Hanny Maher Tadros (Respondent Tadros) is surrendered and accepted by the Board.

1. The surrender of Respondents' Pharmacy Permit and Pharmacist License and the acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline against Respondents. This stipulation constitutes a record of the discipline and shall become a part of Respondents' license history with the Board. Respondents understand and acknowledge that for purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a revocation.

2. Respondent Druggist shall lose all rights and privileges as a Pharmacy in California as of the effective date of the Board's Decision and Order

3. Respondent Tadros shall lose all rights and privileges as a Pharmacist in California as of the effective date of the Board's Decision and Order.

4. Respondents shall cause to be delivered to the Board their pocket licenses and, if one was issued, its wall certificate on or before the effective date of the Decision and Order.

5. Respondents may not apply for any license, permit, or registration from the Board for a period of three (3) years from the effective date of the Decision and Order. If Respondents ever apply for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondents must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6779 shall be deemed to be true, correct and admitted by Respondents when the Board determines whether to grant or deny the application or petition.

6. Respondents shall pay the agency its costs of investigation and enforcement in the amount of \$25,187.00 prior to issuance of a new or reinstated license.

7. If Respondents should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6779 shall be deemed to be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Ivan Petrzelka, Esq. I understand the stipulation and the effect it will have on my Pharmacy Permit and Pharmacist License. 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:

HANNY MAHER TADROS
As an individual and as the President and
authorized agent on behalf of BEST
MARINA CORP., DBA THE DRUGGIST #2
Respondents

4. Respondents shall cause to be delivered to the Board their pocket licenses and, if one was issued, its wall certificate on or before the effective date of the Decision and Order.

5. Respondents may not apply for any license, permit, or registration from the Board for a period of three (3) years from the effective date of the Decision and Order. If Respondents ever apply for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondents must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6779 shall be deemed to be true, correct and admitted by Respondents when the Board determines whether to grant or deny the application or petition.

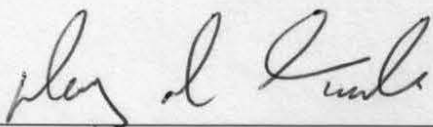
6. Respondents shall pay the agency its costs of investigation and enforcement in the amount of \$25,187.00 prior to issuance of a new or reinstated license.

7. If Respondents should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6779 shall be deemed to be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Ivan Petrzelka, Esq. I understand the stipulation and the effect it will have on my Pharmacy Permit and Pharmacist License. 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: 10/19/21



HANNY MAHER TADROS
As an individual and as the President and
authorized agent on behalf of BEST
MARINA CORP., DBA THE DRUGGIST #2
Respondents

I have read and fully discussed with Respondents Best Marina Corp., dba The Druggist #2 and Hanny Maher Tadros the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____

IVAN PETRZELKA, ESQ.
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: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

MOLLY E. SELWAY
Deputy Attorney General
Attorneys for Complainant

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1 I have read and fully discussed with Respondents Best Marina Corp., dba The Druggist #2
2 and Hanny Maher Tadros the terms and conditions and other matters contained in this Stipulated
3 Surrender of License and Order. I approve its form and content.

4
5 DATED: October 19, 2021



IVAN PETRZELKA, ESQ.
Attorney for Respondents


6
7
8 **ENDORSEMENT**

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

11 DATED: October 20, 2021

Respectfully submitted,

12 ROB BONTA
13 Attorney General of California
14 GREGORY J. SALUTE
Supervising Deputy Attorney General

15 
16 MOLLY E. SELWAY
17 Deputy Attorney General
18 *Attorneys for Complainant*

19
20 SD2019702079
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Exhibit A

Accusation No. 6779

XAVIER BECERRA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
MOLLY E. SELWAY
Deputy Attorney General
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Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 6779

**BEST MARINA CORP., DBA THE
DRUGGIST #2; HANNY MAKER
TADROS; SHERINE FOUAD TADROS;
MARY ASKANDER IBRA**

ACCUSATION

16881 Algonquin Street
Huntington Beach, CA 92649
Pharmacy Permit No. PHY 46167,

HANNY MAHER TADROS
6165 Fairfield Drive
La Verne, CA 91750
Pharmacist License No. RPH 42160,

SHERINE FOUAD TADROS
6165 Fairfield Drive
La Verne, CA 91750
Pharmacist License No. RPH 44428,

and

MARY ASKANDER IBRAHIM
7256 Sunset Blvd.
Los Angeles, CA 90046
Pharmacist License No. RPH 40082

Respondents.

PARTIES

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

2. On or about March 14, 2003, the Board of Pharmacy issued Pharmacy Permit Number PHY 46167 to Best Marina Corp., dba The Druggist #2; Hanny Maker Tadros, President; Sherine Fouad Tadros, Treasurer/CFO; Mary Askander Ibrahim, Secretary (Respondents). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and was cancelled on May 8, 2019.

3. On or about August 25, 1988, the Board of Pharmacy issued Pharmacist License Number RPH 42160 to Hanny Maher Tadros (PIC Tadros). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2021, unless renewed.

4. On or about August 15, 1991, the Board of Pharmacy issued Pharmacist License Number RPH 44428 to Sherine Fouad Tadros (S. Tadros). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2021, unless renewed.

5. On or about April 1, 1986, the Board of Pharmacy issued Pharmacist License Number RPH 40082 to Mary Askander Ibrahim (Ibrahim). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2021, unless renewed.

JURISDICTION

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

7. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

///

1 8. Section 4300(a) of the Code provides that every license issued by the Board may be
2 suspended or revoked.

3 9. Section 4300.1 of the Code states:

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

8 **STATUTORY PROVISIONS**

9 10. Section 4113, subdivision (c) of the Code states: “The pharmacist-in-charge shall be
10 responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining
11 to the practice of pharmacy.”

