

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

**In the Matter of the Accusation Against:**

**SHUKRI F. SALIBA,**

**Pharmacist License No. RPH 45530,**

**Respondent**

**Agency Case No. 6843**

**OAH No. 2020060398**

**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 March 26, 2021.

It is so ORDERED on February 24, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 THEODORE S. DRCAR  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

8  
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 **SHUKRI F. SALIBA**  
15 16402 Paramount Blvd  
Paramount, CA 90723

16 Pharmacist License Number RPH 45530

17 Respondent.  
18

Case Number 6843

OAH Number 2020060398

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

21 **PARTIES**

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

26 2. Respondent Shukri F. Saliba (Respondent) is represented in this proceeding by  
27 attorney Martha M. Rumore, Esq. of Frier Levitt, Attorneys at Law.

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License Number RPH 45530 issued to  
3 Respondent Shukri F. Saliba is revoked. However, the revocation is stayed and Respondent is  
4 placed on probation for four (4) years on the following terms and conditions:

5 **1. Obey All Laws**

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

7 Respondent shall report any of the following occurrences to the Board, in writing, within 72  
8 hours of such occurrence:

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

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

21 **2. Report to the Board**

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

26 Failure to submit timely reports in a form as directed shall be considered a violation of  
27 probation. Any period of delinquency in submission of reports as directed may be added to the  
28 total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the Board.

3 **3. Interview with the Board**

4 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
5 with the Board or its designee, at such intervals and locations as are determined by the Board or  
6 its designee. Failure to appear for any scheduled interview without prior notification to Board  
7 staff, or failure to appear for two or more scheduled interviews with the Board or its designee  
8 during the period of probation, shall be considered a violation of probation.

9 **4. Cooperate with Board Staff**

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

16 **5. Continuing Education**

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

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

20 During the period of probation, respondent shall notify all present and prospective  
21 employers of the decision in case number 6843 and the terms, conditions and restrictions imposed  
22 on respondent by the decision, as follows:

23 Within 30 days of the effective date of this decision, and within 10 days of undertaking any  
24 new employment, Respondent shall report to the Board in writing the name, physical address, and  
25 mailing address of his employer, and the name and telephone number of all of his direct  
26 supervisors, as well as any pharmacist-in-charge, designated representative-in-charge, responsible  
27 manager, or other compliance supervisor and the work schedule, if known. Respondent shall also  
28 include the reason for leaving his prior employment. Respondent shall sign and return to the

1 Board a written consent authorizing the Board or its designee to communicate with all of  
2 Respondent's employers and supervisors, and authorizing those employers or supervisors to  
3 communicate with the Board or its designee, concerning Respondent's work status, performance,  
4 and monitoring. Failure to comply with the requirements or deadlines of this condition shall be  
5 considered a violation of probation.

6 Within 30 days of the effective date of this decision, and within 15 days of Respondent  
7 undertaking any new employment, Respondent shall cause (a) his direct supervisor, (b) his  
8 pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
9 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
10 Board in writing acknowledging that the listed individuals have read the decision in Case Number  
11 6843, and the terms and conditions imposed thereby. If one person serves in more than one role  
12 described in (a), (b), or (c), the acknowledgment shall so state. It shall be Respondent's  
13 responsibility to ensure that these acknowledgments are timely submitted to the Board. In the  
14 event of a change in the persons serving the roles described in (a), (b), or (c) during the term of  
15 probation, Respondent shall cause the person taking over the role to report to the Board in writing  
16 within 15 days of the change acknowledging that he or she has read the decision in Case Number  
17 6843, and the terms and conditions imposed thereby.

18 If Respondent works for or is employed by or through an employment service, Respondent  
19 must notify the persons described in (a), (b), and (c) above at every entity licensed by the Board  
20 of the decision in Case Number 6843, and the terms and conditions imposed thereby in advance  
21 of Respondent commencing work at such licensed entity. A record of this notification must be  
22 provided to the Board upon request.

