



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

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



APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACIST / INTERN LICENSE


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

Name of Licensee: Ahmed Eldahmy	Case No. 7034
Address of Record: 2251 San Diego ave A100 San Diego CA 92110 	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. 7034, I hereby request to surrender my license, License No. 66936. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

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

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



09/18/2024

Applicant's Signature

Date

Ahmed Eldahmy

66936

Applicant's Printed Name

Applicant's License Number

Executive Officer's Approval

Date

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

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

In the Matter of the Accusation Against:

**ELDAHMY WELLNESS PHARMACY INC., dba
ELDAHMY WELLNESS PHARMACY,
Pharmacy Permit No. PHY 55929;**

**AHMED S. EL DAHMY,
Pharmacist License No. RPH 66936,
Advanced Practice Pharmacist No. APH 10519;**

and

**ELDAHMY PHARMACY INC., dba
ELDAHMY WELLNESS PHARMACY,
Pharmacy Permit No. PHY 56944,**

Respondents.

Agency Case No. 7034

OAH No. 2022040412

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 May 3, 2024.

It is so ORDERED on April 3, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

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.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 KRISTEN T. DALESSIO
Deputy Attorney General
4 State Bar No. 149081
600 West Broadway, Suite 1800
5 San Diego, CA 92101
Telephone: (619) 738-9551
6 Facsimile: (619) 645-2061
E-mail: Kristen.Dalessio@doj.ca.gov
7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

14 **ELDAHMY WELLNESS PHARMACY,**
15 **INC., DBA ELDAHMY WELLNESS**
16 **PHARMACY**
1985 National Ave., Suite 1103
San Diego, CA 92113

17 **Pharmacy Permit No. PHY 55929,**

18 **AHMED S. EL DAHMY**
19 **4281 Maryland Street**
San Diego, CA 92103

20 **Pharmacist License No. RPH 66936**
21 **Advanced Practice Pharmacist No. APH**
22 **10519,**

23 **and**

24 **ELDAHMY PHARMACY INC., DBA**
25 **ELDAHMY WELLNESS PHARMACY**
7509 Draper Ave., Unit A
La Jolla, CA 92037

26 **Pharmacy Permit No. PHY 56944**

27 Respondents.
28

Case No. 7034

OAH No. 2022040412

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
ELDAHMY WELLNESS PHARMACY,
INC., DBA ELDAHMY WELLNESS
PHARMACY – SAN DIEGO (PHY
55929); ELDAHMY PHARMACY INC.,
DBA ELDAHMY WELLNESS
PHARMACY -- LA JOLLA (PHY 56944);
AHMED S. ELDAHMY (APH 10519 and
RPH 66936)**

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 Kristen T. Dalessio, Deputy Attorney
7 General.

8 2. On or about February 17, 2012, the Board issued Pharmacist License Number RPH
9 66936 to Ahmed S. Eldahmy (Respondent Ahmed S. Eldahmy). The Pharmacist License was in
10 full force and effect at all times relevant to the charges brought herein and will expire on March
11 31, 2025, unless renewed.

12 3. On or about December 1, 2017, the Board issued Pharmacy Permit Number PHY
13 55929 to Eldahmy Wellness Pharmacy, Inc., dba Eldahmy Wellness Pharmacy located at 1985
14 National Ave., Ste. 1103, San Diego, CA 92113 (Respondent Eldahmy Wellness – San Diego).
15 Respondent Ahmed S. Eldahmy is the sole director, shareholder and owner of Eldahmy Wellness
16 Pharmacy – San Diego. The Pharmacy Permit was in full force and effect at all times relevant to
17 the charges brought herein and will expire on December 1, 2024, unless renewed.

18 4. On or about March 29, 2019, the Board issued Advanced Practice Pharmacist License
19 Number APH 10519 to Respondent Ahmed S. Eldahmy. The Advanced Practice Pharmacist
20 License was in full force and effect at all times relevant to the charges brought herein, expired on
21 March 31, 2023. It has not been renewed and has been suspended.

22 5. On or about April 24, 2019, the Board issued Pharmacy Permit Number PHY 56944
23 to Eldahmy Pharmacy, Inc., dba Eldahmy Wellness Pharmacy located at 7509 Draper Ave., Unit
24 A, La Jolla, CA 92037 (Respondent Eldahmy Wellness – La Jolla). Respondent Ahmed S.
25 Eldahmy is the sole director, shareholder and owner of Eldahmy Wellness Pharmacy – La Jolla.
26 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
27 herein and is delinquent. The license was cancelled on December 28, 2020, due to
28 discontinuance of business.

6. Respondent Eldahmy Wellness – San Diego and Respondent Eldahmy Wellness Pharmacy – La Jolla are acting in this proceeding through Respondent Ahmed S. Eldahmy, their sole director, shareholder and owner, who has been designated and authorized to enter into this agreement on their behalf.

7. Respondent Eldahmy Wellness Pharmacy – San Diego, Respondent Eldahmy Wellness Pharmacy – La Jolla, and Respondent Ahmed S. Eldahmy (sometimes, collectively Respondents) are represented in this proceeding by attorney Adam B. Brown, Esq., whose address is: 3848 W. Carson Street, Suite 206, Torrance, CA 90503.

JURISDICTION

8. First Amended Accusation No. 7034 was filed before the Board, and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on November 15, 2021. Respondents timely filed their Notices of Defense. On May 9, 2023, the First Amended Accusation and all other statutorily required documents were properly served on Respondents. A copy of First Amended Accusation No. 7034 was filed before the Board and is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

9. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in First Amended Accusation No. 7034. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

10. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended 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.

11. Respondents hereby voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

12. Respondents understand and agree that the charges and allegations in First Amended Accusation No. 7034, if proven at a hearing, constitute cause for imposing discipline upon their respective Pharmacy Permits and Pharmacist Licenses.

13. For the purpose of resolving the First Amended Accusation without the expense and uncertainty of further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual basis for the charges in the First Amended Accusation, that those charges constitute causes for discipline, and that Respondents hereby give up their rights to contest those charges.

14. Respondent Eldahmy Wellness Pharmacy – San Diego, Respondent Eldahmy Wellness Pharmacy – La Jolla, and Respondent Ahmed S. El Dahmy understand that by signing this stipulation, they enable to Board to issue an order accepting the surrender of their respective Pharmacy Permits and Advanced Practice Pharmacist License without further process.

15. Respondent Ahmed S. Eldahmy agrees that his Pharmacy License, Number RPH 66936, is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

16. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by 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 Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between

1 the parties, and the Board shall not be disqualified from further action by having considered this
2 matter.

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

6 18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
11 writing executed by an authorized representative of each of the parties.

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

15 **DISCIPLINARY ORDER**

16 ***AS TO RESPONDENT ELDAHMY WELLNESS PHARMACY – LA JOLLA***

17 IT IS HEREBY ORDERED that Pharmacy Permit Number PHY 56944 issued to
18 Respondent Eldahmy Wellness Pharmacy – La Jolla is surrendered and accepted by the Board.

19 1. The surrender of Respondent Eldahmy Wellness Pharmacy – La Jolla’s Pharmacy
20 Permit Number PHY 56944 and the acceptance of the surrendered permit by the Board shall
21 constitute the imposition of discipline against Respondent Eldahmy Wellness Pharmacy – La
22 Jolla’s Pharmacy Permit. This stipulation shall constitute a record of discipline and shall become
23 part of Respondent Eldahmy Wellness Pharmacy – La Jolla’s license history with the Board.
24 Respondent Eldahmy Wellness Pharmacy – La Jolla understands and acknowledges that for
25 purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a
26 revocation.

1 2. Respondent Eldahmy Wellness Pharmacy – La Jolla shall lose all rights and
2 privileges as a pharmacy in California as of the effective date of the Board’s decision and Order
3 to the extent not previously lost.

4 3. Respondent Eldahmy Wellness Pharmacy – La Jolla understands and agrees that if it
5 ever files an application for licensure of a licensed premises or a petition for reinstatement in the
6 State of California, the Board shall treat the application or petition as a new application for
7 licensure.

8 4. Respondent Eldahmy Wellness Pharmacy – La Jolla may not reapply for any license
9 from the Board for three (3) years from the effective date of this decision. It stipulates that should
10 it apply for any license from the Board on or after the effective date of this decision, all
11 allegations set forth in First Amended Accusation Nos. 7034 shall be deemed to be true, correct
12 and admitted by the applicant when the Board determines whether to grant or deny an application.

