

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

In the Matter of the Accusation Against:

**JOSIBEL JUATON MAAMO,
Pharmacist License No. RPH 72118;**

and

**MARIAN FAKHRY NIMR YOUSIF DEMIAN,
Pharmacist License No. RPH 72402,**

Respondents.

Agency Case No. 7244

OAH No. 2022120010

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 31, 2023.

It is so ORDERED on May 1, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large initial "S".

By

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
Deputy Attorney General
4 State Bar No. 204995
600 West Broadway, Suite 1800
5 San Diego, CA 92101
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Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

14 **JOSIBEL JUATON MAAMO**
15 **34960 Wintergrass Court**
16 **Winchester, CA 92596**

17 **Pharmacist License No. RPH 72118,**

18 **and**

19 **MARIAN FAKHRY NIMR YOUSIF**
20 **DEMIAN**
21 **24909 Madison Avenue, #1812**
22 **Murietta, CA 92562**

23 **Pharmacist License No. RPH 72402**

24 Respondents.

Case No. 7244

OAH No. 2022120010

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT
DEMIAN**

[Bus. & Prof. Code § 495]

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

27 **PARTIES**

28 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy.
She brought this action solely in her official capacity and is represented in this matter by Rob

1 Bonta, Attorney General of the State of California, by Stephen A. Aronis, Deputy Attorney
2 General.

3 2. Respondent Marian Fakhry Nimr Yousif Demian (Respondent) is represented in this
4 proceeding by attorney Nicole Irmer, Esq., whose address is: 2550 Fifth Avenue, Suite 1060,
5 San Diego, CA 92103.

6 **JURISDICTION**

7 3. On or about March 6, 2015, the Board of Pharmacy issued Pharmacist License
8 Number RPH 72402 to Respondent. The Pharmacist License was in full force and effect at all
9 times relevant to the charges brought herein and will expire on November 30, 2024, unless
10 renewed.

11 4. Accusation No. 7244 was filed before the Board of Pharmacy (Board), Department of
12 Consumer Affairs and is currently pending against Respondent. The Accusation and all other
13 statutorily required documents were properly served on Respondent on June 28, 2022.
14 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
15 No. 7244 is attached as Exhibit A and incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 7244. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order for Public Repeval.

21 6. Respondent is fully aware of her legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
23 her own expense; the right to confront and cross-examine the witnesses against her; the right to
24 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
25 compel the attendance of witnesses and the production of documents; the right to reconsideration
26 and court review of an adverse decision; and all other rights accorded by the California
27 Administrative Procedure Act and other applicable laws.

28 ///

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

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

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

14 **DISCIPLINARY ORDER**

15 IT IS HEREBY ORDERED that Pharmacist License No. RPH 72402 issued to Respondent
16 Marian Fakhry Nimr Yousif Demian (Respondent) shall be publicly reprovved by the Board of
17 Pharmacy under Business and Professions Code section 495 in resolution of Accusation No.
18 7244, attached as Exhibit A.

19 **Ethics Coursework.** Within six (6) months of the effective date of this decision,
20 Respondent shall enroll in a course in ethics, at Respondent’s expense, approved in advance by
21 the Board or its designee that complies with Title 16 California Code of Regulations section
22 1773.5. Respondent shall provide proof of enrollment and, within five (5) days of completion,
23 shall submit a copies of the certificates of completion to the Board or its designee. Failure to
24 timely enroll in an approved ethics course, within six (6) months of the effective date, to
25 successfully complete program, within two (2) years of the effective date, or to timely submit
26 proof of completion to the Board or its designee, will result in further action by the Board.

27 **Cost Recovery.** No later than two (2) years from the effective date of the Decision,
28 Respondent shall pay \$5,000 to the Board for its costs associated with the investigation and

1 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If
2 Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her
3 Pharmacist License until Respondent pays costs in full. In addition, the Board may enforce this
4 order for payment of its costs in any appropriate court, in addition to any other rights the Board
5 may have.

6 **Ownership Prohibition.** Respondent shall be prohibited from owning any entity licensed
7 by the Board for three (3) years from the effective date of the public reprov.

