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

12 In the Matter of the Accusation Against:

Case No. 7196

13 **Wafa AHMED**  
14 **90 Bountiful**  
**Irvine, CA 92602**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

15 **Intern Pharmacist License No. INT 38087**

16 Respondent.

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19 **FINDINGS OF FACT**

20 1. On or about September 24, 2021, Complainant Anne Sodergren, in her official  
21 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
22 Affairs, filed Accusation No. 7196 against Wafa Ahmed (Respondent). Accusation attached as  
23 Exhibit A.)

24 2. On or about July 21, 2016, the Board issued Intern Pharmacist License No.  
25 INT 38087 to Respondent. The Intern Pharmacist License was in full force and effect at all times  
26 relevant to the charges brought in Accusation No. 7196 and will expire on May 31, 2022, unless  
27 renewed.

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1           3.     On or about October 4, 2021, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7196, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at her address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 90 Bountiful, Irvine, CA 92602.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c), and/or Business and Professions Code section  
9 124.

10          5.     Government Code section 11506, subdivision (c), states:

11                 The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
13 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
14 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
15 discretion may nevertheless grant a hearing.

16          6.     On or about October 14, 2021, the Board received Respondent's timely filed Notice  
17 of Defense. Respondent withdrew her Notice of Defense on or about January 29, 2022. The  
18 Board takes official notice of its records and the fact that Respondent withdrew her Notice of  
19 Defense and therefore waived her right to a hearing on the merits of Accusation No. 7196.

20          7.     California Government Code section 11520, subdivision (a), states:

21                 If the respondent either fails to file a notice of defense . . . or to appear at the  
22 hearing, the agency may take action based upon the respondent's express admissions  
23 or upon other evidence and affidavits may be used as evidence without any notice to  
24 respondent . . . .

25          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
therein on file at the Board's offices regarding the allegations contained in Accusation No. 7196,  
finds that the charges and allegations in Accusation No. 7196, are separately and severally, found  
to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$4,323.75 as of February 8, 2022.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Wafa Ahmed has subjected her Intern Pharmacist License No. INT 38087 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Intern Pharmacist License based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent has subjected her intern pharmacist license to disciplinary action under Code section 4301, for unprofessional conduct, in conjunction with California Code of Regulations section 1775.3, subdivision (b), because as set forth in the Accusation, Respondent failed to comply with the Order of Abatement issued on November 18, 2020, in that she did not successfully complete the Pharmacists Recovery Program's treatment contract, as required.

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**ORDER**

IT IS SO ORDERED that Intern Pharmacist License No. INT 38087, issued to Respondent Wafa Ahmed, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on April 13, 2022.

It is so ORDERED on March 14, 2022.



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Seung W. Oh, Pharm.D.  
Board President  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

# Exhibit A

Accusation No. 7196

1 ROB BONTA  
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2 GREGORY J. SALUTE  
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3 CRAIG S. MENCHIN  
Deputy Attorney General  
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*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7196

13 **WAFA AHMED**  
14 **90 Bountiful**  
**Irvine, CA 92602**

**ACCUSATION**

15 **Intern Pharmacist License No. INT 38087**

16 Respondent.

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19 **PARTIES**

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

22 2. On or about July 21, 2016, the Board issued Intern Pharmacist License Number  
23 INT 38087 to Wafa Ahmed (Respondent). The Intern Pharmacist License was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on May 31, 2022, unless  
25 renewed.

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## **JURISDICTION**

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

4. Code section 4300, subdivision (a), states, "Every license issued may be suspended or revoked."

5. 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**

6. Code section 4301 states, in pertinent part, that the Board shall take action against any holder of a license who is guilty of unprofessional conduct.

7. Code section 4362, subdivision (b), states:

A pharmacist or intern pharmacist who enters the pharmacists recovery program pursuant to paragraph (2) of subdivision (a) shall not be subject to discipline or other enforcement action by the board solely on his or her entry into the pharmacists recovery program or on information obtained from the pharmacist or intern pharmacist while participating in the program unless the pharmacist or intern pharmacist would pose a threat to the health and safety of the public. However, if the board receives information regarding the conduct of the pharmacist or intern pharmacist, that information may serve as a basis for discipline or other enforcement by the board.

8. Code section 4369 states:

(a) Any failure to comply with the treatment contract, determination that the participant is failing to derive benefit from the program, or other requirements of the pharmacists recovery program may result in the termination of the pharmacist's or intern pharmacist's participation in the pharmacists recovery program. The name and license number of a pharmacist or intern pharmacist who is terminated from the pharmacists recovery program and the basis for the termination shall be reported to the board.

(b) Participation in the pharmacists recovery program shall not be a defense to any disciplinary action that may be taken by the board.

(c) No provision of this article shall preclude the board from commencing disciplinary action against a licensee who is terminated from the pharmacists recovery program.

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations (CCR), title 16, section 1775.3, subdivision (b), states  
3 in pertinent part that failure to comply with an order of abatement shall constitute a ground for  
4 revocation or suspension of the license, permit, or registration.