13 5. If Respondent Eldahmy Wellness Pharmacy – La Jolla applies for any license from
14 the Board, it shall satisfy all requirements applicable to that license as of the date the application
15 is submitted to the Board.

16 6. Respondent Eldahmy Wellness Pharmacy – La Jolla’s admissions made herein are
17 only for the purposes of this proceeding, or any other proceedings in which the Board or other
18 professional licensing agency is involved, and shall not be admissible in any other criminal or
19 civil proceeding.

20 7. Respondent Eldahmy Wellness Pharmacy – La Jolla shall relinquish its Pharmacy
21 Permit, and any indicia of licensure by the Board, including but not limited to wall and renewal
22 license certificates, within five (5) days of the effective date of this decision.

23 ***AS TO RESPONDENT ELDAHMY WELLNESS PHARMACY – SAN DIEGO***

24 IT IS HEREBY FURTHER ORDERED that Pharmacy Permit Number PHY 55929 issued
25 to Respondent Eldahmy Wellness Pharmacy – San Diego is surrendered and accepted by the
26 Board. However, the surrender of Pharmacy Permit Number PHY 55929 is stayed for a period of
27 120 days from the effective date of the Decision and Order, by which time the pharmacy shall be
28 closed or sold. In addition, Respondent Eldahmy Wellness Pharmacy – San Diego shall designate

1 a new Pharmacist-in-Charge within 14 days of signature of the Stipulated Settlement.

2 1. The surrender of Respondent Eldahmy Wellness Pharmacy – San Diego’s Pharmacy
3 Permit Number 55929 and the acceptance of the surrendered permit by the Board shall constitute
4 the imposition of discipline against Respondent Eldahmy Wellness Pharmacy – San Diego’s
5 Pharmacy Permit. This stipulation shall constitute a record of discipline and shall become part of
6 Respondent Eldahmy Wellness Pharmacy – San Diego’s license history with the Board.
7 Respondent Eldahmy Wellness Pharmacy – San Diego understands and acknowledges that for
8 purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a
9 revocation.

10 2. Respondent Eldahmy Wellness Pharmacy – San Diego shall lose all rights and
11 privileges as a pharmacy in California as of the effective date of the Board’s decision and Order
12 to the extent not previously lost.

13 3. Respondent Eldahmy Wellness Pharmacy – San Diego understands and agrees that if
14 it ever files application for licensure of a licensed premises or a petition for reinstatement in the
15 State of California, the Board shall treat the application or petition as a new application for
16 licensure.

17 4. Respondent Eldahmy Wellness Pharmacy – San Diego may not reapply for any
18 license from the Board for three (3) years from the effective date of this decision. It stipulates
19 that should it apply for any license from the Board on or after the effective date of this decision,
20 all allegations set forth in First Amended Accusation Nos. 7034 shall be deemed to be true,
21 correct and admitted by the applicant when the Board determines whether to grant or deny an
22 application.

23 5. If Respondent Eldahmy Wellness Pharmacy – San Diego applies for any license from
24 the Board, it shall satisfy all requirements applicable to that license as of the date the application
25 is submitted to the Board.

26 6. Respondent Eldahmy Wellness Pharmacy – San Diego’s admissions made herein are
27 only for the purposes of this proceeding, or any other proceedings in which the Board or other
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1 professional licensing agency is involved, and shall not be admissible in any other criminal or
2 civil proceeding.

3 7. Respondent Eldahmy Wellness Pharmacy – San Diego shall relinquish its Pharmacy
4 Permit, and any indicia of licensure by the Board, including but not limited to wall and renewal
5 license certificates, within 120 days of the effective date of this decision.

6 8. Respondent Eldahmy Wellness Pharmacy – San Diego’s pharmacy shall be sold
7 within 120 days of the effective date of the decision. In the event that this pharmacy is not sold
8 within this time frame, Respondent Eldahmy Wellness Pharmacy – San Diego shall, within ten
9 (10) days of the lapse of 120 days from the effective date, arrange for the destruction of, the
10 transfer to, sale of or storage in a facility licensed by the Board of all controlled substances and
11 dangerous drugs and devices. Respondent Eldahmy Wellness Pharmacy – San Diego shall
12 further provide written proof of such disposition and shall submit a completed Discontinuance of
13 Business form according to Board guidelines.

14 9. In the event that Respondent Eldahmy Wellness Pharmacy – San Diego’s pharmacy is
15 not sold within 120 days of the effective date of the decision, Respondent Eldahmy Wellness
16 Pharmacy – San Diego shall within ten (10) days of the lapse of 120 days from the effective date,
17 also arrange for the continuation of care for ongoing patients of the pharmacy by, at minimum,
18 providing written notice to ongoing patients that specifies the anticipated closing date of the
19 pharmacy and that identifies one or more area pharmacies capable of resuming the patients’ care,
20 and by cooperating as may be necessary in the transfer of records or prescriptions for ongoing
21 patients. Within five (5) days of its provision to the pharmacy’s ongoing patients, Respondent
22 Eldahmy Wellness Pharmacy – San Diego shall provide a copy of the written notice to the Board.
23 For the purposes of this provision, “ongoing patients” means those patients for whom the
24 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
25 pharmacy has filled a prescription within the preceding sixty (60) days.
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1 ***AS TO RESPONDENT AHMED S. ELDAHMY (APH 10519)***

2 IT IS HEREBY FURTHER ORDERED that Advanced Practice Pharmacist License
3 Number APH 10519 issued to Ahmed S. Eldahmy is surrendered and accepted by the Board.

4 1. The surrender of Advanced Practice Pharmacist License Number APH 10519 issued
5 to Ahmed S. Eldahmy and the acceptance of the surrendered license by the Board shall constitute
6 the imposition of discipline against Respondent Ahmed S. Eldahmy. This stipulation shall
7 constitute a record of discipline and shall become part of Respondent Ahmed S. Eldahmy's
8 license history with the Board. Respondent Ahmed S. Eldahmy understands and acknowledges
9 that for purposes of Business and Professions Code section 4307, this stipulated surrender is the
10 same as a revocation.

11 2. Respondent Ahmed S. Eldahmy shall lose all rights and privileges as an Advanced
12 Practice Pharmacist in California as of the effective date of the Board's decision and Order to the
13 extent not previously lost.

14 3. Respondent Ahmed S. Eldahmy understands and agrees that if he ever files an
15 application for licensure or a petition for reinstatement in the State of California as an Advanced
16 Practice Pharmacist, the Board shall treat the application or petition as a new application for
17 licensure.

18 4. Respondent Ahmed S. Eldahmy may not reapply for any license from the Board as an
19 Advanced Practice Pharmacist for three (3) years from the effective date of this decision. He
20 stipulates that should he apply for any license from the Board on or after the effective date of this
21 decision, all allegations set forth in First Amended Accusation Nos. 7034 shall be deemed to be
22 true, correct and admitted by the applicant when the Board determines whether to grant or deny
23 an application.

24 5. If Respondent Ahmed S. Eldahmy applies for any license as an Advanced Practice
25 Pharmacist from the Board, he shall satisfy all requirements applicable to that license as of the
26 date the application is submitted to the Board.

6. Respondent Ahmed S. Eldahmy's admissions herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

7. Respondent Ahmed S. Eldahmy shall relinquish the Advanced Practice Pharmacist License, and any indicia of licensure by the Board, including but not limited to wall and renewal license certificates, within five (5) days of the effective date of this decision.

AS TO RESPONDENT AHMED S. ELDAHMY (RPH 66936)

IT IS HEREBY FURTHER ORDERED that Pharmacist License Number RPH 66936 issued to Respondent Ahmed S. Eldahmy is revoked. However, the revocation is stayed and Respondent Ahmed S. Eldahmy is placed on probation for five (5) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

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

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

1 **2. Report to the Board**

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

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

11 **3. Interview with the Board**

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

17 **4. Cooperate with Board Staff**

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

24 **5. Continuing Education**

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

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

2 During the period of probation, respondent shall notify all present and prospective
3 employers of the decision in case number 7034 and the terms, conditions and restrictions imposed
4 on respondent by the decision, as follows:

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

16 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
17 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
18 the pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
19 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
20 board in writing acknowledging that the listed individual(s) has/have read the decision in case
21 number 7034, and terms and conditions imposed thereby. If one person serves in more than one
22 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
23 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
24 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
25 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
26 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
27 in case number 7034, and the terms and conditions imposed thereby.