23 Furthermore, within 30 days of the effective date of this decision, and within 15 days of  
24 Respondent undertaking any new employment by or through an employment service, Respondent  
25 shall cause the persons described in (a), (b), and (c) above at the employment service to report to  
26 the Board in writing acknowledging that he or she has read the decision in Case Number 6843,  
27 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure  
28 that these acknowledgments are timely submitted to the Board.

1 Failure to timely notify present or prospective employers or failure to cause the identified  
2 persons with those employers to submit timely written acknowledgments to the Board shall be  
3 considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,  
5 temporary, relief, or employment/management service position as a Pharmacist, or any position  
6 for which a Pharmacist License is a requirement or criterion for employment, whether the  
7 Respondent is an employee, independent contractor, or volunteer.

8 **7. Notification of Change in Name, Address, or Phone Number**

9 Respondent shall further notify the board in writing within 10 days of any change in name,  
10 residence address, mailing address, e-mail address, or phone number. Failure to timely notify the  
11 Board of any change in employer, name, address, or phone number shall be considered a violation  
12 of probation.

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

14 During the period of probation, Respondent shall not supervise any intern pharmacist or  
15 serve as a consultant to any entity licensed by the Board. Respondent may be a pharmacist-in-  
16 charge, designated representative-in-charge, responsible manager, or other compliance supervisor  
17 of any single entity licensed by the Board, but only if Respondent or that entity retains, at his or  
18 its expense, an independent consultant who shall be responsible for reviewing the operations of  
19 the entity on a monthly basis for compliance by Respondent and the entity with state and federal  
20 laws and regulations governing the practice of the entity, and compliance by Respondent with the  
21 obligations of his supervisory position. Respondent may serve in such a position at only one  
22 entity licensed by the Board, only upon approval by the Board or its designee. Any such approval  
23 shall be site specific ("Approved Site").

24 If Respondent currently serves as pharmacist-in-charge, designated representative-in-  
25 charge, responsible manager, or other compliance supervisor of more than one entity licensed by  
26 the Board, within 15 days of the effective date of this decision, Respondent shall resign from the  
27 position at all entities other than the Approved Site, and provide the name and contact  
28 information of his replacement to the Board.

1 The consultant shall be a pharmacist licensed by and not on probation with the Board, who  
2 has been approved by the Board or its designee to serve in this position. Respondent shall submit  
3 the name of the proposed consultant to the Board or its designee for approval within 30 days of  
4 the effective date of the decision or prior to assumption of duties allowed in this term.  
5 Assumption of any unauthorized supervision responsibilities shall be considered a violation of  
6 probation. In addition, failure to timely seek approval for, timely retain, or ensure timely  
7 reporting by the consultant shall be considered a violation of probation.

8 **9. Reimbursement of Board Costs**

9 As a condition precedent to successful completion of probation, Respondent shall pay to the  
10 Board its costs of investigation and prosecution in the amount of \$6,500.00. Respondent shall be  
11 permitted to pay these costs in a payment plan approved by the Board or its designee, so long as  
12 full payment is completed no later than one year prior to the end date of probation. There shall be  
13 no deviation from the approved payment plan absent prior written approval by the Board or its  
14 designee. Failure to pay costs by the deadlines as directed shall be considered a violation of  
15 probation.

16 **10. Probation Monitoring Costs**

17 Respondent shall pay any costs associated with probation monitoring as determined by the  
18 Board each year of probation. Such costs shall be payable to the Board on a schedule as directed  
19 by the Board or its designee. Failure to pay such costs by the deadlines as directed shall be  
20 considered a violation of probation.

21 **11. Status of License**

22 Respondent shall, at all times while on probation, maintain an active, current Pharmacist  
23 License with the Board, including any period during which suspension or probation is tolled.  
24 Failure to maintain an active, current Pharmacist License shall be considered a violation of  
25 probation. If Respondent's Pharmacist License expires or is cancelled by operation of law or  
26 otherwise at any time during the period of probation, including any extensions thereof due to  
27 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all  
28 terms and conditions of this probation not previously satisfied.