8 **Full Compliance.** As a resolution of the charges in Accusation No. 7244, this stipulated
9 settlement is contingent upon Respondent's full compliance with all conditions of this Order. If
10 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for
11 discipline, including outright revocation, of Respondent's Pharmacist License No. RPH 72402.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
14 Reprov and have fully discussed it with my attorney, Nicole Irmer, Esq. I understand the
15 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
16 Settlement and Disciplinary Order for Public Reprov voluntarily, knowingly, and intelligently,
17 and agree to be bound by the Decision and Order of the Board of Pharmacy.

18
19 DATED: _____
20 MARIAN FAKHRY NIMR YOUSIF DEMIAN
21 *Respondent*

22 I have read and fully discussed with Respondent Josibel Juaton Maamo the terms and
23 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
24 for Public Reprov. I approve its form and content.

25
26 DATED: _____
27 NICOLE IRMER, ESQ.
28 *Attorney for Respondent*

1 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If
2 Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew her
3 Pharmacist License until Respondent pays costs in full. In addition, the Board may enforce this
4 order for payment of its costs in any appropriate court, in addition to any other rights the Board
5 may have.

6 **Ownership Prohibition.** Respondent shall be prohibited from owning any entity licensed
7 by the Board for three (3) years from the effective date of the public reprov.

8 **Full Compliance.** As a resolution of the charges in Accusation No. 7244, this stipulated
9 settlement is contingent upon Respondent’s full compliance with all conditions of this Order. If
10 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for
11 discipline, including outright revocation, of Respondent’s Pharmacist License No. RPH 72402.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
14 Reprov and have fully discussed it with my attorney, Nicole Irmer, Esq. I understand the
15 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
16 Settlement and Disciplinary Order for Public Reprov voluntarily, knowingly, and intelligently,
17 and agree to be bound by the Decision and Order of the Board of Pharmacy.

18
19 DATED: 03/27/2023 _____

DocuSigned by:
Marian Demian
DC238EE26334B1...

MARIAN FAKHRY NIMR YOUSIF DEMIAN
Respondent

21
22 I have read and fully discussed with Respondent Marian Fakhry Nimr Yousif Demian the
23 terms and conditions and other matters contained in the above Stipulated Settlement and
24 Disciplinary Order for Public Reprov. I approve its form and content.

25
26 DATED: 03/27/2023 _____

DocuSigned by:
Kimberly J. Elkin
A2FC4E9C397048D...

NICOLE IRMER, ESQ.
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

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

STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: April 5, 2023

Respectfully submitted,

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



STEPHEN A. ARONIS
Deputy Attorney General
Attorneys for Complainant

SD2022800303

Exhibit A

Accusation No. 7244

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 STEPHEN A. ARONIS
Deputy Attorney General
4 State Bar No. 204995
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Telephone: (619) 738-9451
7 Facsimile: (619) 645-2581
Attorneys for Complainant
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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7244

13 **JOSIBEL JUATON MAAMO**
14 **34960 Wintergrass Court**
Winchester, CA 92596

ACCUSATION

15 **Pharmacist License No. RPH 72118,**

16 **and**

17 **MARIAN FAKHRY NIMR YOUSIF**
18 **DEMIAN**
24909 Madison Avenue #1812
19 Murietta, CA 92562

20 **Pharmacist License No. RPH 72402**

21 Respondents.

22
23 **PARTIES**

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

26 2. On or about December 2, 2014, the Board of Pharmacy issued Pharmacist License
27 Number RPH 72118 to Josibel Juaton Maamo (Respondent Maamo). The Pharmacist License
28

1 was in full force and effect at all times relevant to the charges brought herein and will expire on
2 August 31, 2022, unless renewed.

3 3. On or about March 6, 2015, the Board of Pharmacy issued Pharmacist License
4 Number RPH 72402 to Marian Fakhry Nimr Yousif Demian (Respondent Demian). The
5 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
6 and will expire on November 30, 2022, unless renewed.

7 **JURISDICTION**

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

11 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
12 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
13 disciplinary action during the period within which the license may be renewed, restored, reissued
14 or reinstated.

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

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

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

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

22 (1) Suspending judgment.

23 (2) Placing him or her upon probation.

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

25 (4) Revoking his or her license.

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

27 ...