1 If respondent works for or is employed by or through an employment service, respondent
2 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
3 of the decision in case number 7034, and the terms and conditions imposed thereby in advance of
4 respondent commencing work at such licensed entity. A record of this notification must be
5 provided to the board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
7 (15) days of respondent undertaking any new employment by or through an employment service,
8 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
9 to report to the board in writing acknowledging that he or she has read the decision in case
10 number 7034, and the terms and conditions imposed thereby. It shall be respondent's
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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

15 "Employment" within the meaning of this provision includes any full-time, part-time,
16 temporary, relief, or employment/management service position as a pharmacist, or any position
17 for which a pharmacist is a requirement or criterion for employment, whether the respondent is an
18 employee, independent contractor or volunteer.

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

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

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

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

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

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9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondents shall pay to the board its costs of investigation and prosecution in the amount of \$80,000.00. Respondents are jointly and severally liable for these costs of investigation and prosecution incurred in connection with First Amended Accusation 7034. If Respondent Eldahmy Wellness Pharmacy – San Diego sells the pharmacy within 120 days of the effective date, 50% of the costs shall be immediately due and payable to the Board with the balance to be paid in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation. If Respondent Eldahmy Wellness Pharmacy – San Diego does not sell the pharmacy within 120 days of the effective date, the entire balance is to be paid in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation for Respondent Ahmed S. Eldahmy.

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

10. Probation Monitoring Costs

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

11. Status of License

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

If respondent's Pharmacist License expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or

otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

12. License Surrender While on Probation/Suspension

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

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

13. Practice Requirement – Extension of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacist in California for a minimum of 100 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the board or its designee.

If respondent does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), respondent shall notify the board in writing within ten (10) days of the conclusion of that calendar month. This notification

1 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
2 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume
3 practice at the required level. Respondent shall further notify the board in writing within ten (10)
4 days following the next calendar month during which respondent practices as a pharmacist in
5 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
6 considered a violation of probation.

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

11 **14. Violation of Probation**

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

18 If respondent violates probation in any respect, the board, after giving respondent notice
19 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
20 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
21 probation, or the preparation of an accusation or petition to revoke probation is requested from
22 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
23 probation shall be automatically extended until the petition to revoke probation or accusation is
24 heard and decided, and the charges and allegations in First Amended Accusation No. 7034 shall
25 be deemed true and correct.

26 **15. Completion of Probation**

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

16. **Ethics Course**

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

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

Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within 120 days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam B. Brown, Esq. I understand the stipulation and the effect it will have on my Pharmacist License (RPH 66936), my Advanced Practice Pharmacist License (APH 10519), and Pharmacy Permits (PHY 55929 and PHY 56944). I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

AHMED S. ELDAHMY for himself and for
RESPONDENT ELDAHMY WELLNESS
PHARMACY – SAN DIEGO AND RESPONDENT
ELDAHMY WELLNESS PHARMACY –LA JOLLA
Respondents

I have read and fully discussed with Respondent Eldahmy Wellness Pharmacy – San Diego, Eldahmy Wellness Pharmacy – La Jolla and Respondent Ahmed S. Eldahmy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

ADAM B. BROWN, ESQ.
Attorney for Respondents

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Adam B. Brown, Esq. I understand the stipulation and the effect it will have on my Pharmacist License (RPII 66936), my Advanced Practice Pharmacist License (APH 10519), and Pharmacy Permits (PIIY 55929 and PIIY 56944). I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

2.7.2024



AHMED S. ELDAHMY for himself and for
RESPONDENT ELDAHMY WELLNESS
PHARMACY – SAN DIEGO AND RESPONDENT
ELDAHMY WELLNESS PHARMACY – LA JOLLA
Respondents

I have read and fully discussed with Respondent Eldahmy Wellness Pharmacy – San Diego, Eldahmy Wellness Pharmacy – La Jolla and Respondent Ahmed S. Eldahmy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED:

2/7/24



ADAM B. BROWN, ESQ.
Attorney for Respondents

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General

KRISTEN T. DALESSIO
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: February 7, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General


KRISTEN T. DALESSIO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7034

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 KRISTEN T. DALESSIO
Deputy Attorney General
4 State Bar No. 149081
600 West Broadway, Suite 1800
5 San Diego, CA 92101
Telephone: (619) 738-9551
6 Facsimile: (619) 645-2061
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 7034

13 **ELDAHMY WELLNESS PHARMACY,**
14 **INC., DBA ELDAHMY WELLNESS**
PHARMACY
15 **1985 National Ave, Suite 1103**
San Diego, CA 92113

FIRST AMENDED ACCUSATION

16 **Pharmacy Permit No. PHY 55929,**

17 **ELDAHMY PHARMACY INC.**
18 **DBA ELDAHMY WELLNESS**
PHARMACY
19 **7509 Draper Ave, Unit A**
La Jolla, CA 92037

20 **Pharmacy Permit No. PHY 56944,**

21 **and**

22 **AHMED S. EL DAHMY**
23 **4281 Maryland Street**
San Diego, CA 92103

24 **Pharmacist License No. RPH 66936**

25 **Advanced Practice Pharmacist License No.**
26 **APH 10519**

27 **Respondents.**
28

PARTIES

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

5 2. On or about December 1, 2017, the Board issued Pharmacy Permit Number PHY
6 55929 to Eldahmy Wellness Pharmacy, Inc., dba Eldahmy Wellness Pharmacy (Respondent
7 Eldahmy Wellness Pharmacy) located at 1985 National Ave., Ste. 1103, San Diego, CA 92113.
8 Ahmed S. El dahmy is the sole director, shareholder and owner of Eldahmy Wellness Pharmacy,
9 Inc. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
10 herein and will expire on December 1, 2023, unless renewed.

11 3. On or about April 24, 2019, the Board issued Pharmacy Permit Number PHY 56944
12 to Eldahmy Pharmacy, Inc., dba Eldahmy Wellness Pharmacy (Respondent Eldahmy Wellness
13 Pharmacy-La Jolla) located at 7509 Draper Ave., Unit A, La Jolla, CA 92037. Ahmed S. El
14 dahmy is the sole director, shareholder and owner of Eldahmy Pharmacy, Inc. The Pharmacy
15 Permit was in full force and effect at all times relevant to the charges brought herein and is
16 delinquent. The license was cancelled on December 28, 2020, due to discontinuance of business.

17 4. On or about February 17, 2012, the Board issued Pharmacist License Number RPH
18 66936 to Ahmed S. El dahmy (Respondent El dahmy). The Pharmacist License was in full force
19 and effect at all times relevant to the charges brought herein and will expire on March 31, 2025,
20 unless renewed.

21 5. On or about March 29, 2019, the Board issued Advanced Practice Pharmacist License
22 Number APH 10519 to Respondent El dahmy. The Advanced Practice Pharmacist License was
23 in full force and effect at all times relevant to the charges brought herein and expired on March
24 31, 2023.

25 ///

26 ///

27 ///

28 ///

INTRODUCTION

6. Respondent El dahmy was the Pharmacist-in-Charge of a retail pharmacy, Respondent Eldahmy Wellness Pharmacy for the following dates: from December 1, 2017 to August 6, 2019, from September 24, 2019 to February 25, 2020, and from June 22, 2020 to the present. Respondent El dahmy was the Pharmacist-in-Charge of Respondent Eldahmy Wellness Pharmacy – La Jolla from April 24, 2019 to December 28, 2020, when it ceased operating.

7. Commencing in at least 2018, Respondents engaged in a pattern of fraudulent, deceitful, dishonest and unprofessional conduct. For example, in October 2018, Respondent El dahmy materially misrepresented his experience in his application for an Advanced Practice Pharmacist (APP) License. Based upon his false representations, Respondent El dahmy was issued Advanced Practice Pharmacist License Number 10519 in March 2019. However, because Respondent Eldahmy Wellness Pharmacy dispensed emergency diabetes, blood pressure, asthma and other medications to patients based upon prescriptions by Respondent El dahmy, who did not have the required experience to authorize such prescriptions, Respondents furnished drugs without a valid prescription. (§ 4301, subds. (j) and (o), § 4059, subd. (a) § 4126.5, subd. (a)(5).)