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

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 his license, including any indicia of licensure issued by the Board,  
5 along with a request to surrender the license. The Board or its designee shall have the discretion  
6 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
7 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to  
8 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
9 become a part of the Respondent’s license history with the Board.

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

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

17           Except during periods of suspension, Respondent shall, at all times while on probation, be  
18 employed as a Pharmacist in California for a minimum of 80 hours per calendar month. Any  
19 month during which this minimum is not met shall extend the period of probation by one month.  
20 During any such period of insufficient employment, Respondent must nonetheless comply with  
21 all terms and conditions of probation, unless Respondent receives a waiver in writing from the  
22 Board or its designee.

23           If Respondent does not practice as a Pharmacist in California for the minimum number of  
24 hours in any calendar month, for any reason (including vacation), Respondent shall notify the  
25 Board in writing within 10 days of the conclusion of that calendar month. This notification shall  
26 include at least: the dates, locations, and hours of last practice; the reason for the interruption or  
27 reduction in practice; and the anticipated date on which Respondent will resume practice at the  
28 required level. Respondent shall further notify the Board in writing within 10 days following the

1 next calendar month during which Respondent practices as a Pharmacist in California for the  
2 minimum of hours. Any failure to timely provide such notifications shall be considered a  
3 violation of probation.

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

#### 8 14. Remedial Education

9 Within 30 days of the effective date of this decision, Respondent shall submit to the Board  
10 or its designee, for prior approval, an appropriate program of remedial education related to  
11 pharmacy operations and law. The program of remedial education shall consist of at least 10  
12 hours for each year of probation, 50% of which must be a live webinar or in-person training. The  
13 remedial education shall be at Respondent's expense. All remedial education shall be in addition  
14 to, and shall not be credited toward, continuing education (CE) courses used for license renewal  
15 purposes for pharmacists.

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

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

#### 25 15. Ethics Course

26 Within 60 calendar days of the effective date of this decision, Respondent shall enroll in a  
27 course in ethics, at Respondent's expense, approved in advance by the Board or its designee that  
28 complies with Title 16 California Code of Regulations section 1773.5. Respondent shall provide

1 proof of enrollment upon request. Within five days of completion, Respondent shall submit a  
2 copy of the certificate of completion to the Board or its designee. Failure to timely enroll in an  
3 approved ethics course, to initiate the course during the first year of probation, to successfully  
4 complete it before the end of the second year of probation, or to timely submit proof of  
5 completion to the board or its designee, shall be considered a violation of probation.

6 **16. No New Ownership or Management of Licensed Premises**

7 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
8 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
9 business, firm, partnership, or corporation licensed by the Board. If Respondent currently owns  
10 or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,  
11 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
12 or hereinafter licensed by the Board, Respondent may continue to serve in such capacity or hold  
13 that interest, but only to the extent of that position or interest as of the effective date of this  
14 decision. Violation of this restriction shall be considered a violation of probation.

15 **17. Violation of Probation**

16 If Respondent has not complied with any term or condition of probation, the Board shall  
17 have continuing jurisdiction over Respondent, and the Board shall provide notice to Respondent  
18 that probation shall automatically be extended, until all terms and conditions have been satisfied  
19 or the Board has taken other action as deemed appropriate to treat the failure to comply as a  
20 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
21 Board or its designee may post a notice of the extended probation period on its website.

22 If Respondent violates probation in any respect, the Board, after giving Respondent notice  
23 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
24 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during  
25 probation, or the preparation of an accusation or petition to revoke probation is requested from  
26 the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of  
27 probation shall be automatically extended until the petition to revoke probation or accusation is  
28

1 heard and decided, and the charges and allegations in Accusation Number 6843 shall be deemed  
2 true and correct.

3 **18. Completion of Probation**

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

6  
7 **ACCEPTANCE**

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Martha M. Rumore, Esq. I understand the stipulation and the  
10 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and  
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Board of Pharmacy.