28

1 (e) The proceedings under this article shall be conducted in accordance with
2 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
3 Government Code, and the board shall have all the powers granted therein. The
4 action shall be final, except that the propriety of the action is subject to review by the
5 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6 ...

7 8. Section 4300.1 of the Code states:

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

15 STATUTORY PROVISIONS

16 9. Section 4059, subdivision (a) of the Code states:

17 A person may not furnish any dangerous drug, except upon the prescription of a
18 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
19 pursuant to Section 3640.7. A person may not furnish any dangerous device, except
20 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
21 naturopathic doctor pursuant to Section 3640.7.

22 10. Section 4059.5, subdivision (e) states:

23 A dangerous drug or dangerous device shall not be transferred, sold, or
24 delivered to a person outside this state, whether foreign or domestic, unless the
25 transferor, seller, or deliverer does so in compliance with the laws of this state and of
26 the United States and of the state or country to which the dangerous drugs or
27 dangerous devices are to be transferred, sold, or delivered. Compliance with the laws
28 of this state and the United States and of the state or country to which the dangerous
drugs or dangerous devices are to be delivered shall include, but not be limited to,
determining that the recipient of the dangerous drugs or dangerous devices is
authorized by law to receive the dangerous drugs or dangerous devices.

11 11. Section 4071.1, subdivision (a) of the Code states:

12 A prescriber, a prescriber's authorized agent, or a pharmacist may electronically
13 enter a prescriptions or an order as defined in Section 4019, into a pharmacy's or
14 hospital's computer from any location outside of the pharmacy or hospital with the
15 permission of the pharmacy or hospital. For purposes of this section, a "prescriber's
16 authorized agent" is a person licensed or registered under Division 2 (commencing
17 with Section 500). This subdivision shall not apply to prescriptions for controlled
18 substances classified in Schedule II, III, IV, or V except as permitted pursuant to
19 Section 11164.5 of the Health and Safety Code.

20 12. Section 4081 of the Code states, in pertinent part:

21 (a) All records of manufacture and of sale, acquisition, receipt, shipment, or
22 disposition of dangerous drugs or dangerous devices shall be at all times during
23 business hours open to inspection by authorized officers of the law, and shall be
24 preserved for at least three years from the date of making. A current inventory shall
25 be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy,
26 veterinary food-animal drug retailer, outsourcing facility, physician, dentist,
27
28

1 podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section
2 4187, clinic, hospital, institution, or establishment holding a currently valid and
3 unrevoked certificate, license, permit, registration, or exemption under Division 2
4 (commencing with Section 1200) of the Health and Safety Code or under Part 4
5 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code
6 who maintains a stock of dangerous drugs or dangerous devices.

7 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party
8 logistics provider, or veterinary food-animal drug retailer shall be jointly responsible,
9 with the pharmacist-in-charge, responsible manager, or designated representative-in-
10 charge, for maintaining the records and inventory described in this section.

11 13. Section 4105, subdivisions (a) and (c) of the Code state:

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

15 ...

16 (c) The records required by this section shall be retained on the licensed premises
17 for a period of three years from the date of making.

18 14. Code section 4113, subdivision (c) states:

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

21 15. Code section 4301 states in pertinent part:

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

25 ...

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

28 ...

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

16. Section 4307, subdivision (a) of the Code states:

Any person who has been denied a license or whose license has been revoked
or is under suspension, or who has failed to renew his or her license while it was
under suspension, or who has been a manager, administrator, owner member, officer,
director, associate, 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,
member, officer, director, associate, or partner had knowledge or knowingly
participated in any conduct for which the license was denied, revoked, suspended, or
placed on probation, shall be prohibited from serving as a manger, administrator,
owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

6 **REGULATORY PROVISIONS**

7 17. California Code of Regulations, title 16, section 1714, subdivision (b) states:

8 Each pharmacy licensed by the board shall maintain its facilities, space,
9 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
10 secured and distributed. The pharmacy shall be of sufficient size and unobstructed
11 area to accommodate the safe practice of pharmacy.

12 18. California Code of Regulations, title 16, section 1718 states:

13 “Current Inventory” as used in Section 4081 and 4332 of the Business and
14 Professions Code shall be considered to include complete accountability for all
15 dangerous drugs handled by every licensee enumerated in Section 4081 and 4332.