8. Respondents also engaged in false, deceitful and unprofessional conduct by performing clinical laboratory serology tests for the presence of SARS-CoV-2 even though Respondent Eldahmy Wellness and Eldahmy Wellness Pharmacy – La Jolla were not registered or licensed by the State to perform such testing, nor were they certified at the federal level. Respondents also disseminated false and misleading statements on their website and in media interviews (Code § 4301, subds. (j) and (o) and 651, subds. (a), (b), and (g)) about their ability to conduct clinical laboratory serology tests and continued to conduct serological tests even after they were ordered to cease and desist by the California Department of Public Health.

9. Respondents also engaged in other dishonest and unprofessional conduct, including: Respondents deviated from prescriptions by billing and dispensing a different (and more expensive) medication (metformin ER – gastric) than what was prescribed (metformin ER)

///

1 (§ 4301, subds. (f), (j) and (o), § 4059, subd. (a), and title 16 CCR § 1716); Respondent El dahmy
2 misrepresented, under penalty of perjury, that he was not the prescriber of certain medications
3 and prescribed medications that he was not authorized to prescribe (§ 4301, subds. (f), (j) and (o),
4 § 4059, subd. (a), § 4126.5, subd. (a)(5), title 16 CCR § 1716 and Health and Safety Code,
5 § 11150); Respondent El dahmy engaged in an inappropriate exercise of his training, experience,
6 and education (§ 4301, subds. (f), (j) and (o), § 4306.5); Respondents failed to report their
7 controlled substance prescriptions to the Controlled Substance Utilization Review and Evaluation
8 Systems (CURES) (Health and Safety Code, § 11165, subd. (d)); Respondents altered their
9 dispensing records by deleting the patient profiles of certain patients and certain prescriptions
10 from the pharmacy's electronic dispensing records during the Board's investigation and took
11 other steps to subvert an investigation (§ 4301, subds. (f), (g) and (q), § 4081, subd. (a), and
12 § 4105, subds. (a) and (f)); and Respondents engaged in unprofessional conduct (§ 4301).

13 10. Respondents also committed a number of practice errors and demonstrated a repeated
14 pattern of noncompliance with Pharmacy Law, including failing to review patient profiles which
15 resulted in it dispensing the same medication multiple times (§ 4301, subds. (j) and (o) and title
16 16 CCR § 1707.3); committing multiple compounding errors including failing to record the
17 required information and maintain a compounding log (§ 4301, subds. (j) and (o) and title 16
18 CCR, § 1735.3, subd. (a)); compounding commercially available drugs that were not on the FDA
19 or the ASHP drug shortage lists (§ 4301, subds. (j) and (o), and title 16 CCR, § 1735.2, subd.
20 (d)(3)); compounding drug preparations without using a master formula (§ 4301, subds. (j) and
21 (o) and title 16 CCR, § 1735.2, subd. (e)); dispensing dangerous drugs in incorrectly labeled
22 containers (§ 4301, subds. (j) and (o), § 4077 and § 4078); and failing to obtain a pharmacist
23 signature on deliveries of dangerous drugs (§ 4301, subds. (j) and (o) and § 4059.5, subd. (a).)

24 **JURISDICTION**

25 11. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.
28

12. Code section 4011 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.*).

13. Code section 4300.1 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

14. Section 651, subdivisions (a), (b) and (g) of the Code states:

(a) It is unlawful for any person licensed under this division or under any initiative act referred to in this division to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which he or she is licensed. A “public communication” as used in this section includes, but is not limited to, communication by means of mail, television, radio, motion picture, newspaper, book, list or directory of healing arts practitioners, Internet, or other electronic communication.

(b) A false, fraudulent, misleading, or deceptive statement, claim, or image includes a statement or claim that does any of the following:

(1) Contains a misrepresentation of fact.

(2) Is likely to mislead or deceive because of a failure to disclose material facts.

(3) (A) Is intended or is likely to create false or unjustified expectations of favorable results, including the use of any photograph or other image that does not accurately depict the results of the procedure being advertised or that has been altered in any manner from the image of the actual subject depicted in the photograph or image.

(B) Use of any photograph or other image of a model without clearly stating in a prominent location in easily readable type the fact that the photograph or image is of a model is a violation of subdivision (a). For purposes of this paragraph, a model is anyone other than an actual patient, who has undergone the procedure being advertised, of the licensee who is advertising for his or her services.

(C) Use of any photograph or other image of an actual patient that depicts or purports to depict the results of any procedure, or presents “before” and “after” views of a patient, without specifying in a prominent location in easily readable type size what procedures were performed on that patient is a violation of subdivision (a). Any “before” and “after” views (i) shall be comparable in presentation so that the results are not distorted by favorable poses, lighting, or other features of presentation, and (ii) shall contain a statement that the same “before” and “after” results may not occur

1 for all patients.

2 (4) Relates to fees, other than a standard consultation fee or a range of fees for
3 specific types of services, without fully and specifically disclosing all variables and
4 other material factors.

5 (5) Contains other representations or implications that in reasonable probability will
6 cause an ordinarily prudent person to misunderstand or be deceived.

7 (6) Makes a claim either of professional superiority or of performing services in a
8 superior manner, unless that claim is relevant to the service being performed and can
9 be substantiated with objective scientific evidence.

10 (7) Makes a scientific claim that cannot be substantiated by reliable, peer reviewed,
11 published scientific studies.

12 (8) Includes any statement, endorsement, or testimonial that is likely to mislead or
13 deceive because of a failure to disclose material facts.

14 (g) Any violation of this section by a person so licensed shall constitute good cause for
15 revocation or suspension of his or her license or other disciplinary action.

16 15. Code section 4022 states:

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

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

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

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

27 16. Code section 4040, subdivision (a) states:

28 (a) "Prescription" means an oral, written, or electronic transmission order that is both
of the following:

(1) Given individually for the person or persons for whom ordered that includes all of
the following:

(A) The name or names and address of the patient or patients.

(B) The name and quantity of the drug or device prescribed and the directions for use.

(C) The date of issue.

(D) Either rubber stamped, typed, or printed by hand or typeset, the name, address,
and telephone number of the prescriber, the prescriber's license classification, and the
prescriber's federal registry number, if a controlled substance is prescribed.

1 (E) A legible, clear notice of the condition or purpose for which the drug is being
2 prescribed, if requested by the patient or patients.

3 (F) If in writing, signed by the prescriber issuing the order, or the certified nurse-
4 midwife, nurse practitioner, physician assistant, or naturopathic doctor who issues a
5 drug order pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or
6 the pharmacist who issues a drug order pursuant to Section 4052.1, 4052.2, or 4052.6.

7
8
9
10 17. Code section 4059, subdivision (a) states:

11 A person may not furnish any dangerous drug, exception upon the prescription of a
12 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
14 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
15 naturopathic doctor pursuant to Section 3640.7.

16
17 18. Code section 4059.5, subdivision (a) states:

18 (a) Except as otherwise provided in this chapter, dangerous drugs or dangerous
19 devices may only be ordered by an entity licensed by the board and shall be delivered
20 to the licensed premises and signed for and received by a pharmacist. Where a
21 licensee is permitted to operate through a designated representative, or in the case of a
22 reverse distributor a designated representative-reverse distributor, that individual shall
23 sign for and receive the delivery.

24
25 19. Code section 4076, subdivision (a)(4) states:

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

(4) The name of the prescriber or, if applicable, the name of the certified nurse-
midwife who functions pursuant to a standardized procedure or protocol described
in Section 2746.51, the nurse practitioner who functions pursuant to a standardized
procedure described in Section 2836.1 or protocol, the physician assistant who
functions pursuant to Section 3502.1, the naturopathic doctor who functions pursuant
to a standardized procedure or protocol described in Section 3640.5, or the pharmacist
who functions pursuant to a policy, procedure, or protocol pursuant to Section 4052.1,
4052.2, or 4052.6.

20 20. Code section 4077, subdivision (a) states:

21 (a) Except as provided in subdivisions (b) and (c), no person shall dispense any
22 information required by Section 4076.

23 21. Code section 4078, subdivision (a) states:

24 (1) No person shall place a false or misleading label on a prescription.

25 (2) No prescriber shall direct that a prescription be labeled with any information that

22. Code section 4081, subdivision (a) states:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

23. Code section 4105 states:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

...