13  
14 DATED: \_\_\_\_\_

\_\_\_\_\_ SHUKRI F. SALIBA  
*Respondent*

15  
16  
17 I have read and fully discussed with Respondent Shukri F. Saliba the terms and conditions  
18 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
19 its form and content.

20  
21 DATED: \_\_\_\_\_

\_\_\_\_\_ MARTHA M. RUMORE  
FRIER LEVITT  
*Attorneys for Respondent*

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2 true and correct.

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11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
12 Decision and Order of the Board of Pharmacy.

13

14 DATED: 12/4/2020

  
\_\_\_\_\_  
SHUKRI F. SALIBA  
*Respondent*

15

16

17 I have read and fully discussed with Respondent Shukri F. Saliba the terms and conditions  
18 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
19 its form and content.

20

21 DATED: \_\_\_\_\_

\_\_\_\_\_  
MARTHA M. RUMORE  
FRIER LEVITT  
*Attorneys for Respondent*

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7

**ACCEPTANCE**

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DATED: \_\_\_\_\_

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SHUKRI F. SALIBA  
*Respondent*

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DATED: 12/4/20 \_\_\_\_\_

*Martha M. Rumore*  
MARTHA M. RUMORE  
FRIER LEVITT  
*Attorneys 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  
THEODORE S. DRGAR  
Supervising Deputy Attorney General

DANIEL J. CROSS  
Deputy Attorney General  
*Attorneys for Complainant*

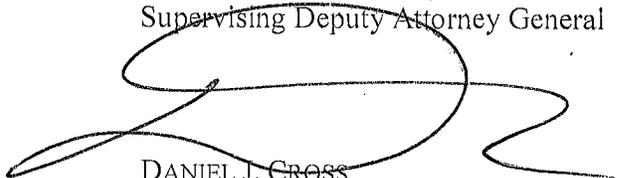
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ENDORSEMENT

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

DATED: 12/4/28

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
THEODORE S. DRCAR  
Supervising Deputy Attorney General



DANIEL J. CROSS  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation Number 6843**

1 XAVIER BECERRA  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DANIEL J. CROSS  
Deputy Attorney General  
4 State Bar No. 203017  
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P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9058  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

13 In the Matter of the First Amended Accusation  
Against:

14 **SHUKRI F. SALIBA**  
15 3 Linda Isle  
Newport Beach, CA 92660

16 Pharmacist License No. RPH 45530

17 Respondent.  
18

Case No. 6843

OAH No. 2020060398

**FIRST AMENDED ACCUSATION**

19 **PARTIES**

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

23 2. On August 14, 1992, the Board issued Pharmacist License Number RPH 45530 to  
24 Shukri F. Saliba (Respondent). The Pharmacist License was in full force and effect at all times  
25 relevant to the charges brought herein and will expire on August 31, 2020, unless renewed.

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**JURISDICTION**

3. This First Amended Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4011 of the Code states that the Board shall administer and enforce both the Pharmacy Law (Code §§ 4000, *et seq.*) and the Uniform Controlled Substances Act (Health & Safety Code, §§ 11000, *et seq.*).

5. Section 4300 of the Code states, in pertinent part:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

...

6. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a 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.

**STATUTORY PROVISIONS**

7. Section 4076, subsection (a)(6), of the Code states:

(a) A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following:

...

(6) The name and address of the pharmacy, and prescription number or other means of identifying the prescription.

....

1           8.     Section 4077 of the Code provides that except as provided in subdivisions (b) and (c)  
2 of this section, no person shall dispense any dangerous drug upon prescription except in a  
3 container correctly labeled with the information required by Section 4076.

4           9.     Section 4081, subdivisions (a) and (b), of the Code states:

5                 (a) All records of manufacture and of sale, acquisition, or disposition of  
6 dangerous drugs or dangerous devices shall be at all times during business hours  
7 open to inspection by authorized officers of the law, and shall be preserved for at  
8 least three years from the date of making. A current inventory shall be kept by  
9 every . . . pharmacy . . . who maintains a stock of dangerous drugs or dangerous  
10 devices.