16 The controlled substances inventories required by Title 21, CFR, Section 1304
17 shall be available for inspection upon request for at least three years.

18 19. Administrative Rules of Montana, section 24.174.1001 states:

19 No out-of-state pharmacy shall ship, mail or deliver prescription drugs and/or
20 devices to a patient in this state unless registered by the Montana Board of Pharmacy.

21 **COST RECOVERY**

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

26 **FACTUAL ALLEGATIONS**

27 21. From October 28, 2019 through December 31, 2020, Respondent Maamo was the
28 Pharmacist-in-Charge of United Family Pharmacy¹ located in San Jacinto, California. At all
relevant times herein, Respondent Demian was a staff pharmacist at United Family Pharmacy.

21 22. On February 4, 2021, the Board received a complaint from the Fraud and Waste
Investigator/Special Investigations Unit at Humana, a health insurance company alleging that

22 _____
23 ¹ Effective February 4, 2021, the Board issued a Decision and Order adopting the
24 Stipulated Surrender of License and Order as to United Family Pharmacy, LLC, dba United
25 Family Pharmacy. That order was stayed for 120 days to allow United Family Pharmacy to be
26 sold to new ownership or be closed.

1 United Family Pharmacy had engaged in fraudulent billing practices. The Board also learned that
2 OptumRx, a pharmacy benefits manager, was conducting an audit of the billing practices of
3 United Family Pharmacy, along with Qlarant, a Medicare Drug Integrity Contractor. The Board
4 initiated an investigation and the inspector found the following violations of Pharmacy Law:

5 23. From January 1, 2020 through December 31, 2020, Respondent Maamo failed to
6 maintain all the records of acquisition and disposition for the following drugs (and the actual
7 drugs themselves). Namely, there was an overage of 106 units of lidocaine-prilocaine cream,
8 30gm/unit. There were shortages of: 8 units of Bensal HP 3% 30gm/units; 44 units of
9 Betamethasone Aug 0.05% cream; 50 gm/unit; 58 units of Clobetasol, 0.05% cream 45 gm/unit;
10 97 units of Clotrimazole/Betamethasone Lotion, 30 ml/btl; 180 tablets of Dermacin Rx
11 Foli taxpure 30 tab/btl; 243 units of Diclofenac 1% gel, 100gm/units; 5 units of Diclofenac 3% gel,
12 100 gm/unit; 265 vials of Dihydroergotamine spray 1mg vial; 20 tablets of Fenoprofen 200mg,
13 100 tab/btl; 24 units of Lidocaine-Tetracaine 7-7% cream, 30 gm/unit; 35 paks of NutriaRx
14 Cream Pak; 1230 tablets of Ortho DF supplement, 30 caps/btl; 4 units of Pimecrolimus 1%
15 cream, 60 gm/unit; 149 units of Pliaglis Cream 30 gm/unit; 100 pads of Sil-k Pads; 1230 tablets
16 of Voriconazole 200mg, 30 tabs/btl; and 1020 tablets of Zelac Probiotics, 30 caps/btl.

17 24. From October 23 through December 30, 2020, an unlicensed pharmacy clerk initiated
18 the dispensing process remotely for 2,132 prescriptions for dangerous drugs which were approved
19 for dispensing by Respondent Maamo. From January 4 through March 9, 2021, an unlicensed
20 clerk initiated the dispensing process remotely for 932 prescriptions which were approved for
21 dispensing by Respondent Demian.

22 25. Respondent Maamo furnished Rx Numbers 4910 and 4911 in March 2020 to a patient
23 in the State of Montana even though United Family Pharmacy was not registered with the
24 Montana Board of Pharmacy as required by Montana Pharmacy Law, (see Administrative Rules
25 of Montana 24.174.1001(l)).

26 26. From October 1 through December 31, 2020, Respondent Maamo furnished
27 dangerous drugs pursuant to 718 prescriptions which were not written or authorized by Dr. J.B.
28

1 27. From February 15 through March 3, 2021, Respondent Demian furnished dangerous
2 drugs pursuant to 123 prescriptions which were not written or authorized by Dr. V. N-J.

3 28. From January 1 through April 29, 2021, Respondent Demian furnished dangerous
4 drugs pursuant to 98 prescriptions which were not written or authorized by PA M.B.