(f) When requested by an authorized officer of the law or by an authorized

licensed by the board shall provide the board with the requested records within three business days of the time the request was made. The entity may request in writing an extension of this timeframe for a period not to exceed 14 calendar days from the date the records were requested. A request for an extension of time is subject to the approval of the board. An extension shall be deemed approved if the board fails to deny the extension request within two business days of the time the extension request was made directly to the board.

24. Code section 4113, subdivision (c) states:

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

25. Code section 4126.5, subdivision (a)(5) states:

A pharmacy may furnish dangerous drugs only to the following:

A patient or to another pharmacy pursuant to a prescription or as otherwise authorized by law.

26. Code section 4301 states in pertinent part:

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

(a) Procurement of a license by fraud or misrepresentation.

1 ...

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

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

6 ...

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

8 ...

9 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
10 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
11 regulations established by the board or any other state or federal regulatory agency.

12 ...

13 (q) Engaging in any conduct that subverts or attempts to subvert an investigation of

14 ...

15 27. Code section 4306.5, subdivision (a) states:

16 Unprofessional conduct for a pharmacist may include any of the following:

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

20 28. Code section 4307, subdivision (a) states:

21 Any person who has been denied a license or whose license has been revoked or is
22 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,
23 director, associate, or partner of any partnership, corporation, 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,
24 member, officer, director, associate, or partner had knowledge or knowingly
participated in any conduct for which the license was denied, revoked, suspended, or
25 placed on probation, shall be prohibited from serving as a manager, administrator,
owner, member, officer, director, associate, or partner of a licensee as follows:

26
27 (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.

28 (2) Where the license is denied or revoked, the prohibition shall continue until the

1 license is issued or reinstated.

2 29. Section 11150 of the Health and Safety Code states:

3 No person other than a physician, dentist, podiatrist, or veterinarian, or naturopathic
4 doctor acting pursuant to Section 3640.7 of the Business and Professions Code, or
5 pharmacist acting within the scope of a project authorized under Article 1
6 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107 or within
7 the scope of Section 4052.1, 4052.2 or 4052.6 of the Business and Professions Code,
8 a registered nurse acting within the scope of a project authorized under Article 1
9 (commencing with Section 128125) of Chapter 3 of Part 3 of Division 107, a certified
10 nurse-midwife acting within the scope of Section 2746.51 of the Business and
11 Professions Code, a nurse practitioner acting within the scope of Section 2836.1 of
12 the Business and Professions Code, a physician assistant acting within the scope of a
13 project authorized under Article 1 (commencing with Section 128125 of Chapter 3 of
14 the Business and Professions Code, a
15 naturopathic doctor acting within the scope of Section 3640.5 of the Business and
16 Professions Code, or an optometrist acting within the scope of Section 3041 of the
17 to Section 4005 of the Business and Professions Code shall write or issue a
18 prescription.

19 30. Section 11165, subdivision (d) of the Health and Safety Code states:

20 For each prescription for a Schedule II, Schedule III, Schedule IV, or Schedule V
21 controlled substance, as defined in the controlled substances schedules in federal law
22 and regulations, specifically Sections 1308.12, 1308.13, 1308.14, and 1308.15,
23 respectively, of Title 21 of the Code of Federal Regulations, the dispensing
24 pharmacy, clinic, or other dispenser shall report the following information to the
25 department or contracted prescription data processing vendor as soon as reasonably
26 possible, but not more than one working day after the date a controlled substance is
27 released to the patient or patient's representative, in a format specified by the
28 department:

(1) Full name, address, and, if available, telephone number 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, and the gender and date of birth of
the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier
(NPI) number, if applicable, the federal controlled substance registration number, and
the state medical license number of a prescriber using the federal controlled substance
registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal
controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) The International Statistical Classification of Diseases (ICD) Code contained in
the most current ICD revision, or any revision deemed sufficient by the State Board
of Pharmacy, if available.

1 (7) Number of refills ordered.

2 (8) Whether the drug was dispensed as a refill of a prescription or as a first-time
3 request.

4 (9) Prescribing date of the prescription.

5 (10) Date of dispensing of the prescription.

6 (11) The serial number for the corresponding prescription form, if applicable.

7 **REGULATORY PROVISIONS**

8 31. California Code of Regulations, title 16, section 1707.3 states:

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

13 32. California Code of Regulations, title 16, section 1716 states:

14 Pharmacists shall not deviate from the requirements of a prescription except upon the
15 prior consent of the prescriber or to select the drug product in accordance
16 with Section 4073 of the Business and Professions Code.

17 Nothing in this regulation is intended to prohibit a pharmacist from exercising
18 commonly-accepted pharmaceutical practice in the compounding or dispensing of a
19 prescription.

20 33. California Code of Regulations, title 16 sections 1735.2, subdivisions (d)(3) and (e)
21 state:

22 (d)(3) No pharmacy or pharmacist shall compound a drug preparation that: is a copy
23 or essentially a copy of one or more commercially available drug products, unless that
24 drug product appears on an ASHP (American Society of Health-System Pharmacists)
25 or FDA list of drugs that are on short supply at the time of compounding and at the
26 time of dispense, and the compounding of that drug preparation is justified by a
27 specific, documented medical need made known to the pharmacist prior to
28 compounding. The pharmacy shall retain a copy of the documentation of the shortage
and the specific medical need in the pharmacy records for three years from the date of
receipt of the documentation.

(e) A drug preparation shall not be compounded until the pharmacy has first prepared
a written master formula document that includes at least the following elements:

(1) Active ingredients to be used.

(2) Equipment to be used.

(3) The maximum allowable beyond use date for the preparation, and the rationale or
reference source justifying its determination.

1 (4) Inactive ingredients to be used.

2 (5) Specific and essential compounding steps used to prepare the drug.

3 (6) Quality reviews required at each step in preparation of the drug.

4 (7) Post-compounding process or procedures required, if any.

5 (8) Instructions for storage and handling of the compounded drug preparation.

6 34. California Code of Regulations, title 16, section 1735.3, subdivision (a) states:

7 For each compounded drug preparation, pharmacy records shall include:

8 (1) The master formula document.

9 (2) A compounding log consisting of a single document containing all of the
10 following:

11 (A) Name and Strength of the compounded drug preparation.

12 (B) The date the drug preparation was compounded.

13 (C) The identity of any pharmacy personnel engaged in compounding the drug
14 preparation.

15 (D) The identity of the pharmacist reviewing the final drug preparation.

16 (E) The quantity of each ingredient used in compounding the drug preparation.

17 (F) The manufacturer, expiration date and lot number of each component. If the
18 manufacturer name is demonstrably unavailable, the name of the supplier may be
19 substituted. If the manufacturer does not supply an expiration date for any
20 component, the records shall include the date of receipt of the component in the
21 pharmacy, and the limitations of section 1735.2, subdivision (l) shall apply.

22 (i) Exempt from the requirements in this paragraph (1735.3(a)(2)(F)) are sterile
23 preparations compounded in a single lot for administration within seventy-two (72)
24 hours to a patient in a health care facility licensed under section 1250 of the Health
25 and Safety Code and stored in accordance with standards for "Redispensed CSPs"
26 found in Chapter 797 of the United States Pharmacopeia - National Formulary
(USP37-NF32) Through 2nd Supplement (37th Revision, Effective December 1,
27 2014), hereby incorporated by reference.

28 (G) A pharmacy-assigned unique reference or lot number for the compounded drug
preparation.

(H) The beyond use date or beyond use date and time of the final compounded drug
preparation, expressed in the compounding document in a standard date and time
format.

(I) The final quantity or amount of drug preparation compounded for dispensing.

(J) Documentation of quality reviews and required post-compounding process and

1 procedures.

2 35. California Code of Regulations, title 16, section 1761, subdivision (a) states:

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

7 **COST RECOVERY**

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

12 **FACTUAL ALLEGATIONS**

13 **A. Allegations Regarding Material Misrepresentation In Connection with** 14 **Advanced Practice Application**

15 37. On or about October 31, 2018, Respondent El dahmy submitted an application for an
16 advanced practice pharmacist license to the Board. He certified under penalty of perjury under
17 the laws of the State of California to the truth and accuracy of all statements, answers and
18 representations made in his application, including his supplementary statements. He also
19 acknowledged that his license could be disciplined for fraud or misrepresentation.

