

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

In the Matter of the Second Amended Accusation Against:

**AMERISOURCEBERGEN, AMERISOURCEBERGEN DRUG
CORPORATION AND AMERISOURCEBERGEN DRUG
CORPORATION, OWNERS, Wholesale Permit No. 4142; and**

**AMERISOURCEBERGEN, AMERISOURCEBERGEN DRUG
CORPORATION AND AMERISOURCEBERGEN DRUG
CORPORATION, OWNERS, Wholesale Permit No. 4140; and**

**RONALD A. GREEN,
Designated Representative License No. EXC 14703; and**

**WILLIAM A. WILSON,
Designated Representative License No. EXC 21145; and**

**JOHN C. STAVICH,
Designated Representative License No. EXC 17437,**

Respondents

Agency Case No. 4982

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 February 21, 2020.

It is so ORDERED on January 22, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
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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 Second Amended Accusation
Against:

13 **AMERISOURCEBERGEN,**
14 **AMERISOURCEBERGEN DRUG CORPORATION**
15 **AND AMERISOURCEBERGEN DRUG**
16 **CORPORATION, OWNERS**
24903 Avenue Kearny
Valencia, CA 91355
Wholesaler Permit No. WLS 4142,

17 **and**

18 **AMERISOURCEBERGEN DRUG**
19 **CORPORATION, AMERISOURCEBERGEN**
20 **SERVICES CORPORATION AND**
21 **AMERISOURCEBERGEN CORPORATION,**
DBA AMERISOURCEBERGEN
1851 California Avenue
Corona, CA 92881

22 **Wholesaler Permit No. WLS 4140**

23 **RONALD A. GREEN**
24 **24903 Avenue Kearney**
Valencia, CA 91355

25 **Designated Representative License No. EXC 14703**
26
27
28

Case No. 4982

OAH No. 2015071209

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER
FOR PUBLIC REPROVAL (AS
TO WHOLESALER PERMITS,
ONLY)**

[Bus. & Prof. Code § 495]

1 **WILLIAM A. WILSON**
2 **1851 California Avenue**
3 **Corona, CA 91355**

4 **Designated Representative License No. EXC 21145**

5 **JOHN C. STAVICH**
6 **1851 California Avenue**
7 **Corona, CA 91355**

8 **Designated Representative License No. EXC 17437**

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

11 **PARTIES**

12 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of
13 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
14 this matter by Xavier Becerra, Attorney General of the State of California, by Christina Thomas,
15 Deputy Attorney General.

16 2. Respondents AmerisourceBergen, AmerisourceBergen Drug Corporation and
17 AmerisourceBergen Drug Corporation, Owners (Respondents) are represented in this proceeding
18 by attorneys Anne Marchant, Esq and Jonathan Allan Klein, Esq of Klein, Hockel, Iezza & Patel
19 P.C. 455 Market Street, Suite 1480, San Francisco, CA 94105.

20 **JURISDICTION**

21 3. On or about April 4, 2003, the Board issued Wholesaler Permit No. WLS 4142 to
22 AmerisourceBergen, AmerisourceBergen Drug Corporation and AmerisourceBergen Drug
23 Corporation, Owners. The Wholesaler Permit was in full force and effect at all times relevant to
24 the charges brought in Accusation No. 4982 and will expire on April 1, 2020, unless renewed.

25 On or about March 27, 2003, the Board of Pharmacy issued Wholesaler Permit Number
26 WLS 4140 to AmerisourceBergen Drug Corporation, AmerisourceBergen Services Corporation
27 and AmerisourceBergen Corporation, doing business as AmerisourceBergen (Respondent
28

1 AmerisourceBergen, Corona). The Wholesaler Permit was in full force and effect at all times
2 relevant to the charges brought herein and will expire on March 1, 2020, unless renewed.

3 4. On or about December 31, 1998, the Board of Pharmacy issued Designated
4 Representative License Number EXC 14703 to Ronald A. Green (Respondent Ronald Green).
5 The Designated Representative License was in full force and effect at all times relevant to the
6 charges brought herein, expired on December 1, 2016 and was cancelled on April 21, 2017.

7 5. On or about March 22, 2011, the Board of Pharmacy issued Designated
8 Representative License Number EXC 21145 to William A. Wilson (Respondent William Wilson).
9 The Designated Representative License was in full force and effect at all times relevant to the
10 charges brought herein, expired on March 1, 2013 and was cancelled on July 21, 2013.

