

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

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

**OPTUMRX INC., dba  
OPTUMRX,  
Pharmacy Permit No. PHY 47482;**

**and**

**SHAWN JASON BJORN DAL,  
Pharmacist License No. RPH 65593,**

**Respondents.**

**Agency Case No. 6638**

**OAH No. 2020060711.1**

## 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 April 1, 2022.

It is so ORDERED on March 2, 2022.

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, sweeping initial "S".

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
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8 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6638

13 **OPTUMRX INC., DBA OPTUMRX**  
14 **2858 Loker Avenue East, Ste. 100**  
**Carlsbad, CA 92010**

OAH No. 2020060711.1

15 **Pharmacy Permit No. PHY 47482,**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**OPTUMRX, INC. ONLY**

16 **and**

**AND**

17 **SHAWN JASON BJORN DAL**  
18 **2858 Loker Ave., East #100**  
**Carlsbad, CA 92010**

**WITHDRAWAL OF THIRD**  
**AMENDED ACCUSATION, AS TO**  
**SHAWN JASON BJORN DAL, ONLY**

19 **Pharmacist License No. RPH 65593**

20 Respondents.

21  
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
26 (Board). She brought this action solely in her official capacity and is represented in this matter by  
27 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney  
28 General and Kristina Jarvis, Deputy Attorney General.

263593467 v1





1 prior to the time the Board considers and acts upon it. If the Board fails to adopt this Stipulated  
2 Settlement and Disciplinary Order as its Decision and Order, the Stipulated Settlement and  
3 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible  
4 in any legal action between the parties, and the Board shall not be disqualified from further action  
5 by having considered this matter.

6 16. Respondent Bjorndal understands and agrees that if Respondent OptumRx does not  
7 enter into this stipulation or if the Board decides not to issue both the Decision and Order adopting  
8 this stipulated settlement, then this stipulation shall be void, unenforceable and inadmissible in any  
9 legal action between the parties, and this stipulation shall not disqualify or inhibit the Board from  
10 further action against Respondent Bjorndal.

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

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

20 19. In consideration of the foregoing stipulations, the parties agree that the Board may,  
21 without further notice or formal proceeding, issue and enter the following Disciplinary Order as to  
22 Respondent OptumRx and impose the following terms as to Respondent Bjorndal:

23 **DISCIPLINARY ORDER**

24 **IT IS HEREBY ORDERED AS TO RESPONDENT OPTUMRX** that Pharmacy Permit  
25 No. PHY 47482 issued to Respondent OptumRx Inc., dba OptumRx is revoked. However, the  
26 revocation is stayed and the Carlsbad Pharmacy is placed on probation for one (1) year on the  
27 following terms and conditions:

28 1. **Definition: Disciplined Premises** For the purposes of these terms and conditions,

263593467 v1

1 “Disciplined Premises” shall refer to the Carlsbad Pharmacy. All terms and conditions stated herein  
2 shall bind and be applicable to the licensed premises and to all owners, managers, officers,  
3 administrators, members, directors, trustees, associates, or partners thereof. For purposes of  
4 compliance with any term or condition, any report, submission, filing, payment, or appearance  
5 required to be made by Respondent OptumRx to or before the Board or its designee shall be made  
6 by an owner or executive officer with authority to act on behalf of and legally bind the licensed  
7 entity. This Stipulated Settlement and Disciplinary Order does not prohibit or preclude Respondent  
8 OptumRx or any of its affiliates from obtaining a California pharmacy license in the future.

9 **2. Obey All Laws**

10 Disciplined Premises shall obey all state and federal laws and regulations.

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

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

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

24 **3. Report to the Board**

25 Disciplined Premises shall report to the Board quarterly, on a schedule as directed by the  
26 Board or its designee. The report shall be made either in person or in writing, as directed. Among  
27 other requirements, Disciplined Premises shall state in each report under penalty of perjury whether  
28 there has been compliance with all the terms and conditions of probation. Failure to submit timely

263593467 v1

1 reports in a form as directed shall be considered a violation of probation. Any period(s) of  
2 delinquency in submission of reports as directed may be added to the total period of probation.  
3 Moreover, if the final probation report is not made as directed, probation shall be automatically  
4 extended until such time as the final report is made and accepted by the Board.

5 **4. Interview with the Board**

6 Upon receipt of reasonable prior notice, Disciplined Premises shall appear in person or via  
7 video conference for interviews with the Board or its designee, at such intervals and locations as  
8 are determined by the Board or its designee. Failure to appear for any scheduled interview without  
9 prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with  
10 the Board or its designee during the period of probation, shall be considered a violation of  
11 probation.

12 **5. Cooperate with Board Staff**

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

20 **6. Reimbursement of Board Costs**

21 As a condition precedent to successful completion of Disciplined Premises' probation,  
22 Respondent OptumRx shall pay to the Board its costs of investigation and prosecution in the  
23 amount of \$140,264.25 no later than sixty days from the effective date of the Decision and Order.  
24 Failure to pay costs within sixty days of the effective date of the Decision and Order shall be  
25 considered a violation of probation.