11                (b) The owner, officer, and partner of any pharmacy, wholesaler, or  
12 veterinary food-animal drug retailer shall be jointly responsible, with the  
13 pharmacist-in-charge or representative-in-charge, for maintaining the records and  
14 inventory described in this section.

15           10.    Section 4301 of the Code states:

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

19                . . .

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

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

25                . . .

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

28                . . .

              (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  
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  
regulatory agency.

              11.   Code section 4307, subdivision (a), states that:

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 or 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 manger, administrator, owner, member, officer, director, associate,

1 partner, or any other person with management or control had knowledge of or  
2 knowingly participated in any conduct for which the license was denied, revoked,  
3 suspended, or placed on probation, shall be prohibited from serving as a manger,  
4 administrator, owner, member, officer, director, associate, partner, or any other  
5 position with management or control of a licensee as follows:

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

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

11 12. Health and Safety Code section 11165, subdivision (d), requires that for each  
12 prescription of a Schedule II, Schedule III, or Schedule IV controlled substance, the dispensing  
13 pharmacy shall provide certain statutorily designated information to the Department of Justice on  
14 a weekly basis and in a format specified by the Department of Justice.

### 15 **COST RECOVERY**

16 13. Section 125.3 of the Code provides that the Board may ask the administrative law  
17 judge to direct a licentiate found to have committed a violation or violations of the licensing act to  
18 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### 19 **FACTUAL ALLEGATIONS**

20 14. On July 26, 2018, the Board received an online complaint from an insurance  
21 investigator regarding St. Luke Pharmacy # 5 located on Whittier Boulevard in Los Angeles (the  
22 Whittier Pharmacy). The complaint alleged the insurance investigator had discovered several  
23 prescriptions from other pharmacies in the return-to-stock inventory shelves and the will-call area  
24 at the Whittier Pharmacy. Most of the prescriptions in the return-to-stock area had stickers with  
25 the Whittier Pharmacy's name, address, and phone number placed over the top portion of the  
26 prescription label.

27 15. On October 16, 2018, a Board inspector (Inspector) conducted an investigation of the  
28 Whittier Pharmacy. The Inspector also discovered return-to-stock and will-call prescriptions  
from other pharmacies at the Whittier Pharmacy. The other pharmacies are St Luke Pharmacy  
Inc. located on Paramount Boulevard in Paramount, California (the Paramount Pharmacy), and St  
Luke Pharmacy # 4 located on Clark Avenue in Bellflower, California (the Clark Pharmacy).  
Respondent is the Registered Pharmacist and owner of all three pharmacies.

1           16. Like the prescriptions the insurance investigator discovered, the prescriptions the  
2 Inspector discovered also had stickers with the Whittier Pharmacy's information over part of the  
3 label. Respondent and pharmacy staff later informed the Inspector they had used Clark Pharmacy  
4 prescription labels on Whittier Pharmacy prescriptions during September 2018.

5           17. The corresponding receipt for each prescription found in the will-call area indicated it  
6 was filled at the Clark Pharmacy. Whittier Pharmacy staff informed the Inspector these  
7 prescriptions were filled either at the Clark Pharmacy or at the Paramount Pharmacy, and then  
8 delivered to the Whittier Pharmacy at the patient's request. In other words, the Whittier  
9 Pharmacy held for sale prescriptions filled by the Clark Pharmacy and the Paramount Pharmacy.

10           18. Whittier Pharmacy staff was not able to locate invoices, transfer slips, sales receipts,  
11 or any other records of transfer related to any of the Paramount Pharmacy or Clark Pharmacy  
12 prescriptions found in the Whittier Pharmacy's return-to-stock area.