11 6. On or about April 27, 2004, the Board of Pharmacy issued Designated Representative
12 License Number EXC 17437 to John C. Stavich (Respondent John Stavich). The Designated
13 Representative License was in full force and effect at all times relevant to the charges brought
14 herein and will expire on April 1, 2020, unless renewed.

15 7. Second Amended Accusation No. 4982 was filed before the Board of Pharmacy,
16 Department of Consumer Affairs and is currently pending against Respondents. The pleading
17 and all other statutorily required documents were properly served on Respondents on November
18 7, 2018. Respondents timely filed their Notice of Defense contesting the Accusation. A copy of
19 Second Amended Accusation No. 4982 is attached as exhibit A and incorporated herein by
20 reference.

21 **ADVISEMENT AND WAIVERS**

22 8. Respondents have carefully read, fully discussed with counsel, and understand the
23 charges and allegations in Accusation No. 4982. Respondents have also carefully read, fully
24 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
25 Order for Public Repeval.

26 9. Respondents are fully aware of their legal rights in this matter, including the right to a
27 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
28 their own expense; the right to confront and cross-examine the witnesses against them; the right

1 to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to
2 compel the attendance of witnesses and the production of documents; the right to reconsideration
3 and court review of an adverse decision; and all other rights accorded by the California
4 Administrative Procedure Act and other applicable laws.

5 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and
6 every right set forth above.

7 **CULPABILITY**

8 11. Nothing in this Agreement shall constitute or be construed as an admission of liability
9 on behalf of AmerisourceBergen, AmerisourceBergen Drug Corporation and AmerisourceBergen
10 Drug Corporation, their agents, affiliates, assigns, parents, subsidiaries, and/or successors, or an
11 admission as to the validity of the allegations in the Second Amended Accusation. However, for
12 the purpose of resolving Second Amended Accusation No. 4982 without the expense and
13 uncertainty of further proceedings, Respondents hereby give up their right to an evidentiary
14 hearing on the causes in the Second Amended Accusation and agree that their Wholesale Permits
15 are subject to discipline (public reproof) and agree to be bound by the Board's terms as set forth
16 in the Disciplinary Order below.

17 **CONTINGENCY**

18 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
19 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
20 communicate directly with the Board regarding this stipulation and settlement, without notice to
21 or participation by Respondents or their counsel. By signing the stipulation, Respondents
22 understand and agree that they may not withdraw their agreement or seek to rescind the
23 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
24 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public
25 Reproof shall be of no force or effect, except for this paragraph, it shall be inadmissible in any
26 legal action between the parties, and the Board shall not be disqualified from further action by
27 having considered this matter.

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
3 Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and
4 effect as the originals.

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

12 15. 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 IT IS HEREBY ORDERED that Wholesaler Permit Nos. WLS 4142 and WLS 4140 issued
17 to Respondents AmerisourceBergen, AmerisourceBergen Drug Corporation and
18 AmerisourceBergen Drug Corporation, Owners shall be publicly reprovved by the Board of
19 Pharmacy under Business and Professions Code section 495 in resolution of Second Amended
20 Accusation No. 4982, attached as exhibit A.

21 **Cost Recovery.** Respondents shall be held jointly and severally liable to pay \$10,000 to
22 the Board for its costs associated with the investigation and enforcement of this matter.
23 Respondents shall be permitted to pay these costs in a payment plan approved by the Board. If
24 Respondents fail to pay the Board costs as ordered, Respondents shall not be allowed to renew
25 their Wholesaler Permits until Respondents pay costs in full.


26 **Civil Penalty.** Respondents shall be held jointly and severally liable to pay \$140,000 to the
27 Board for the civil penalty associated with discipline in this matter. Respondents shall be
28 permitted to pay this penalty in a payment plan approved by the Board. If Respondents fail to pay

1 the Board civil penalty as ordered, Respondents shall not be allowed to renew their Wholesaler
2 Permits until Respondents pay in full.

3 ACCEPTANCE

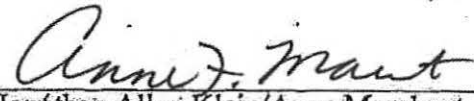
4 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
5 Repeval and have fully discussed it with my attorney. I understand the stipulation and the effect
6 it will have on my Wholesaler Permit. I enter into this Stipulated Settlement and Disciplinary
7 Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the
8 Decision and Order of the Board of Pharmacy.