12 11. Section 4301 of the Code states:

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

15 ...

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

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

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

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

23 ...

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

27 (q) Engaging in any conduct that subverts or attempts to subvert an
28 investigation of the board.

12. Section 4077, subdivision (a) states:

(a) Except as provided in subdivisions (b) and (c), no person shall dispense any dangerous drug upon prescription except in a container correctly labeled with the information required by Section 4076.

13. Section 4307 states:

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

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

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

(b) "Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license" as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

14. Health and Safety Code section 11153, subdivision (a) states:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of

professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

15. Health and Safety Code section 11162.1

(a) The prescription forms for controlled substances shall be printed with the following features:

(1) A latent, repetitive "void" pattern shall be printed across the entire front of the prescription blank; if a prescription is scanned or photocopied, the word "void" shall appear in a pattern across the entire front of the prescription.

(2) A watermark shall be printed on the backside of the prescription blank; the watermark shall consist of the words "California Security Prescription."

(3) A chemical void protection that prevents alteration by chemical washing.

(4) A feature printed in thermochromic ink.

(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

(6) A description of the security features included on each prescription form.

(7)(A) Six quantity check off boxes shall be printed on the form so that the prescriber may indicate the quantity by checking the applicable box where the following quantities shall appear:

1-24

25-49

50-74

75-100

101-150

151 and over.

(B) In conjunction with the quantity boxes, a space shall be provided to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form.

(8) Prescription blanks shall contain a statement printed on the bottom of the prescription blank that the "Prescription is void if the number of drugs prescribed is not noted."

(9) The preprinted name, category of licensure, license number, federal controlled substance registration number, and address of the prescribing practitioner.

(10) Check boxes shall be printed on the form so that the prescriber may indicate the number of refills ordered.

(11) The date of origin of the prescription.

(12) A check box indicating the prescriber's order not to substitute.

(13) An identifying number assigned to the approved security printer by the Department of Justice.

(14)(A) A check box by the name of each prescriber when a prescription form lists multiple prescribers.

(B) Each prescriber who signs the prescription form shall identify himself or herself as the prescriber by checking the box by his or her name.

(15) A uniquely serialized number, in a manner prescribed by the Department of Justice.

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

(c)(1) A prescriber designated by a licensed health care facility, a clinic specified in Section 1200 , or a clinic specified in subdivision (a) of Section 1206 that has 25 or more physicians or surgeons may order controlled substance prescription forms for use by prescribers when treating patients in that facility without the information required in paragraph (9) of subdivision (a) or paragraph (3) of this subdivision.

(2) Forms ordered pursuant to this subdivision shall have the name, category of licensure, license number, and federal controlled substance registration number of the designated prescriber and the name, address, category of licensure, and license number of the licensed health care facility the clinic specified in Section 1200 , or the clinic specified in Section 1206 that has 25 or more physicians or surgeons preprinted on the form. Licensed health care facilities or clinics exempt under Section 1206 are not required to preprint the category of licensure and license number of their facility or clinic.

(3) Forms ordered pursuant to this section shall not be valid prescriptions without the name, category of licensure, license number, and federal controlled substance registration number of the prescriber on the form.

(4)(A) Except as provided in subparagraph (B), the designated prescriber shall maintain a record of the prescribers to whom the controlled substance prescription forms are issued, that shall include the name, category of licensure, license number, federal controlled substance registration number, and quantity of controlled substance prescription forms issued to each prescriber. The record shall be maintained in the health facility for three years.

(B) Forms ordered pursuant to this subdivision that are printed by a computerized prescription generation system shall not be subject to subparagraph (A) or paragraph (7) of subdivision (a). Forms printed pursuant to this subdivision that are printed by a computerized prescription generation system may contain the prescriber's name, category of professional licensure, license number, federal controlled substance registration number, and the date of the prescription.

(d) Within the next working day following delivery, a security printer shall submit via Web-based application, as specified by the Department of Justice, all of

the following information for all prescription forms delivered:

- (1) Serial numbers of all prescription forms delivered.
- (2) All prescriber names and Drug Enforcement Administration Controlled Substance Registration Certificate numbers displayed on the prescription forms.
- (3) The delivery shipment recipient names.
- (4) The date of delivery.

16. Health and Safety Code section 11164 states:

Except as provided in Section 11167, no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements:

(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

(b)(1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.

(2) The date of issue of the prescription and all the information required for a written prescription by subdivision (a) shall be included in the written record of the prescription; the pharmacist need not include the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient on the hard copy, if that information is readily retrievable in the pharmacy.

(3) Pursuant to an authorization of the prescriber, any agent of the prescriber on behalf of the prescriber may orally or electronically transmit a prescription for a controlled substance classified in Schedule III, IV, or V, if in these cases the written record of the prescription required by this subdivision specifies the name of the agent of the prescriber transmitting the prescription.

1 (c) The use of commonly used abbreviations shall not invalidate an otherwise
valid prescription.

2 (d) Notwithstanding any provision of subdivisions (a) and (b), prescriptions for
3 a controlled substance classified in Schedule V may be for more than one person in
the same family with the same medical need.

4 (e) This section shall become operative on January 1, 2005.

5 17. Health and Safety Code section 111440 states that “[i]t is unlawful for any person
6 to manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded.”

7 **REGULATORY PROVISIONS**

8 18. California Code of Regulations, title 16, section 1709, states:

9 Names of Owners and Pharmacist in Charge.

10 (a) Each permit to operate a pharmacy shall show the name and address of the
11 pharmacy, the form of ownership (individual, partnership or corporation) and the
pharmacist-in-charge. Each pharmacy shall, in its initial application on the annual
12 renewal form, report the name of the pharmacist-in-charge, the names of all owners
and the names of the corporate officers (if a corporation). Any changes in the
13 pharmacist-in-charge, or the owners, or corporate officers shall be reported to the
Board within 30 days.