20 38. He represented in the application that he qualified for an advanced practice
21 pharmacist license because he had: (a) a certification in a relevant area of practice, as required by
22 section 1730.1(a)(1) of title 16, California Code of Regulations; and (b) experience earned
23 providing 1,500 hours of clinical services to patients under a collaborative practice agreement or
24 protocol within 10 years prior to the time of the application, as required by section 1730.1(a)(3)
25 of title 16, California Code of Regulations.¹

26 ¹ Pursuant to California Code of Regulations, title 16, section 1730.1, an applicant for an
27 advanced practice pharmacist license, must satisfy two of the following three requirements: (1)
28 certification in a relevant area of practice or specialty; (2) completion of a postgraduate residency
program; and (3) experience (no fewer than 1500 hours of experience providing clinical services
to patients such as initiating, adjusting, modifying or discontinuing medications), earned under a
collaborative practice agreement or protocol within 10 years of the date of the application for an
advanced practice licensure.

1 39. In connection with his application, he submitted an Advanced Practice Pharmacist
2 Affidavit, signed under penalty of perjury, to demonstrate his experience earned through a
3 collaborative practice agreement or protocol. In the affidavit, he attested that he had provided
4 1,500 hours of clinical services to patients, including initiating, adjusting, modifying or
5 discontinuing drug therapy of patients from March 1, 2018 through November 1, 2018. After the
6 Board informed Respondent El dahmy that 1,500 hours of clinical experience could not be
7 accomplished in eight months, he modified his affidavit to attest that he provided 1,500 hours of
8 clinical services to patients from March 1, 2018 through March 5, 2019.

9 40. As part of his application, Respondent El dahmy also submitted two copies of a
10 “Collaborative Practice Agreement for Advanced Practice Pharmacist Requesting Authority to
11 Initiate, Amend, and Discontinue Drug Therapies,” in which he represented that he was
12 authorized to perform such clinical services as evaluating laboratory tests and adjusting
13 medication therapy regimen, assisting in the selection of anti-hypertensive medication in patients
14 with chronic kidney disease, ensuring patient medication adherence with an emphasis on
15 immunosuppression, beginning clinics for chronic diseases, evaluating blood pressure and
16 making dose change recommendations, managing hyperlipidemia in patients with chronic kidney
17 disease, assisting in the selection of oral and injectable diabetes medications, evaluating daily
18 blood glucose logs and making corresponding appropriate lifestyle, dietary and medication
19 change recommendations, evaluating insulin administration technique and initiating and adjusting
20 dermatological therapies related to wound care, scars and various dermatological conditions, in
21 collaboration with Dr. P.W.

22 41. Based on the information provided by Respondent El dahmy, the Board issued
23 Advanced Practice Pharmacist License Number APH 10519 to Respondent El dahmy on March
24 29, 2019. After issuing the license, the Board learned that Respondent Ahmed El dahmy did not
25 possess 1,500 hours of experience initiating, adjusting doses or discontinuing medications or
26 performing the other clinical services that he falsely represented he had done in his application.

27 42. Specifically, the Board learned that Dr. P.W., a podiatrist, did not treat patients with
28 diabetes, high blood pressure, hyperlipidemia and chronic kidney disease. Dr. P.W. did not

1 prescribe medications to treat those conditions nor did Dr. P.W. collaborate on clinical services
2 with Respondent El dahmy. Dr. P.W. confirmed that Respondent El dahmy did not initiate,
3 adjust dosing, or discontinue medications, and did not order nor interpret tests under Dr. P.W.
4 Rather, Dr. P.W. allowed Respondent El dahmy to shadow him for only 3-5 hours a day, twice a
5 week during a four-month period, for a total of approximately 200-300 hours. Therefore,
6 Respondent El dahmy did not possess 1,500 hours of experience initiating, adjusting doses or
7 discontinuing medications or performing the other clinical services he falsely represented he had
8 done in his application.

9 43. Although Respondent El dahmy did not meet the requirements for an advanced
10 practice license, he prescribed emergency diabetes (sometimes more than once to the same
11 patients as if it was a medication used to treat a chronic condition), blood pressure, asthma and
12 other medications to patients from March 26, 2019 through at least June 27, 2019. Eldahmy
13 Wellness Pharmacy dispensed these medications based on the invalid prescriptions issued by
14 Respondent El dahmy.

15 **B. Allegations Regarding Unlicensed and Unauthorized COVID Testing**

16 44. Respondents also engaged in other unlicensed activities. In the spring of 2020,
17 Respondents performed clinical laboratory serology tests for the presence of SARS-CoV-2 at
18 Respondent Eldahmy Wellness Pharmacy and Eldahmy Wellness Pharmacy-La Jolla, even
19 though they were not registered or licensed by the State to perform such testing nor were they
20 certified at the federal level (i.e., possessed a federal CLIA [Clinical Laboratory Improvement
21 Amendments of 1988] certificate of compliance enforced by the Centers for Medicare &
22 Medicaid Services). Additionally, in the spring of 2020, all available serology tests for SARS-
23 CoV-2 were classified as non-waived (i.e, no emergency use authorization) by the Federal Drug
24 Administration (FDA) and the use of the tests was not allowed without the required clinical
25 laboratory licensure, which Respondents did not hold.

26 45. Respondents made false and misleading statements on their website and in media
27 interviews about their ability to conduct clinical laboratory serology tests, the accuracy of the
28 clinical laboratory serology tests (“there’s only a one or two percent chance that it might not be

accurate”) and the existence of FDA approval for the clinical laboratory serology tests performed by them.

46. On June 17, 2020, the California Department of Public Health issued a notice to cease and desist all clinical laboratory testing to Respondents. In response, Respondents claimed to have ceased such testing and advertisements for testing as of April 7, 2020. However, Respondents continued to conduct serological testing at both sites after April 7, 2020, and continued to advertise for the clinical laboratory serology tests for SARS-CoV-2 on its website after the issuance of the cease and desist notice.

C. Allegations Regarding Dispensing Unauthorized Medication

47. On October 25, 2021, the Board received information from the Department of Health Care Services (DHCS) referring to an audit completed by Med-Impact demonstrating that Respondent Eldahmy Wellness Pharmacy billed and dispensed prescriptions for one medication (metformin extended release—gastric [MER-G]) when another medication (metformin extended release [MER]) was prescribed, without authorization from the prescribers. MER and MER-G² are both used to treat diabetes. However, MER-G is a specially formulated version of MER that releases the drug differently than regular MER. Thus, MER-G is not equivalent to MER, and requires a separate prescriber authorization. MER-G is also considerably more expensive than MER, making it more desirable for a pharmacy to fill MER-G than MER, because the reimbursement for the MER-G is significantly higher.³

48. In connection with its investigation, the Board obtained records from Med-Impact, related to its audit of claims submitted by Respondents who had dispensed multiple prescriptions for MER-G when the less expensive MER was prescribed. Based upon its review of the Med-Impact records, and its own investigation, in February-March 2022, the Board contacted multiple prescribers to determine whether those prescribers had authorized changes from MER to the more

² “MER-G” is the generic form of a drug that is also commonly referred to by its brand name, “Glumetza.” However, to avoid confusion, it will only be referred to as “MER-G” herein.

³ For example, in the Med-Impact claims data reviewed by the Board investigator, MER claims paid \$11.55 in reimbursement whereas MER-G claims paid between \$464.85 and \$4,186.36.

expensive MER-G. The Board discovered that at least eight times,⁴ Respondents dispensed and billed for MER-G, when MER was prescribed and that such changes were not authorized by the prescriber.

D. Allegations Regarding Respondents' Subversion of the Board's Investigation

49. While conducting its investigation, on May 19, 2022, the Board investigator also requested that Respondents provide, in an Excel format, all prescriptions dispensed or cancelled by Respondent Eldahmy Wellness Pharmacy – San Diego from January 1, 2019 to May 1, 2022, and requested specifically enumerated categories of data for each such prescription. On June 7, 2022, Respondent El dahmy provided the first set of prescription data (Data Set 1), for January 2018 until March of 2022, but it was missing many of the required fields, including but not limited to, directions, patient date of birth, prescription billed status, and prescriber address.

50. As a result of the incomplete nature of the data provided in Data Set 1, the Board investigator requested that Respondents provide a complete data set, with all of the information requested, including that data missing from Data Set 1. On June 8, 2022, Respondent El dahmy provided a second data set (Data Set 2), which included the prescriber address but was missing the quantity, directions and prescription billed status.