9
10
11 DATED: 8/23/19


Elizabeth Campbell, SVP - Group General
Counsel & Chief Litigation and Compliance
Counsel AMERISOURCEBERGEN,
AMERISOURCEBERGEN DRUG
CORPORATION AND DRUG CORPORATION,
OWNERS
Respondents

16 I have read and fully discussed with Respondents AmerisourceBergen, AmerisourceBergen
17 Drug Corporation and AmerisourceBergen Drug Corporation, Owners, the terms and conditions
18 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
19 Repeval. I approve its form and content.

20
21 DATED: 8/23/2019


Jonathan Allan Klein/Ane Marchant
Attorneys for Respondents

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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: _____

8/23/19

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General



CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Second Amended Accusation No. 4982

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2 SHAWN P. COOK
Supervising Deputy Attorney General
3 ALVARO MEJA
Deputy Attorney General
4 State Bar No. 216956
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Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:
11
12 **AMERISOURCEBERGEN DRUG CO.**
AND AMERISOURCEBERGEN CORP.,
13 **DBA AMERISOURCEBERGEN**
24903 Avenue Kearny
Valencia, CA 91355
14
15 **Wholesaler Permit No. WLS 4142**
16
17 **RONALD A. GREEN**
24903 Avenue Kearney
Valencia, CA 91355
18
19 **Designated Representative License No. EXC 14703**
20
21 **AMERISOURCEBERGEN DRUG**
CORPORATION, AMERISOURCEBERGEN
22 **SERVICES CORPORATION AND**
AMERISOURCEBERGEN CORPORATION,
23 **DBA AMERISOURCEBERGEN**
1851 California Avenue
Corona, CA 92881
24
25 **Wholesaler Permit No. WLS 4140**
26
27 **WILLIAM A. WILSON**
1851 California Avenue
Corona, CA 91355
28
29 **Designated Representative License No. EXC 21145**

Case No. 4982

SECOND AMENDED
ACCUSATION

1 **JOHN C. STAVICH**
2 **1851 California Avenue**
3 **Corona, CA 91355**

4 **Designated Representative License No. EXC 17437**

5 Respondents.

6 Complainant alleges:

7 **PARTIES**

8 1. Virginia Herold (Complainant) brings this Second Amended Accusation solely in her
9 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
10 Affairs.

11 2. On or about April 4, 2003, the Board of Pharmacy issued Wholesaler Permit Number
12 WLS 4142 to AmerisourceBergen Drug Co. and AmerisourceBergen Corp., doing business as
13 AmerisourceBergen (Respondent AmerisourceBergen, Valencia). The Wholesaler Permit was in
14 full force and effect at all times relevant to the charges brought herein and will expire on April 1,
15 2019, unless renewed.

16 3. On or about March 27, 2003, the Board of Pharmacy issued Wholesaler Permit
17 Number WLS 4140 to AmerisourceBergen Drug Corporation, AmerisourceBergen Services
18 Corporation and AmerisourceBergen Corporation, doing business as AmerisourceBergen
19 (Respondent AmerisourceBergen, Corona). The Wholesaler Permit was in full force and effect at
20 all times relevant to the charges brought herein and will expire on March 1, 2019, unless renewed.

21 4. On or about December 31, 1998, the Board of Pharmacy issued Designated
22 Representative License Number EXC 14703 to Ronald A. Green (Respondent Ronald Green).
23 The Designated Representative License was in full force and effect at all times relevant to the
24 charges brought herein, expired on December 1, 2016 and was canceled on April 21, 2017.

25 5. On or about March 22, 2011, the Board of Pharmacy issued Designated
26 Representative License Number EXC 21145 to William A. Wilson (Respondent William Wilson).
27 The Designated Representative License was in full force and effect at all times relevant to the
28 charges brought herein, expired on March 1, 2013 and was cancelled on July 21, 2013.

1 (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....

2 ...

3 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
4 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,
5 including regulations established by the board or any other state or federal regulatory
agency.

6 ...