14 (b) Any transfer, in a single transaction or in a series of transactions, of 10
15 percent or more of the beneficial interest in a business entity licensed by the board to
a person or entity who did not hold a beneficial interest at the time the original permit
16 was issued, shall require written notification to the board within 30 days.

17 19. California Code of Regulations, title 16, section 1713, states:

18 Receipt and Delivery of Prescriptions and Prescription Medications.

19 (a) Except as otherwise provided in this Division, no licensee shall participate
20 in any arrangement or agreement, whereby prescriptions, or prescription medications,
may be left at, picked up from, accepted by, or delivered to any place not licensed as
21 a retail pharmacy.

22 (b) A licensee may pick up prescriptions at the office or home of the prescriber
or pick up or deliver prescriptions or prescription medications at the office of or a
23 residence designated by the patient or at the hospital, institution, medical office or
clinic at which the patient receives health care services. In addition, the Board may, in
24 its sole discretion, waive application of subdivision (a) for good cause shown.

25 20. California Code of Regulations, title 16, section 1718.1, states:

26 All prescription drugs not bearing a manufacturer's expiration date pursuant to
27 Title 21, Code of Federal Regulations, section 211.137 are deemed to have expired
and may not be manufactured, distributed, held for sale, or dispensed by any
28 manufacturer, distributor, pharmacist, pharmacy or other persons authorized to
dispense such drugs in California.

1 21. California Code of Regulations, title 16, section 1761, states:

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

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

10 22. Code of Federal Regulations, Title 21, Section 1306.11, subdivision (a) states:

11 (a) A pharmacist may dispense directly a controlled substance listed in
12 Schedule II that is a prescription drug as determined under section 503 of the Federal
13 Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)) only pursuant to a written
14 prescription signed by the practitioner, except as provided in paragraph (d) of this
15 section. A paper prescription for a Schedule II controlled substance may be
16 transmitted by the practitioner or the practitioner's agent to a pharmacy via facsimile
17 equipment, provided that the original manually signed prescription is presented to the
18 pharmacist for review prior to the actual dispensing of the controlled substance,
19 except as noted in paragraph (e), (f), or (g) of this section. The original prescription
20 shall be maintained in accordance with §1304.04(h) of this chapter.

21 23. Code of Federal Regulations, Title 21, Section 211.137, states:

22 (a) To assure that a drug product meets applicable standards of identity,
23 strength, quality, and purity at the time of use, it shall bear an expiration date
24 determined by appropriate stability testing described in 211.166.

25 (b) Expiration dates shall be related to any storage conditions stated on the
26 labeling, as determined by stability studies described in 211.166.

27 (c) If the drug product is to be reconstituted at the time of dispensing, its
28 labeling shall bear expiration information for both the reconstituted and
unreconstituted drug products.

(d) Expiration dates shall appear on labeling in accordance with the
requirements of 201.17 of this chapter.

COST RECOVERY

24 24. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
25 administrative law judge to direct a licentiate found to have committed a violation or violations of
26 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
28 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

DEFINITIONS

25. Oxycodone – is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M), and is a dangerous drug pursuant to Business and Professions Code section 4022.

26. Xanax – is the brand name for Alprazolam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(1), and is a dangerous drug pursuant to Business and Professions Code section 4022. Alprazolam tablets are indicated for the management of anxiety disorder or the short-term relief of symptoms of anxiety.

27. Roxicodone – is a brand name for Oxycodone, is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(1)(M), and is a dangerous drug pursuant to Business and Professions Code section 4022.

28. Flexeril – is a brand name for Cyclobenzaprine, and is a dangerous drug pursuant to Code section 4022. Cyclobenzaprine is a muscle relaxant. It works by blocking nerve impulses (or pain sensations) that are sent to the brain.

29. Genvoya – is the brand name for Elvitegravir / cobicistat / emtricitabine / tenofovir and is a dangerous drug pursuant to Code section 4022. Genvoya is used to treat HIV in adults and children

30. Descovy – is the brand name of emtricitabine and tenofovir alafenamide and is a dangerous drug pursuant to Code section 4022. Emtricitabine and tenofovir alafenamide are antiviral medicines that prevent HIV from multiplying in your body.

FACTUAL ALLEGATIONS

Background

31. The Board received numerous complaints against Respondent Druggist #2, PIC Tadros, Pacific Lyons Care (PLC) and Ben Ho. On or about December 14, 2017, the Board received an anonymous complaint regarding PLC/The Druggist Pharmacy located at 8704 Santa Monica Boulevard, Suite 300, West Hollywood, CA. According to the Board's records, there is

1 no licensed pharmacy located at that address. The complaint alleged a person named Ben¹ had
2 his employees bill for HIV medications that were not provided to patients and were then
3 subsequently resold. The actual licensed pharmacy associated with this complaint was Druggist
4 #2, located at 16881 Algonquin St., Huntington Beach, CA (Druggist #2).

5 32. On or about February 8, 2018, a Board inspector inspected Druggist #2. PIC Tadros
6 was present and assisted with the inspection. During the inspection, PIC Tadros had the inspector
7 set up his laptop in the office above the pharmacy. The inspector observed a phone and a
8 calendar on the desk. The calendar had numbers written on it for each day, which appeared to be
9 used for some financial accounting purposes. The calendar included the following notations:
10 “Ben Ho-3K” on February 28, 2018, and “PLC-677.32” on January 26, 2018. While in the office,
11 the inspector heard the phone ring and heard PIC Tadros speaking on it downstairs. The phone in
12 front of the inspector had a caller ID that indicated PLC was calling. While on the phone, PIC
13 Tadros gave the name of the inspector and stated that he did not know why the inspector was at
14 the pharmacy.