5 **COST RECOVERY**

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

10 **FACTUAL ALLEGATIONS**

11 11. On December 1, 2019, at approximately 5:54 p.m., officers with the Newport Beach  
12 Police Department responded to a call regarding a vehicle collision involving a bicyclist. Upon  
13 arrival, officers made contact with the parties and took statements. Respondent appeared  
14 emotional and stated that she did not see the bicyclist when she was making a left turn. While  
15 speaking with Respondent, officers noticed that she had red/watery eyes, slurred speech and the  
16 strong odor of an alcoholic beverage emanating from her breath and person. Respondent admitted  
17 to consuming four alcoholic beverages prior to driving and stated that she felt “buzzed.”  
18 Respondent appeared to have trouble walking and was stumbling throughout the course of the  
19 DUI investigation. Respondent was unable to perform the field sobriety tests (FSTs) as explained  
20 and demonstrated by the officer. Respondent was administered a breath test and she provided two  
21 samples, which registered her blood alcohol content (BAC) at .184 and .178 percent, respectively.  
22 Respondent was arrested for driving under the influence of alcohol (DUI).

23 12. On or about July 29, 2020, in a criminal proceeding entitled *The People of the State of*  
24 *California v. Wafa Ahmed*, in Orange County Superior Court, Case Number 20HM04292,  
25 Respondent pled nolo contendere and was convicted of DUI (Veh. Code, § 23512(a)), and driving  
26 with a BAC of .08% or more (Veh. Code, § 23152(b)), both misdemeanors. Respondent was  
27 placed on informal probation for three years and was ordered to complete a three-month Level 1  
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1 First Offender Alcohol Program, 40 hours of community service, and to pay fines, fees and  
2 restitution, among other things.

3 13. As a result of the convictions, on November 18, 2020, Respondent was issued  
4 Citation Number CI 2019 86445 and an Order of Abatement for unprofessional conduct, in  
5 violation of Code section 4301, subdivisions (l) (conviction of a crime substantially related to the  
6 practice of pharmacy) and (h) (dangerous use of drugs or alcoholic beverages). Respondent was  
7 ordered to pay a fine of \$1,000 to the Board and to submit proof that she contacted the  
8 Pharmacists Recovery Program (PRP) for an evaluation by December 18, 2020. Pursuant to the  
9 Order of Abatement, Respondent is required to comply with the recommendations of the PRP  
10 evaluation and her failure to complete the treatment contract as recommended would be a ground  
11 for revocation or suspension of Respondent's license.

12 14. On March 15, 2021, Respondent completed her intake interview for the PRP. During  
13 her intake interview, Respondent denied the use of any banned or prescribed substances within  
14 the past year. On March 25, 2021, Maximus received a positive baseline random drug test for  
15 marijuana metabolite (THC). The positive result was unexpected. Respondent admitted to the use  
16 of marijuana gummy bears for six months. On April 14, 2021, a clinical assessment was  
17 completed and a determination was made that Respondent was not safe to return to work. It was  
18 recommended that Respondent complete 90 days in a structured therapeutic environment and that  
19 following the 90 days, the Board provide a modified and structured environment for Respondent  
20 to begin working in her licensed capacity.

21 15. On or about July 16, 2021, the Board was notified that Respondent was terminated  
22 from the PRP effective on that date as a result of her voluntary withdrawal. Respondent was  
23 deemed a public risk.

### 24 **CAUSE FOR DISCIPLINE**

#### 25 **(Unprofessional Conduct)**

26 16. Respondent has subjected her intern pharmacist license to disciplinary action under  
27 Code section 4301, for unprofessional conduct, in conjunction with CCR section 1775.3,  
28 subdivision (b), because as set forth above in paragraphs 11 through 15, which are incorporated

herein, Respondent failed to comply with the Order of Abatement issued on November 18, 2020, in that she did not successfully complete the PRP treatment contract, as required.

**DISCIPLINARY CONSIDERATIONS**

17. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges the following considerations, as more fully set forth in paragraphs 11 through 15, above, which are incorporated herein:

a. On or about July 29, 2020, in a criminal proceeding entitled *The People of the State of California v. Wafa Ahmed*, in Orange County Superior Court, Case Number 20HM04292, Respondent pled nolo contendere and was convicted of DUI (Veh. Code, § 23512(a)), and driving with a BAC of .08% or more (Veh. Code, § 23152(b)), both misdemeanors.

b. Respondent's BAC was registered at .184 and .178 percent, and she struck a bicyclist with her vehicle while driving under the influence of alcohol.

c. Respondent was terminated from the Pharmacists Recovery Program effective July 16, 2021, and she was deemed a public risk.

**PRAYER**

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

1. Revoking or suspending Intern Pharmacist License Number INT 38087, issued to Respondent Wafa Ahmed;

2. Ordering Respondent Wafa Ahmed to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 9/24/2021 \_\_\_\_\_

Signature on File

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