7 12. Section 4053, subdivision (a) of the Code states:

8 Notwithstanding Section 4051, the board may issue a license as a designated
9 representative to provide sufficient and qualified supervision in a wholesaler or
veterinary food-animal drug retailer. The designated representative shall protect the
10 public health and safety in the handling, storage, and shipment of dangerous drugs
and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

11 13. Health and Safety Code section 11153.5, subdivision (a) states:

12 (a) No wholesaler or manufacturer, or agent or employee of a wholesaler or
13 manufacturer, shall furnish controlled substances for other than legitimate medical
purpose.

14 (b) Anyone who violates this section knowingly, or having a conscious
15 disregard for the fact, that the controlled substances are for other than a legitimate
medical purpose shall be punishable by imprisonment pursuant to subdivision (h) of
16 Section 1170 of the Penal Code, or in a county jail not exceeding one year, or by fine
not exceeding twenty thousand dollars (\$20,000), or by both that fine and
17 imprisonment.

18 (c) Factors to be considered in determining whether a wholesaler or
19 manufacturer, or agent or employee of a wholesaler or manufacturer, furnished
controlled substances knowing or having a conscious disregard for the fact that the
20 controlled substances are for other than legitimate medical purpose shall include, but
not be limited to, whether the use of controlled substances was for purposes of
21 increasing athletic ability or performance, the amount of controlled substances
furnished, the previous ordering pattern of the customer (including size and frequency
of orders), the type and size of the customer, and where and to whom the customer
22 distributes the product.

23 14. Title 21, Code of Federal Regulations, section 1301.74, subdivision (b) states:

24 The registrant shall design and operate a system to disclose to the registrant
suspicious orders of controlled substances. The registrant shall inform the Field
25 Division Office of the Administration in his area of suspicious orders when
discovered by the registrant. Suspicious orders include orders of unusual size, orders
26 deviating substantially from a normal pattern and orders of unusual frequency.

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1 **COST RECOVERY**

2 15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS**

7 16. Dilaudid is the brand name for hydromorphone, a Schedule II controlled substance
8 pursuant to Health and Safety Code section 11054(b)(J) and a dangerous drug pursuant to
9 Business and Professions Code section 4022.

10 17. Norco 10mg is the brand name for hydrocodone10mg/APAP 325mg, a Schedule III
11 controlled substance pursuant to Health and Safety Code section 11056(e)(5) and a dangerous
12 drug pursuant to Business and Professions Code section 4022.

13 18. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
14 section 11054(b)(N) and a dangerous drug pursuant to Business and Professions Code section
15 4022.

16 19. Phenergan with Codeine is the brand name for promethazine with codeine, a
17 Schedule V controlled substance pursuant to Health and Safety Code section 111058(c)(1) and is
18 a dangerous drug pursuant to Business and Professions Code section 4022.

19 20. Soma is the brand name for carisoprodol, a Schedule IV controlled substance
20 pursuant to 21 Code of Federal Regulations 1308.14(c)(6) and is a dangerous drug pursuant to
21 Business and Professions Code section 4022.

22 21. Xanax is the brand name for alprazolam, a Schedule IV controlled substance pursuant
23 to Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Business and
24 Professions Code section 4022.

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FACTUAL ALLEGATIONS

22. From March 20, 2003 through December 1, 2016, Respondent Ronald Green was the Designated Representative-in-Charge of Respondent AmerisourceBergen at its premises in Valencia, California. From January 19, 2011 through January 30, 2013, Respondent William Wilson was the Designated Representative-in-Charge of Respondent AmerisourceBergen at its premises in Corona, California. From January 30, 2013 through April 17, 2016, Respondent John Stavich was the Designated Representative-in-Charge of Respondent AmerisourceBergen at its premises in Corona, California.

23. From January 1, 2012 to April 2, 2013, Respondents AmerisourceBergen, Corona, William Wilson and/or John Stavich sold or furnished 30,000 tablets of alprazolam 2mg (60 bottles of 500 tablets), 82,900 tablets of oxycodone 30mg (829 bottles of 100 tablets), 52,000 tablets of Norco or hydrocodone/APAP 10 mg/325 (102 bottles of 500 tablets and 1 bottle of 1000 tablets) and 17,300 tablets of Dilaudid or hydromorphone 4mg (173 bottles of 100 tablets) to Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park Pharmacy.