15 33. During the investigation, it was determined that PIC Tadros was the 100% owner of
16 Druggist #2. In contrast, the Board records indicated that PIC Tadros was the 25% owner, and
17 that Alfonse Ibrahim was the 75% owner. The Board was not informed of any change of
18 ownership of the pharmacy.

19 **Relationship with PLC**

20 34. PIC Tadros attempted to conceal the relationship of Druggist #2 and PLC by stating
21 on February 8, 2018, that he had no ownership in PLC. During the inspection, the inspector
22 inquired about the relationship between PIC Tadros and PLC. PIC Tadros stated that PLC is a
23 case management company for HIV patients that provides support services. PIC Tadros stated
24 that the owner of PLC, Ben Ho, was a friend of PIC Tadros and who referred patients to Druggist
25 #2. PIC Tadros stated that there was no contract or payment between the two companies and that
26 there was no joint ownership between the two companies.

27 ¹ The “Ben” in the complaint likely referred to Ben Ho. Mr. Ho was the previous owner of
28 PLC and a partner with PIC Tadros in other business ventures. Ben Ho was indicted on
racketeering charges.

1 35. PIC Tadros later confirmed that he was the owner of PLC. Contrary to what was
2 stated in the initial inspection, on or about December 19, 2018, PIC Tadros informed the Board
3 investigator that he owns both Druggist #2 and PLC. PIC Tadros stated that PLC provided social
4 support and health care navigation to client. According to PIC Tadros, PLC was purchased from
5 Ben Ho at the end of 2016. In another correspondence dated December 21, 2018, PIC Tadros
6 clarified that he purchased PLC from Ben Ho for \$500,000, which included a list of 100-150
7 clients who needed pharmaceutical services.

8 **Dispersing Drugs to an Unlicensed Pharmacy:**

9 36. Respondents delivered prescriptions to Druggist/PLC located at 8704 Santa Monica
10 Blvd., Ste. #300, West Hollywood, CA. The prescriptions were stored at an unlicensed location
11 and not maintained by a licensed pharmacist.

12 37. PIC Tadros stated that medications were delivered to PLC and held for the patient and
13 then the patient signed the delivery ticket during pickup. PIC Tadros stated that the medications
14 were stored in a locked cabinet and if the medications were not picked up by the end of the week,
15 then the medications were returned to Druggist #2.

16 38. During the course of the investigation, Department of Healthcare Services
17 investigators traveled to PLC to review the facility. They found the facility was obtaining
18 prescriptions from Druggist #2 and storing them onsite. They found PLC staff at the facility and
19 did not notice any evidence of a licensed pharmacy or clinic.

20 **Failure to Obtain Hardcopies of Prescriptions**

21 39. During the investigation, it was discovered the Druggist was dispensing controlled
22 substances, including Schedule II controlled substances, pursuant to faxed copies of the
23 prescription without the pharmacist first obtaining and reviewing the original, manually signed
24 hard copy prescription document. This included prescription numbers 854899, 854900, 854837,
25 and 854836 located during inspection. PIC Tadros signed an inspection report on December 11,
26 2018, admitting to this practice.

27 ///

28 ///

1 **Failure to Return Prescriptions:**

2 40. During the first inspection, the inspectors went through will call and located
3 approximately 47 bags, some containing multiple prescriptions, that had been in will call for more
4 than fourteen (14) days, in some cases more than several months. Multiple prescriptions had been
5 on the shelf for multiple months, some dating as far back as July, 2017. PIC Tadros was
6 informed of this issue.

7 41. On or about March 4, 2018, PIC Tadros provided the Board a policy indicating the
8 prescriptions in the will call area that were 10 days old were to be called on the 1st, 10th, and
9 20th of every month for a last reminder before the prescriptions were reversed and cancelled in
10 PrimeRx.

11 42. During the inspection on December 11, 2018, approximately another 40 prescription
12 bag were discovered in will call that had been billed more than 14 days prior.

13 **Retaining Expired and Misbranded Medication**

14 43. A bottle of Genvoya and Descovy were located during the inspection that were
15 lacking an expiration date and lot number. Both medications were located in the “active stock” of
16 the pharmacy, meaning they were located in the area the pharmacist stored medications that were
17 being used to fill prescriptions. The expiration date and lot number did not appear to be worn off,
18 and other bottles of the same medications were located with the information printed on them. This
19 brings concerns up as to where the medication came from and if it was fraudulent. The
20 Department of Healthcare Services confiscated the medications for its investigation.

21 **Unlawful Prescriptions**

22 44. During the inspection, the inspector located 14 prescriptions from Dr. AA², which
23 were not on controlled substances forms compliant with Health and Safety Code section 11162.1.
24 The prescriptions were on “DocuGard” security paper but lacked the California Security
25 Prescription watermark, checkboxes for prescription refills, and only one serial or batch number,
26 not the required batch and serial number. Most of the prescriptions had verification of Dr. AA’s

27 ² Dr. AA surrendered his medical license on or about November 27, 2019, after an
28 accusation was filed alleged that Dr. AA improperly prescribed controlled substances and
sexually assaulted patients.

valid DEA license attached to the prescription but no other documentation. The prescriptions did not comply with Health and Safety Code section 11162.1 and were therefore invalid. All of the prescriptions were for oxycodone 30mg with either ibuprofen 800mg, Colace 100mg or Flexeril 100mg. 13 of the 14 prescriptions were written for #120 oxycodone 30mg, with one written for #150. The below table is a summary of the unlawful prescriptions:

Prescription No.	Date Written, Filled	Medication and Quantity	Direction	Patient City	Notes
800188N	10/3/16 10/21/16	Oxycodone 30mg, #150	1 tablet by mouth every 4-6 hours as needed, max of 5 per day	Long Beach	150 oxycodone 30mg, DEA number verification attached, typed for as needed but written as Scheduled
800516N	10/3/16 10/26/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Long Beach	Same written date as above, typed for take 1 tablet every 6-8 hours as needed, but written for Take 1 every 4-6 hours max 4 per day
800367N	10/3/16 10/24/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Compton	Same written date as above, DEA number verification attached, typed for take 1 tablet every 6-8 hours as needed, but written for Take 1 every 4-6 hours max 4 per day
800416N	9/27/16 10/25/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Gardena	DEA number verification attached, typed for as need paid but written as scheduled, did not include max dosage instructions.
800256N	9/27/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Long Beach	Same written date as above, DEA number verification attached, typed for as need paid but written as scheduled, did not include max dosage instructions.

800832N	10/24/16, 10/31/16	Oxycodone 30mg #120	1 tablet by mouth every 4- 6 hours	Los Angeles	DEA number verification attached, typed for as need for pain but written as scheduled, did not include max dosage instructions
800601N	10/21/16, 10/27/16	Oxycodone 30mg #120	1 tablet by mouth every 4- 6, max of 4 per day	Long Beach	Typed for take 1 tabled every 6-8 hours as needed max 4/day, but written for take 1 every 4-6 hours max 4/day
793587C	5/24/16, 6/20/16	Oxycodone 30mg #120	1 tablet by mouth every 4- 6, max of 4 per day	Long Beach	DEA number verification attached, "OK James 6/20/2016" document, typed for take 1 tablet every 6-8 hours as needed, but written for take 1 every 4-6 hours max 4/day
793452C	5/24/16, 6/16/16	Oxycodone 30mg #120	1 tablet by mouth every 4- 6, max of 4 per day	Long Beach	Same written date as above, DEA number verification attached, typed for take 1 tablet every 6-8 hours as needed, but written for take 1 every 4-6 hours max 4/day. "OK James 6/16/2016" documented
793386C	5/24/16, 6/15/16	Oxycodone 30mg #120	1 tablet by mouth every 4- 6, max of 4 per day	Gardena	Same written date as above, DEA number verification attached, typed for take 1 tablet every 6-8 hours as needed, but written for take 1 every 4-6 hours max 4/day. "OK James 6/16/2016" documented
793480C	5/24/16, 6/17/16	Oxycodone 30mg #120	1 tablet by mouth every 4- 6, max of 4 per day	Seal Beach	Same written date as above, DEA number verification attached, typed for take 1 tablet every 6-8 hours as needed, but written for

					take 1 every 4-6 hours max 4/day. "OK James 6/15/2016" documented
793622C	5/24/16, 6/21/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Compton	Same written date as above, DEA number verification attached, typed for take 1 tablet every 6-8 hours as needed, but written for take 1 every 4-6 hours max 4/day. "OK James 6/21/2016" documented
793710C	6/20/16, 6/22/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Long Beach	DEA number verification attached, typed for as needed, but written as scheduled, did not include max dosage instructions. "OK James 6/22/2016" documented
793542C	5/?/?, 6/18/16	Oxycodone 30mg #120	1 tablet by mouth every 4-6, max of 4 per day	Compton	DEA number verification attached, typed for take 1 tablet every 6-8 hours as needed, but written for take 1 every 4-6 hours max 4/day. Prescription not dated. HT initials on backtag.

45. As seen in the chart above, there were multiple issues with the prescriptions. 14 out of the 14 prescription labels were typed incorrectly, with different directions than given on the prescription document. With the exception of one prescription, all of the prescriptions had the directions of "take 1 tablet by mouth every 4-6 hours, max of 4 per day." Eight of the prescriptions were typed with the directions of "take 1 tablet every 6-8 hours as needed." One prescription was typed for take 1 tablet three times daily as needed for pain. Five prescriptions were typed with either the max dosage missing and/or "as needed" instead of scheduled as written. As a result, all 14 of these prescriptions were in violation of Code 4077 section (a), for incorrectly labeling a prescription.

1 46. Considering the extremely potent nature of oxycodone 30mg, mislabeling these
2 medications is very dangerous. Depending on which labeling error was made, the error could
3 have resulted in either the patient's pain being inadequately controlled if not taken at the correct
4 interval as scheduled, or alternatively, overdose if too much of the medication was taken.
5 Additionally, one of the prescriptions lacked a complete date written by the prescriber
6 (prescription 793542 C). Because the medication was a Schedule II narcotic, the prescription was
7 invalid for lacking the date, and could not be filled by the pharmacist. This was a violation of
8 Health and Safety Code section 11164(a)(l). These violations were concerning, especially
9 considering not one of the prescriptions was filled correctly, and they suggest that the pharmacist
10 was not appropriately reviewing the prescriptions prior to dispensing them.

11 47. During the period from June 1, 2016, to February 8, 2018, Druggist #2 filled 250
12 prescriptions for 22 patients from Dr. AA. The profile showed that Dr. AA prescribed either
13 oxycodone 30mg, oxycodone 30mg and cyclobenzaprine 10mg, or oxycodone 30mg and
14 ibuprofen 800mg to nearly every one of his patients. A few patients received amoxicillin 875mg
15 and promethazine with codeine 6.25/10mg.

16 48. The inspector returned to Druggist #2 on or about December 11-12, 2018, and during
17 that inspection, the inspector collected 188 invalid prescriptions written by Dr. AA and Dr. RQ.
18 These were not on California compliant controlled substance prescription forms and all were for
19 high strength, high quantity medications, primarily oxycodone 30mg.