13           19. The Inspector requested (among other information and documentation) a complete  
14 explanation of how prescriptions like those identified during the inspection are transferred  
15 between pharmacies, billed to insurance, and processed as return-to-stock after a failed delivery.  
16 The Inspector also requested copies of all invoices, transfers, sales receipts, and the computer  
17 prescription dispensing history with dispensing and return-to-stock dates, for several of these  
18 prescriptions.

19           20. After the inspection, Respondent provided the Inspector with some of the requested  
20 documentation. The documentation from Respondent included a falsified "In-Store Transfer  
21 Invoice" indicating the prescriptions at issue were transferred to the Whittier Pharmacy on  
22 January 10, 2018. Subsequent documentation, however, revealed that some of these prescriptions  
23 were not filled until after January 10<sup>th</sup> and could not have been transferred until after that date.

24           21. Respondent also submitted documentation with false billing information. The  
25 prescription histories Respondent submitted indicated the prescriptions in question had been  
26 returned-to-stock on various dates from January 10, 2018 to February 1, 2018.<sup>1</sup> Further

27 \_\_\_\_\_  
28 <sup>1</sup> A prescription cannot be returned-to-stock without reversing the amount billed to the  
insurer for the prescription.

1 documentation later indicated, however, that billing was not reversed on these prescriptions until  
2 October 16, 2018 when the Inspector discovered them in the return-to-stock inventory at the  
3 Whitter Pharmacy.

4 22. The Inspector also discovered that since the date it was first issued a license, the  
5 Whittier Pharmacy had never reported any data to the Controlled Substance Utilization Review  
6 and Evaluation System (CURES) as required by law.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Unprofessional Conduct / Fraudulent Billing)**

9 23. Respondent is subject to disciplinary action under Code section 4301, subdivisions (f)  
10 and (g), in that he committed an act involving moral turpitude, dishonesty, fraud, and deceit  
11 when, among other things, he provided the Inspector with false documentation and improperly  
12 billed for returned-to-stock prescriptions as more fully set forth in paragraphs 13 through 21  
13 above, which are incorporated herein by reference.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Inventory Accountability)**

16 24. Respondent is subject to disciplinary action under Code section 4081, subdivisions (a)  
17 and (b), in that he failed to maintain inventory accountability by, among other things, transferring  
18 prescriptions between pharmacies without documentation as more fully set forth in paragraphs 13  
19 through 21 above, which are incorporated herein by reference.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Incorrectly Labeled Prescriptions)**

22 25. Respondent is subject to disciplinary action under Code section 4076, subdivision  
23 (a)(6), and Code section 4077, subdivisions (b) and (c), in that his pharmacies filled and  
24 dispensed prescriptions with incorrect labels as more fully set forth in paragraphs 13 through 21  
25 above, which are incorporated herein by reference.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Report CURES Data)**

3 26. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)  
4 and (o), for violating Health and Safety Code section 11165, subdivision (d), in that he failed to  
5 submit required information to the CURES as more fully set forth in paragraphs 13 through 21  
6 above, which are incorporated herein by reference.

7 **OTHER MATTERS**

8 27. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License  
9 Number RPH 45530 issued to Shukri F. Saliba, Respondent Saliba shall be prohibited from  
10 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
11 licensee for five years if Pharmacist License Number RPH 45530 is placed on probation, or until  
12 Pharmacist License Number RPH 45530 is reinstated if it is revoked.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacist License Number RPH 45530 issued to Shukri F.  
17 Saliba;

18 2. Prohibiting Respondent Shukri F. Saliba from serving as a manger, administrator,  
19 owner, member, officer, director, associate, partner, or any other position with management or  
20 control of a licensee for five years if Pharmacist License Number RPH 45530 is placed on  
21 probation, or until Pharmacist License Number RPH 45530 is reinstated if Pharmacist License  
22 Number RPH 45530 is revoked;

23 3. Ordering Shukri F. Saliba to pay the Board the reasonable costs of the investigation  
24 and enforcement of this case, pursuant to Code section 125.3; and

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

DATED: 11/16/2020

Signature on File

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

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