24. From January 31, 2013 to December 3, 2013, Respondents AmerisourceBergen, Corona and John Stavich sold or furnished 43,800 tablets of alprazolam 2mg (3 bottles of 100 tablets and 87 bottles of 500 tablets), 29,000 tablets of oxycodone 30mg (290 bottles of 100 tablets), 95,300 tablets of hydrocodone/APAP 10mg/325 (73 bottles of 100 tablets, 32 bottles of 500 tablets and 72 bottles of 1000 tablets), and 181,920ml of promethazine with codeine syrup (379 bottles of 480mls each) to Gee's Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy.

25. From January 10, 2010 to October 2012, Respondents AmerisourceBergen, Valencia and Ronald Green sold or furnished to LDWPC Inc., doing business as Garfield Prescription Pharmacy the following dangerous drugs during the following time periods: (1) from February 1, 2010 to October 31, 2012, 710,919 mls of promethazine with codeine (1503 bottles of 473mls); (2) from January 11, 2010 to July 2, 2012, 135,100 tablets of alprazolam 2mg (6 bottles of 500 tablets each and 1,310 bottles of 100 tablets each); from February 17, 2010 to December 12, 2012, 119,000 tablets of hydrocodone/APAP 10mg/325mg (238 bottles of 500 tablets each); from

1 January 25, 2010 to August 22, 2011, 125,100 tablets of hydrocodone/APAP 10mg/500mg; and
2 from April 7, 2010 to August 9, 2011, 60,000 tablets of carisoprodol 350mg (57 bottles of 1,000
3 tablets each).

4 26. From September 2014 to March 2015, Respondents AmerisourceBergen, Valencia
5 and Ronald Green sold or furnished 45,500 alprazolam 2mg tablets and 122,500
6 hydrocodone/acetaminophen 10/325mg tablets to Century Discount Pharmacy, Inc. with
7 disregard for the pharmacy's previous ordering pattern. Specifically, Respondents
8 AmerisourceBergen, Valencia and Ronald Green sold the pharmacy 500 alprazolam 2mg tablets
9 in June 2014 and sales trended upward to 13,500 tablets in January 2015. Similarly, Respondent
10 AmerisourceBergen, Valencia and Ronald Green sold 1,000 hydrocodone/acetaminophen
11 10/325mg in June 2014 and sales trended upward to 31,000 tablets in February 2015.

12 27. Respondents implemented a Diversion Control Program and Order Monitoring
13 Program designed to track their furnishing of controlled substances to pharmacies (hereinafter
14 monitoring program.)

15 28. Although Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park
16 Pharmacy had appeared on Respondent AmerisourceBergen, Corona's Compliance Manager's
17 "over threshold report," Respondents AmerisourceBergen, Corona, William Wilson and/or John
18 Stavich did not reject all controlled substance orders from Gee's Healthcare Pharmacy, Inc.,
19 doing business as Cabrillo Park Pharmacy and continued to furnish controlled substances to that
20 pharmacy. Additionally, in July 2013 through September 2013, Respondent AmerisourceBergen,
21 Corona investigated orders and attempted purchases of controlled substances from Gee's
22 Healthcare Pharmacy Inc., doing business as Yorba Park Pharmacy but continued to furnish
23 controlled substances to that pharmacy.

24 29. Similarly, although LDWPC Inc., doing business as Garfield Prescription Pharmacy
25 appeared on AmerisourceBergen, Valencia and Ronald Green's "over threshold report" and/or
26 deviated from LDWPC In., doing business as Garfield Prescription Pharmacy's controlled
27 substance order patterns, Respondents AmerisourceBergen, Valencia and Ronald Green did not
28 reject all controlled substance orders from LDWPC Inc., doing business as Garfield Prescription

1 Pharmacy and continued to furnish controlled substances to that pharmacy.

2 30. Similarly, although Century Discount Pharmacy, Inc. appeared on
3 AmerisourceBergen, Valencia and Ronald Green's "over threshold report" and/or deviated from
4 Century Discount Pharmacy, Inc.'s controlled substance order patterns, Respondents
5 AmerisourceBergen, Valencia and Ronald Green did not reject all controlled substance orders
6 from Century Discount Pharmacy, Inc. and continued to furnish controlled substances to that
7 pharmacy.