5 29. From January 1 through April 29, 2021, Respondent Demian furnished dangerous
6 drugs pursuant to 103 prescriptions which were not written or authorized by Dr. O.W.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of**
9 **Records; Current Inventory—Respondent Maamo)**

10 30. Respondent Maamo is subject to disciplinary action under Code section 4301
11 subdivision (o), for violating section 4081, subdivisions (a) and (b), and section 4105,
12 subdivisions (a) and (c), in that she failed to maintain all records of acquisition and disposition for
13 at least three years and maintain a current inventory of dangerous drugs as defined by title 16,
14 California Code of Regulations, section 1718, as alleged in paragraphs 21 -23, above.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Failure to Maintain Security of Drugs—Respondent Maamo)**

17 31. Respondent Maamo is subject to disciplinary action under Code section 4301,
18 subdivisions (j) and (o), for violating title 16, California Code of Regulations, section 1714,
19 subdivision (b), and section 1718, in that, from January 1 to December 31, 2020, United Family
20 Pharmacy had an overage and shortages of dangerous drugs, as set forth in paragraphs 21-23,
21 above, incorporated here by reference.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Allowing Unlicensed Clerk to Dispense Remotely—Both Respondents)**

24 32. Both Respondents are subject to disciplinary action under Code section 4301,
25 subdivisions (j) and (o), for violating Code section 4071.1, subdivision (a) in that they allowed an
26 unlicensed pharmacy clerk to initiate the dispensing process, as set forth in paragraphs 24, above,
27 incorporated here by reference.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failing to Comply with Laws of Another State when Delivering Drugs-Respondent**
3 **Maamo)**

4 33. Respondent Maamo is subject to disciplinary action under Code section 4301,
5 subdivision (o), for violating Code section 4059.5, subdivision (e) in that she failed to comply
6 with the laws of another state when delivering drugs to a patient in that state, as set forth in
7 paragraphs 25, above, incorporated here by reference.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Furnishing Drugs without Prescriptions-Both Respondents)**

10 34. Both Respondents are subject to disciplinary action under Code section 4301,
11 subdivision (o), for violating Code section 4059, subdivision (a) in that they furnished drugs
12 without prescriptions from prescribers, as set forth in paragraphs 26-29 above, incorporated here
13 by reference.

14 **SIXTH CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct—Both Respondents)**

16 35. Both Respondents are subject to disciplinary action under Code section 4301,
17 subdivision (o) for unprofessional conduct because they engaged in the activities described above
18 in paragraphs 21 through 29 above, incorporated here by reference.

19 **OTHER MATTERS**

20 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
21 RPH 72118 issued to Josibel Juaton Maamo, then she shall be prohibited from serving as a
22 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
23 five years if Pharmacist License Number RPH 72118 is placed on probation or until Pharmacist
24 License Number RPH 72118 is reinstated if it is revoked.

25 37. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
26 RPH 72402 issued to Marian Fakhry Nimr Yousif Demian, then she shall be prohibited from
27 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
28

1 licensee for five years if Pharmacist License Number RPH 72402 is placed on probation or until
2 Pharmacist License Number RPH 72402 is reinstated if it is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Pharmacist License Number RPH 72118, issued to Josibel
7 Juaton Maamo;

8 2. Revoking or suspending Pharmacist License Number RPH 72402, issued to Marian
9 Fakhry Nimr Yousif Demian;

10 3. Prohibiting Josibel Juaton Maamo from serving as a manager, administrator, owner,
11 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
12 Number RPH 72118 is placed on probation or until Pharmacist License Number RPH 72118 is
13 reinstated if it is revoked;

14 4. Prohibiting Marian Fakhry Nimr Yousif Demian from serving as a manager,
15 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
16 Pharmacist License Number RPH 72402 is placed on probation or until Pharmacist License
17 Number RPH 72402 is reinstated if it is revoked;

18 5. Ordering Josibel Juaton Maamo and Marian Fakhry Nimr Yousif Demian to pay the
19 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
20 pursuant to Business and Professions Code section 125.3; and,

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

22
23 DATED: 6/15/2022

Signature on File

24 ANNE SODERGREN
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

SD2022800303