20 49. After reviewing Dr. RQ's prescriptions the inspector found, similar to Dr. AA's, that
21 the prescriptions were also on "DocuGard" security paper and lacked the California Security
22 Prescription watermark, checkboxes for prescription refills, and only contained one serial or batch
23 number, not the required batch and serial number. Moreover, 16 of the 17 of the collected
24 prescriptions were written for oxycodone 30mg #120 or #150 and Flexeril 10mg #30. The other
25 prescription was written for oxycodone 30mg #120 and Colace 100mg #30. In addition, 15 of the
26 17 prescriptions had Dr. RQ's DEA registration confirmation attached to the back of the
27 prescription. The prescriptions did not comply with Health and Safety Code section 11162.1, and
28 it was a violation of Health and Safety Code section 11164(a) to fill the prescriptions for

1 oxycodone 30mg. Of the 17 prescriptions, only two were typed with the correct directions. The
2 other 15 had errors on the timing of taking the medication or were typed "to be taken as needed"
3 when the prescription was written to be taken as scheduled with a maximum number of tablets
4 per day. While it can be argued the pain medication directions could be "to be taken as needed,"
5 omitting the maximum number of tablets per day on a potent opioid is a potentially dangerous
6 mistake. These were more examples of violations of Code section 4077(a), for incorrectly
7 labeling a prescription.

8 50. Respondents filled approximately 283 prescriptions from Dr. RQ, with the primary
9 medication being #120 or #150 oxycodone 30 mg, followed by cyclobenzaprine 10mg. His
10 prescriptions also included promethazine with codeine 6.25/10mg, typically accompanied by
11 amoxicillin. Druggist #2's dispensing data indicated the pharmacy dispensed approximately 283
12 prescriptions under Dr. RQ, 277 of which were filled for cash. An online search for the name of
13 the clinic on Dr. RQ's prescription, "Beachside Medical One" could not locate a clinic by that
14 name, again suggesting the prescriptions were fraudulent.

15 51. In addition to both the Dr. AA and Dr. RQ prescriptions being violations for filling
16 controlled substance prescriptions not on compliant prescription forms, further review of the
17 prescriptions brought up more questions as to their legitimacy. The prescriptions were written for
18 the same types of medications with the same directions. When comparing the prescriptions, not
19 only were the prescriptions written on the same type of "DocuGard" prescription blank, but the
20 handwriting on the prescriptions from both offices appeared to be the same. In addition, there
21 was patient overlap with the same patient seeing both prescribers.

22 52. Dr. AA's and Dr. RQ's addresses were listed as the same, however, each had a
23 different name of the medical practice and different phone numbers. It is highly unusual for the
24 two medical practices to be sharing the same suite with different names and different phone and
25 fax numbers. An online search confirmed the address and phone number appeared to be correct
26 for Dr. AA but failed to locate a legitimate medical practice named "Beachside Medical One".
27 Likewise, an online search failed to locate a medical practice using the contact phone number on
28 Dr. RQ's prescriptions. This suggests that Dr. RQ's prescriptions were clearly fraudulent, and

draws into question the legitimacy of Dr. AA's prescriptions as well, since it appears that the same individual wrote both Dr. AA and Dr. RQ's prescriptions.

53. Upon review of Druggist #2's dispensing data from January 2, 2016, to December 11, 2018, Druggist #2 filled approximately 693 prescriptions from Dr. AA (410) and Dr. RQ (283). The dispensing data showed that Druggist #2 did not dispense any maintenance medications from either of the prescribers. Both prescribers occasionally prescribed amoxicillin, however the amoxicillin was usually accompanied by issuance of a prescription of promethazine with codeine. Both prescribers' primary medication was oxycodone 30mg. In addition, nearly every one of the prescriptions for Dr. AA and Dr. RQ were listed as being paid for with cash. Paying in cash allows the drug abuser to fill the same medication at multiple pharmacies without the pharmacy being notified that the patient recently received the same medication. Paying in cash is also a red flag because most patient do not pay for prescriptions out of pocket if their insurance company covers the medication. These are all significant red flags.

54. Approximately 202 hard copy prescriptions were collected during the inspection from Dr. AA and Dr. RQ. Those prescriptions were not valid and were not on CA-compliant controlled substance prescription forms, and there were reasons to doubt the legitimacy of the prescriptions. The prescriptions from two different prescribers listed the same address, but different clinic names, different phone numbers, and different fax numbers. The handwriting on the prescriptions appears to be the same, despite the prescriptions allegedly being from different prescribers.

FIRST CAUSE FOR DISCIPLINE

(Failure to Obtain Hard Copy of Prescription)

55. Respondents Druggist #2, PIC Tadros, S. Tadros and Ibrahim (Respondents) are subject to disciplinary action under Code sections 4301, subdivisions (j) and (o), in conjunction with Title 21, Code of Federal Regulations 1306.11, subdivision (a), in that Respondents dispensed controlled substances, including Schedule II controlled substances, pursuant to faxed copies of the prescription without first obtaining and reviewing the original, manually signed hard

1 copy prescription document. This includes prescriptions numbers 854899, 854900, 854837, and
2 854836 located during inspection.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Invalid Controlled Substance Prescriptions)**

5 56. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
6 (j) and (o), in conjunction with Health and Safety Code section 11164, subdivision (a), in that
7 Respondents dispensed controlled substances, pursuant to hard copy prescription documents not
8 compliant with Health and Safety Code section 11162.1 as the prescriptions were lacking the
9 California Security Watermark, refill checkboxes, and only contained one serial or batch number,
10 not the required serial and batch number, as set forth in paragraphs 44 through 55, above, which
11 are incorporated herein by reference.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Dispensing Controlled Substances with Undated Prescriptions)**