51. As a result, the Board investigator again requested that Respondent El dahmy provide a complete set to add in the missing data. Respondent El dahmy provided a third data set (Data Set 3) this time with the quantity column present, but with the remaining data deleted. Respondent El dahmy also provided an email whereby he claimed that the software provider (Pioneer) was not able to populate the directions category, as requested. The Board investigator contacted Pioneer directly, who confirmed, in writing, that its software was capable of creating an Excel spreadsheet with all of the specifications requested by the Board investigator.

52. On June 27, 2022, the Board investigator again requested that Respondents provide a complete data set, containing all required categories of information. On June 28, 2022,

⁴ Namely, this occurred for at least eight prescriptions: Prescription Number 111973; Prescription Number 113643; Prescription Number 116915; Prescription Number 112986; Prescription Number 115083; Prescription Number 119144; Prescription Number 143515; and Prescription Number 148037.

1 Respondents provided a fourth data set (Data Set 4) for prescriptions dispensed between October
2 2017 and June 2022. Data Set 4 was still incomplete and missing the requested data, including
3 the written and dispensed quantities and the prescription billed status.

4 53. During the Board’s investigation, it was also discovered that Respondent Eldahmy
5 Wellness Pharmacy altered its dispensing records by deleting the patient profiles of Tiffany D.,
6 Laverne K. and Larissa T. and some of Marcus R.’s and Lucinda S.’s prescriptions from the
7 pharmacy’s electronic dispensing records.

8 **E. Allegations Regarding Respondents’ Misrepresentations About Being the**
9 **Prescriber on Certain Prescriptions**

10 54. In connection with its efforts to obtain a complete data set of all prescriptions
11 dispensed or cancelled by Eldahmy Wellness Pharmacy – San Diego, as noted above, on June 27,
12 2022, the Board investigator also requested sample prescriptions from the prescriptions in the
13 data set, and specifically requested prescriptions issued by Respondent El dahmy. On June 29-30,
14 2022, Respondents provided a first set of prescriptions.

15 55. On July 11, 2022, the Board investigator pulled samples from the prescriptions
16 provided by Respondents where Respondent El dahmy was listed as the prescriber. These
17 samples included prescriptions for lidocaine, steroids, antibiotics, anti-hypertensives, anti-
18 asmatics, anti-inflammatories, and omega-3’s, among others.

19 56. In its July 11, 2022, letter, the Board investigator asked Respondent El dahmy to
20 verify, under oath, which of the 21 sample prescriptions listed were prescribed by him. On July
21 28, 2022, Respondent El dahmy responded and confirmed, under penalty of perjury, that he was
22 the prescriber on only five of those prescriptions listed⁵; that three of the prescriptions were
23 “dispensed under my name by mistake”⁶; that he could not find one prescription on his system⁷;
24 and responded “no” that he was not the prescriber on 12 of those prescriptions,⁸ Despite

25 ⁵ Prescription Numbers 113782, 130065, 152035, 146782, and 125328.

26 ⁶ Prescription Numbers 147090, 145347, and 151629.

27 ⁷ Prescription Number 113597.

28 ⁸ Prescription Numbers 114654, 114651, 157285, 113784, 119444, 119450, 112538,
127899, 117391, 113784, 118230, and 142895.

1 Respondent El dahmy's responses under oath denying that he was the prescriber on 12 of the 21
2 prescriptions, the prescription documents themselves showed otherwise; namely that Respondent
3 El dahmy was identified as the prescriber on at least 10 of those 12 prescriptions.⁹ Thus,
4 Respondent El dahmy's sworn statements to the contrary were untruthful and misleading.

5 **F. Allegations Regarding Other Practice and Related Errors**

6 57. Respondent Eldahmy Wellness Pharmacy –San Diego compounded a drug
7 preparation (Prescription Number 0106981) without recording the quantity of each ingredient
8 used in compounding, the manufacturer, expiration date, and lot number of each component, the
9 pharmacy assigned reference or lot number, and the final quantity of the product prepared on a
10 compounding worksheet.

11 58. Respondent Eldahmy Wellness Pharmacy compounded commercially available drugs,
12 acyclovir 5% cream and Tri-Luma cream (Prescription Numbers 0102540 and 0106981) that
13 were not on the FDA or the ASHP drug shortage lists.

14 59. Respondent Eldahmy Wellness Pharmacy compounded drug preparations without
15 using a master formula (Prescription Numbers 0106981 and 0103679).

16 60. Prior to consultations and before delivering drugs, Respondent Eldahmy Wellness
17 Pharmacy failed to review Lucinda S.'s and Tamara S.'s patient profiles which resulted in
18 Eldahmy Wellness Pharmacy dispensing the same medication, amlodipine 2.5mg and 5mg twice
19 at the same time to Lucinda S. and three statin medications, Rosuvastatin, Atorvastatin and
20 Simvastatin during the same time frame to Tamara S., even though combining these statin
21 medications increased the risk of muscle pain and breakdown.

22 61. Respondent Eldahmy Wellness Pharmacy dispensed medications that failed to
23 include the name, address and phone number of the prescriber (Prescription Numbers 113782,
24 113783, 119444, 119450, 112538, 127899, 127898, 117391, 113784, 125328, and 113597.)

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28 ⁹ Prescription Numbers 113784, 119444, 119450, 112538, 127899, 117391, 118230,
114654, 114651, and 113784.

62. Respondents failed to report their controlled substance prescriptions to the Controlled Substance Utilization Review and Evaluation System (CURES) from at least February 19, 2022 until July 12, 2022.

63. Respondents permitted pharmacy technicians to receive and sign for dangerous drug orders, including on August 2, 2022, August 5, 2022, and August 11, 2022.

FIRST CAUSE FOR DISCIPLINE

(Commission of Acts Involving Dishonesty, Fraud or Deceit Against All Respondents)

64. Respondents are subject to disciplinary action under Code section 4301, subdivision (f), for committing acts involving dishonesty, fraud or deceit, as set forth in paragraphs 37 through 63, which are incorporated herein.

SECOND CAUSE FOR DISCIPLINE

(Knowingly Making or Signing Documents that Falsely Represent Facts Against All Respondents)

65. Respondents are subject to disciplinary action under Code section 4301, subdivision (g), for knowingly making or signing documents that falsely represent the existence or nonexistence of a state of facts, as set forth in paragraphs 37 through 63, which are incorporated herein.

THIRD CAUSE FOR DISCIPLINE

(Disseminated False, Fraudulent, Misleading or Deceptive Public Communications Against All Respondents)

66. Respondents are subject to disciplinary action under Code sections 4301, subdivisions (j) and (o) and 651, subdivision (g), for violating Business and Professions Code section 651, in that they disseminated false, fraudulent, misleading or deceptive public communications and advertising, as set forth in paragraphs 37 through 63, which are incorporated herein.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Procured a License by Fraud or Misrepresentation Against Respondent El Dahmy)**

3 67. Respondent Ahmed El dahmy is subject to disciplinary action under Code section
4 4301, subdivision (a), by procuring a license by fraud or misrepresentation, as set forth in
5 paragraphs 37 through 63, which are incorporated herein.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Furnished Drugs Without Valid Prescriptions Against Respondent Eldahmy Wellness
8 Pharmacy and Respondent El Dahmy)**

9 68. Respondents Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to
10 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and
11 Professions Code sections 4059, subdivision (a) and 4126.5, subdivision (a)(5), in that they
12 dispensed drugs without the issuance of valid prescriptions for those drugs, as set forth in
13 paragraphs 37 through 63, which are incorporated herein.

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Deviating from a Prescription Against Respondent Eldahmy Wellness Pharmacy and
16 Respondent El Dahmy)**

17 69. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to
18 disciplinary action under Code section 4301, subdivisions (f), (j) and (o), for violating Business
19 and Professions Code section 4059, subdivision (a) and CCR title 16 Section 1716 in that they
20 billed and dispensed a different medication than what was prescribed and authorized, as set forth
21 in paragraphs 37 through 63, which are incorporated herein.