8 31. Respondents did not notify the Drug Enforcement Administration and the Board of all
9 of Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park Pharmacy's and Gee's
10 Healthcare Pharmacy, Inc., doing business as Yorba Park Pharmacy's and LDWPC Inc., doing
11 business as Garfield Prescription Pharmacy's and Century Discount Pharmacy, Inc.'s suspicious
12 orders for controlled substances.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Corresponding Responsibility**

15 **to Furnish Controlled Substances for Legitimate Medical Purpose)**

16 32. Respondents are subject to disciplinary action under Code section 4301, subdivision
17 (j), for violating Health and Safety Code section 11153.5, subdivision (a), in that they failed to
18 comply with their corresponding responsibility to ensure that controlled substances were
19 furnished for a legitimate medical purpose when Respondents furnished controlled substances to
20 Gee's Healthcare Pharmacy, Inc., doing business as Cabrillo Park Pharmacy and Yorba Park
21 Pharmacy and/or LDWPC Inc., doing business as Garfield Prescription Pharmacy and/or Century
22 Discount Pharmacy, Inc., even though "red flags" were present, as set forth in paragraphs 22
23 through 31 above, which are incorporated herein by reference.

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1 SECOND CAUSE FOR DISCIPLINE

2 **(Failure to Report Suspicious Drug Orders to Drug Enforcement Administration)**

3 33. Respondents are subject to disciplinary action under Code section 4301, subdivision
4 (o), for violating title 21, Code of Federal Regulations, section 1301.74, subdivision (b), in that
5 they failed to report suspicious orders to the Drug Enforcement Administration, as set forth in
6 paragraphs 22 through 31 above, which are incorporated herein by reference.

7 THIRD CAUSE FOR DISCIPLINE

8 **(Clearly Excessive Furnishing of Controlled Substances)**

9 34. Respondents are subject to disciplinary action under Code section 4301, subdivision
10 (e), for the clearly excessive furnishing of controlled substances in violation of subdivision (a) of
11 section 11153.5 of the Health & Safety Code, as set forth in paragraphs 22 through 31 above,
12 which are incorporated herein by reference.

13 FOURTH CAUSE FOR DISCIPLINE

14 **(Unprofessional Conduct)**

15 35. Respondents are subject to disciplinary action under Code section 4301 for
16 unprofessional conduct in that they engaged in the activities described in paragraphs 22 through
17 31 above, which are incorporated herein by reference.

18 **DISCIPLINARY CONSIDERATIONS**

19 36. To determine the degree of discipline, if any, to be imposed on Respondents,
20 Complainant alleges:

21 a. On January 6, 2010, the Board issued Citation number CI 2007 34718 against
22 Respondent AmerisourceBergen, Valencia for violating Business and Professions Code section
23 4081 and title 16, California Code of Regulations, section 1718. The Board issued a fine which
24 Respondent paid.

25 b. On February 16, 2011, the Board issued Citation number CI 2010 47346 to
26 Respondent AmerisourceBergen, Valencia for violating Business and Professions Code section
27 4059.5, subdivision (a). The Board issued a fine which Respondent paid.

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1 c. On October 25, 2013, the Board issued Citation number CI 2012 54944 to
2 Respondent AmerisourceBergen, Corona for violating California Code of Regulations, title 16,
3 section 1783, subdivision (d). The Board issued a fine which Respondent paid.

4 **PRAYER**

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

7 1. Revoking or suspending Wholesaler Permit Number WLS 4142, issued to
8 AmerisourceBergen Drug Co. and AmerisourceBergen Corp., doing business as
9 AmerisourceBergen;

10 2. Revoking or suspending Wholesaler Permit Number WLS 4140, issued to
11 AmerisourceBergen Drug Corporation, AmerisourceBergen Services Corporation and
12 AmerisourceBergen Corporation, doing business as AmerisourceBergen;

13 3. Revoking or suspending Designated Representative License Number EXC 14703,
14 issued to Ronald A. Green;

15 4. Revoking or suspending Designated Representative License Number EXC 21145,
16 issued to William A. Wilson;

17 5. Revoking or suspending Designated Representative License Number EXC 17437,
18 issued to John C. Stavich;

19 6. Ordering AmerisourceBergen Drug Co. and AmerisourceBergen Corp., doing
20 business as AmerisourceBergen, AmerisourceBergen Drug Corporation, AmerisourceBergen
21 Services Corporation and AmerisourceBergen Corporation, doing business as
22 AmerisourceBergen, Ronald A. Green, William A. Wilson and John C. Savich to pay the Board
23 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
24 Business and Professions Code section 125.3; and

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

DATED: 10/31/18



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

DOJ Matter ID: SD2013706223
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