14 57. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
15 (j) and (o), in conjunction with Health and Safety Code section 11164, subdivision (a)(1), in that
16 Respondents dispensed prescription number 793542C, for oxycodone 30mg, despite it not being
17 dated by the prescriber.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Dispensing Dangerous Drug in Incorrectly Labeled Container)**

20 58. Respondents are subject to disciplinary action under Code section 4077, subdivision
21 (a), for dispensing prescriptions with instructions different from what was prescribed, as set forth
22 in paragraphs 44 through 55, above, which are incorporated herein by reference.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Dispensing Prescriptions that are Erroneous and Uncertain)**

25 59. Respondents are subject to disciplinary action under Code section 4301, subdivisions
26 (j) and (o), for violating California Code of Regulations, title 16, section 1761, in that
27 Respondents dispensed prescriptions which contained significant irregularities, uncertainties, or
28

1 ambiguities, as set forth in paragraphs 44 through 55, above, which are incorporated herein by
2 reference.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Failing to Comply with Corresponding Responsibility**
5 **for Legitimate Controlled Substance Prescriptions)**

6 60. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
7 (d), (j) and (o), for violating Health and Safety Code section 11153, subdivision (a), in that they
8 failed to comply with their corresponding responsibility to ensure that controlled substances were
9 dispensed for a legitimate medical purpose when Respondents furnished prescriptions for
10 controlled substances even though “red flags” were present to indicate those prescriptions were
11 not issued for a legitimate medical purpose, as set forth in paragraphs 44 through 55, above,
12 which are incorporated herein by reference.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Retaining Expired and Misbranded Medication)**

15 61. Respondents are subject to disciplinary action under Code sections 4301, subdivisions
16 (j) and (o), in conjunction with California Code of Regulations 1718.1, and Health and Safety
17 Code section 111440 in that Respondents held in the pharmacy’s active dispensing stock a bottle
18 of Genvoya and a bottle of Descovy that were lacking the manufacturer’s expiration date and lot
19 number, as set forth in paragraph 43 above, which is incorporated herein by reference.

20 **EIGHTH CAUSE FOR DISCIPLINE**

21 **(Failure to Report Change of Ownership)**

22 62. Respondents are subject to disciplinary action under California Code of Regulations
23 1709, subdivisions (a) and (b) for failing to notify the Board within 30 days of the transfer of
24 ownership. They failed to notify the Board of the sale of 75% the pharmacy from Alfonse
25 Ibrahim to Hanny Tadros.

26 ///

27 ///

28 ///

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Delivering Prescription Medication to Unlicensed Pharmacy)**

3 63. Respondents are subject to disciplinary action under California Code of Regulations
4 section 1713, subdivisions (a) and (b), for delivering prescription medication to an unlicensed
5 location, Respondents delivered prescriptions to 8704 Santa Monica Blvd. Ste. #300, West
6 Hollywood, CA, which was not licensed as a pharmacy. Moreover, unlicensed personnel signed
7 for and maintained the prescriptions on site.

8 **TENTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct- Misrepresentation of Facts)**

10 64. Respondents are subject to disciplinary action under Code section 4301, subdivision
11 (g), for unprofessional conduct for making the following misrepresentation of facts:

- 12 • On or about February 8, 2018, PIC Tadros stated that Ben Ho owned PLC and PIC
13 Tadros signed the inspection report indicating that PLC was owned by Ben Ho.
14 Later, Pic Tadros admitted that PLC was owned by him and purchased from Ben Ho
15 at the end of 2016.
- 16 • PIC Tadros provided a statement and policy on March 4, 2018 indicating “Call every
17 1st and 10th and 20th, all the orders, in the pickup area, that are 10 days old, for last
18 reminder, before reversing and cancelling fill in PrimeRx.” Despite this policy,
19 during inspection on December 11, 2018 and December 12, 2018 approximately 40
20 bags of prescriptions were located in will call that were greater than 14 days old.
21 Review of Respondent Druggist #2’s data indicated the prescriptions were still
22 billed to insurance, as were prescriptions PIC Tadros had been directed to reverse
23 during inspection on 2/8/2018.

24 **ELEVENTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct- Moral Turpitude, Dishonesty, Fraud, Deceit, Corruption)**

26 65. Respondents are subject to disciplinary action under Code section 4301, subdivision
27 (f), for unprofessional conduct for moral turpitude, dishonesty, fraud, deceit, or corruption as set
28 forth in paragraphs 31-43, 64, above, which are incorporated herein by reference.

TWELFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Subverting an Investigation)

66. Respondents are subject to disciplinary action under Code section 4301, subdivision (q), for unprofessional conduct for subverting an investigation as set forth in paragraphs 31-43, 64 above, which are incorporated herein by reference.

OTHER MATTERS

67. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 46167 issued to Druggist #2, while Hanny Maher Tadros, Mary Ibrahim and Sherine Tadros were officers and owners and had knowledge of or knowingly participated in any conduct for which licensee was disciplined, Hanny Maher Tadros, Mary Ibrahim and Sherine Tadros 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 46167 is placed on probation or until Pharmacy Permit Number PHY 46167 is reinstated if it is revoked.

68. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 42160, issued to Hanny Maher Tadros, Hanny Maher Tadros shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 42160 is placed on probation or until Pharmacist License Number RPH 42160 is reinstated if it is revoked.

69. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 40082, issued to Mary Askander Ibrahim, Mary Askander Ibrahim shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 40082 is placed on probation or until Pharmacist License Number RPH 40082 is reinstated if it is revoked.

70. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 44428, issued to Sherine Fouad Tadros, Sherine Fouad Tadros shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 44428 is placed on probation or until Pharmacist License Number RPH 44428 is reinstated if it is revoked.

DISCIPLINE CONSIDERATIONS

71. To determine the degree of discipline, if any, to be imposed on Respondents, Druggist #2 and PIC Tadros were issued a Letters of Admonishment on September 14, 2015, for violating the following Code sections:

- Code sections 4005; 4315; 4126.5(a)(4)- Furnishing Dangerous Drugs by Pharmacy; pharmacy or wholesale ... alleviate temporary shortage. Pharmacy may furnish dangerous drugs only to the following: Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug that could result in the denial of health care and only in quantities sufficient to alleviate the shortage. Specifically, Druggist #2 ordered dangerous drugs and resold them to Optimal Pharmaceutical located at 8406 N. Magnolia Ave, Ste. D in Santee, CA 92071. Druggist #2 did not have independent knowledge of the temporary shortage and allowed Optimal Pharmaceuticals to specify the drugs in short supply they wanted the pharmacy to purchase for them.;
- Code section 4059, subdivision (b)- Furnishing of dangerous drug or device by a manufacturer, wholesaler, or pharmacy ... under sales and purchase records that correctly give the date, the names and addresses of the supplier and the buyer, the drug or device, and its quantity. Druggist #2 sold dangerous drugs to Optimal Pharmaceuticals and did not correctly or accurately list the quantities of dangerous drugs on the following invoices and dates:
- Code section 4081, subdivision (a)/ Code§ 4332/ CCR, Title 16, § 1718-Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory/Misdemeanor: Failure or Refusal to Maintain or Produce Required Drug or Device Records; Willful Production of · False Records/Current inventory defined. Druggist #2 failed to keep records of disposition for sales to Optimal Pharmaceuticals on invoice # 101, dated 4/26/2011 for Calcium Gluconate and invoice # 103, dated 5/9/2011 for Atropine 0.4mg/ml and · Atropine 1 mg/ml.

72. To determine the degree of discipline, if any, to be imposed on Respondents, Druggist #2 was issued a citation on May 4, 2016, for Erroneous or Uncertain Prescriptions as Related to Prescription Forms of Controlled Substances Requirements: Druggist #2 was not in compliance with California Code of Regulation 1761 subdivision (a), which states no pharmacist shall not dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration, and Health and Safety Code Section 11162.1 subdivision (a)(2) and 11162.1(a)(13), which states the prescription forms for controlled substances shall have watermarks which consist of the words "California Security Prescription" and have an identifying number assigned to the approved security printer by the Department of Justice. Druggist #2 was fined in the amount of \$750.

73. To determine the degree of discipline, if any, to be imposed on Respondents, Respondent S. Tadros was issued a citation on June 10, 2016, for violation of California code of Regulation section 1764 for unauthorized disclosure of patient information and was fined in the amount of \$500.

74. To determine the degree of discipline, if any, to be imposed on Respondents, PIC Tadros was issued a citation on May 4, 2016, for Erroneous or Uncertain Prescriptions as Related to Prescription Forms of Controlled Substances. PIC Tadros was fined in the amount of \$1,250.00.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 46167, issued to Best Marina Corp., dba Druggist #2; Hanny Maker Tadros; Sherine Fouad Tadros; Mary Askander Ibra;

2. Revoking or suspending Pharmacist License Number RPH 42160, issued to Hanny Maher Tadros;

3. Revoking or suspending Pharmacist License Number RPH 44428, issued to Sherine Fouad Tadros;

1 4. Revoking or suspending Pharmacist License Number RPH 40082, issued to Mary
2 Askander Ibrahim;

3 5. Prohibiting to Best Marina Corp., dba Druggist #2; Hanny Maker Tadros; Sherine
4 Fouad Tadros; Mary Askander Ibra from serving as a manager, administrator, owner, member,
5 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number
6 PHY 46167 is placed on probation or until Pharmacy Permit Number PHY 46167 is reinstated if
7 Pharmacy Permit Number PHY 46167 issued Best Marina Corp., dba Druggist #2; Hanny Maker
8 Tadros; Sherine Fouad Tadros; Mary Askander Ibra is revoked;

9 6. Prohibiting Hanny Maker Tadros, Sherine Fouad Tadros, and Mary Askander Ibra
10 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
11 of a licensee for five years if Pharmacy Permit Number PHY 46167 is placed on probation or
12 until Pharmacy Permit Number PHY 46167 is reinstated if Pharmacy Permit Number PHY 46167
13 issued Best Marina Corp., dba Druggist #2.

14 7. Prohibiting Hanny Maker Tadros from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
16 Number RPH 42160 is placed on probation or until Pharmacist License Number RPH 42160 is
17 reinstated if Pharmacist License Number RPH 42160 issued to Hanny Maker Tadros is revoked;

18 8. Prohibiting Sherine Fouad Tadros from serving as a manager, administrator, owner,
19 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
20 Number RPH 44428 is placed on probation or until Pharmacist License Number RPH 44428 is
21 reinstated if Pharmacist License Number RPH 44428 issued to Sherine Fouad Tadros is revoked;

22 9. Prohibiting Mary Askander Ibrahim from serving as a manager, administrator, owner,
23 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
24 Number RPH 40082 is placed on probation or until Pharmacist License Number RPH 40082 is
25 reinstated if Pharmacist License Number RPH 40082 issued to Mary Askander Ibrahim is
26 revoked;

1 10. Ordering Hanny Maher Tadros, Sherine Fouad Tadros and Mary Askander Ibrahim to
2 pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
3 pursuant to Business and Professions Code section 125.3; and,

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

5
6 DATED: 1/17/2021

Signature on File

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

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