22 **SEVENTH CAUSE FOR DISCIPLINE**

23 **(Dispensing Unauthorized Medication Against Respondent Eldahmy Wellness Pharmacy
24 and Respondent El Dahmy)**

25 70. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to
26 disciplinary action under Code section 4301, subdivisions (f), (j) and (o), for violating Business
27 and Professions Code section 4059, subdivision (a), section 4126.5, subdivision (a)(5) and Health
28 and Safety Code section 11150, in that they issued and dispensed prescriptions for medications

1 they were not authorized to prescribe, as set forth in paragraphs 37 through 63, which are
2 incorporated herein.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Failure to Report to CURES Against Eldahmy Wellness Pharmacy and Respondent El**
5 **Dahmy)**

6 71. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to
7 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Health and
8 Safety Code section 11165, subdivision (d), in that they failed to report their controlled substance
9 prescriptions to the CURES, as set forth in paragraphs 37 through 63, which are incorporated
10 herein.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Subverting an Investigation Against Respondent Eldahmy Wellness Pharmacy**
13 **and Respondent El Dahmy)**

14 72. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to
15 disciplinary action under Code section 4301, subdivisions (q) for violating Business and
16 Professions Code section 4081, subdivision (a) and section 4105, subdivisions (a) and (f) by
17 failing to provide adequate records, and subverting an investigation, as set forth in paragraphs 37
18 through 63, which are incorporated herein.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Failure to Review Drug Therapies Against Respondent Eldahmy Wellness Pharmacy**
21 **and Respondent El Dahmy)**

22 73. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to
23 disciplinary action under Code section 4301, subdivisions (j) and (o), for violating California
24 Code of Regulations, title 16, section 1707.3, in that they failed to review patients' drug therapy
25 and medication records and take appropriate actions, prior to consultation and the delivery of
26 drugs, as set forth in paragraphs 37 through 63, which are incorporated herein.

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ELEVENTH CAUSE FOR DISCIPLINE

**(Compounding without Master Formulas Against Respondent Eldahmy Wellness Pharmacy
and Respondent El Dahmy)**

74. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating California Code of Regulations, title 16, section 1735.2, subdivision (e), in that they compounded non-sterile drug preparations without a written master formula, as set forth in paragraphs 37 through 63, which are incorporated herein.

TWELFTH CAUSE FOR DISCIPLINE

**(Failure to Maintain Compounding Log Against Respondent Eldahmy Wellness Pharmacy
and Respondent El Dahmy)**

75. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating California Code of Regulations, title 16, section 1735.3, subdivision (a)(2), in that they compounded non-sterile drug preparations without recording them on a compounding log, as set forth in paragraphs 37 through 63, which are incorporated herein.

THIRTEENTH CAUSE FOR DISCIPLINE

**(Compounding Copies of Commercially Available Drugs Against Respondent Eldahmy
Wellness Pharmacy and Respondent El Dahmy)**

76. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating California Code of Regulations, title 16, section 1735.2, subdivision (d)(3), in that they compounded copies of commercially available drug products, as set forth in paragraphs 37 through 63, which are incorporated herein.

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FOURTEENTH CAUSE FOR DISCIPLINE

(Dispensing Medication Not Properly Labeled Against Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy)

77. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Code Section 4076, subdivision (a)(4), and Section 4078 by dispensing medication in a container that was not properly labeled as set forth in paragraphs 37 through 63, which are incorporated herein.

FIFTEENTH CAUSE FOR DISCIPLINE

(Receipt of Drugs By Non-Pharmacist Against Respondent Eldahmy Wellness Pharmacy and Respondent El Dahmy)

78. Respondent Eldahmy Wellness Pharmacy and Respondent El dahmy are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Code Section 4059.5, subdivision (a), by failing to obtain a pharmacist signature on dangerous drugs, as set forth in paragraphs 37 through 63, which are incorporated herein

SIXTEENTH CAUSE FOR DISCIPLINE

(Inappropriate Exercise of Education, Training or Experience against Respondent El Dahmy)

79. Respondent Ahmed El dahmy is subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4306.5, subdivision (a), in that he inappropriately exercised his education, training, or experience as a pharmacist, as set forth in paragraphs 37 through 63, which are incorporated herein.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct Against All Respondents)

80. Respondents are subject to disciplinary action under Code section 4301 for unprofessional conduct in that they engaged in the activities described in paragraphs 37 through 63, which are incorporated herein.

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OTHER MATTERS

81. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 55929 issued to Eldahmy Wellness Pharmacy, Inc., dba Eldahmy Wellness Pharmacy, it 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 55929 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

82. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 55929 issued to Eldahmy Wellness Pharmacy, Inc., dba Eldahmy Wellness Pharmacy, while Ahmed S. El dahmy has been an owner or manager and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked.

83. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 56944 issued to Eldahmy Pharmacy, Inc., dba Eldahmy Wellness Pharmacy, it 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 56944 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

84. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 56944 issued to Eldahmy Pharmacy, Inc., dba Eldahmy Wellness Pharmacy, while Ahmed S. El dahmy has been an owner or manager and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked.

85. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 66936 and/or Advanced Practice Pharmacist License No. APH 10519 issued to Ahmed S. El dahmy, he shall be prohibited from serving as a manager, administrator, owner, member, officer,

1 director, associate, or partner of a licensee for five years if the Pharmacist License and/or the
2 Advanced Practice Pharmacist License are placed on probation or until the Pharmacist License
3 and/or the Advanced Practice Pharmacist License are reinstated, if they are revoked.

4 **DISCIPLINARY CONSIDERATIONS**

5 86. To determine the degree of discipline, if any, to be imposed on Respondent El dahmy,
6 Complainant alleges that on August 23, 2019, the Board issued Citation and Fine and Order of
7 Abatement number CI 2018 84686 against Ahmed El dahmy for violating California Code of
8 Regulations, title 16, section 1707.3 (failing to review a patient's drug therapy and medication
9 record and take appropriate actions prior to consultation and dispensing). Complainant further
10 alleges that on March 23, 2018, the Board issued Citation and Fine No. CI 2017 79205 for
11 violating California Code of Regulations, title 16, section 1716 (dispensing the wrong
12 medication). Respondent El dahmy paid the fines issued in connection with these Citations.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacy Permit Number PHY 55929, issued to Eldahmy
17 Wellness Pharmacy, Inc., dba Eldahmy Wellness Pharmacy;

18 2. Revoking or suspending Pharmacy Permit Number PHY 56944, issued to Eldahmy
19 Pharmacy, Inc., dba Eldahmy Wellness Pharmacy;

20 3. Revoking or suspending Pharmacist License Number RPH 66936, issued to Ahmed
21 S. El dahmy;

22 4. Revoking or suspending Advanced Practice Pharmacist License Number APH 10519,
23 issued to Ahmed S. El dahmy;

24 5. Prohibiting Eldahmy Wellness Pharmacy, Inc. from serving as a manager,
25 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
26 Pharmacy Permit Number PHY 55929 is placed on probation or until the Pharmacy Permit is
27 reinstated, if it is revoked;

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1 6. Prohibiting Ahmed S. El dahmy from serving as a manager, administrator, owner,
2 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
3 Number PHY 55929 is placed on probation or until the Pharmacy Permit is reinstated, if it is
4 revoked;

5 7. Prohibiting Eldahmy Pharmacy, Inc. from serving as a manager, administrator,
6 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
7 Permit Number PHY 56944 is placed on probation or until the Pharmacy Permit is reinstated, if it
8 is revoked;

9 8. Prohibiting Ahmed S. El dahmy from serving as a manager, administrator, owner,
10 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
11 Number PHY 56944 is placed on probation or until the Pharmacy Permit is reinstated, if it is
12 revoked;

13 9. Prohibiting Ahmed S. El dahmy from serving as a manager, administrator, owner,
14 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
15 Number RPH 66963 and/or Advanced Practice Pharmacist License Number APH 10519 are
16 placed on probation or until the Pharmacist License and/or Advanced Practice Pharmacist License
17 are reinstated, if they are revoked;

18 10. Ordering Eldahmy Wellness Pharmacy, Inc., dba Eldahmy Wellness Pharmacy and
19 Ahmed S. El dahmy, jointly and severally, to pay the Board of Pharmacy the reasonable costs of
20 the investigation and enforcement of this case, pursuant to Business and Professions Code section
21 125.3; and,

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

DATED: 5/9/2023

Sodergren,
Anne@DCA



Digitally signed by Sodergren,
Anne@DCA
Date: 2023.05.09 14:11:26 -07'00'

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

KTD:mmg

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