26 **7. Probation Monitoring Costs**

27 Respondent OptumRx shall pay any costs associated with probation monitoring as  
28 determined by the Board each and every year of probation. Such costs shall be payable to the board

263593467 v1



1 on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s)  
2 as directed shall be considered a violation of probation.

3 **8. Status of License**

4 Subject to Paragraph 9, the Disciplined Premises shall, at all times while on probation,  
5 maintain a current pharmacy permit with the Board. Failure to maintain current licensure shall be  
6 considered a violation of probation.

7 If Disciplined Premises' license expires or is cancelled by operation of law or otherwise at  
8 any time during the period of probation, including any extensions thereof or otherwise, upon  
9 renewal or reapplication Disciplined Premises' license shall be subject to all terms and conditions  
10 of this probation not previously satisfied.

11 **9. License Surrender While on Probation/Suspension**

12 Following the effective date of this Decision and Order, should Disciplined Premises wish  
13 to discontinue business, the Disciplined Premises may tender the Carlsbad Pharmacy Permit to the  
14 Board for surrender. The Board or its designee shall have the discretion whether to grant the request  
15 for surrender, or take any other action it deems appropriate and reasonable. Upon formal  
16 acceptance of the surrender of the license, the Disciplined Premises will no longer be subject to the  
17 terms and conditions of probation.

18 Respondent OptumRx further stipulates that it shall reimburse the Board for its costs of  
19 investigation and prosecution, as reflected in Paragraph 6, prior to the acceptance of the surrender.

20 **10. Sale or Discontinuance of Business**

21 During the period of probation, should Respondent OptumRx sell, trade or transfer all or  
22 part of the ownership of the Disciplined Premises, discontinue doing business under the license  
23 issued to Respondent OptumRx, or should practice at that location be assumed by another full or  
24 partial owner, person, firm, business, or entity, under the same or a different premises license  
25 number, the Board or its designee shall have the sole discretion to determine whether to exercise  
26 continuing jurisdiction over the licensed location, under the current or new premises license  
27 number, and/or carry the remaining period of probation forward to be applicable to the current or  
28 new premises license number of the new owner.

263593467 v1

1           **11. Notice to Employees**

2           Respondent OptumRx shall, upon or before the effective date of this Decision and Order,  
3 ensure that all employees involved in permit operations are made aware of all the terms and  
4 conditions of probation, either by posting a notice of the terms and conditions, circulating such  
5 notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent  
6 place and shall remain posted throughout the probation period. Respondent OptumRx shall ensure  
7 that any employees of the Disciplined Premises hired or used after the effective date of this Decision  
8 and Order are made aware of the terms and conditions of probation by posting a notice, circulating  
9 a notice, or both. Additionally, Respondent OptumRx shall submit written notification to the Board,  
10 within fifteen (15) days of the effective date of this Decision and Order, that this term has been  
11 satisfied. Failure to timely provide such notification to employees, or to timely submit such  
12 notification to the Board shall be considered a violation of probation.

13           “Employees” as used in this provision includes all full-time, part-time, volunteer, temporary  
14 and relief employees and independent contractors employed or hired by the Disciplined Premises  
15 at any time during probation.

16           **12. Owners and Officers: Knowledge of the Law**

17           Respondent OptumRx shall provide, within thirty (30) days after the effective date of this  
18 Decision and Order, signed and dated statements from its owners, including any owner or holder  
19 of ten percent (10%) or more of the interest in Respondent OptumRx or Respondent OptumRx’s  
20 stock, and all of its officers, stating under penalty of perjury that said individuals have read and are  
21 familiar with state and federal laws and regulations governing the practice of pharmacy. The failure  
22 to timely provide said statements under penalty of perjury shall be considered a violation of  
23 probation.

24           **13. Premises Open for Business**

25           Subject to Paragraph 9, the Disciplined Premises shall remain open and operate as a  
26 pharmacy in California for a minimum of sixty hours per calendar month. Any month during which  
27 this minimum is not met shall toll the period of probation, i.e., the period of probation shall be  
28 extended by one month for each month during which this minimum is not met. During any such

263593467 v1

1 period of tolling of probation, Respondent OptumRx must nonetheless comply with all terms and  
2 conditions of probation, unless Respondent OptumRx is informed otherwise in writing by the Board  
3 or its designee. If the Disciplined Premises is not open and engaged in its ordinary business as a  
4 pharmacy for a minimum of sixty hours in any calendar month, for any reason (including vacation),  
5 the Disciplined Premises shall notify the board in writing within ten (10) days of the conclusion of  
6 that calendar month. This notification shall include at minimum all of the following: the date(s) and  
7 hours respondent was open; the reason(s) for the interruption or why business was not conducted;  
8 and the anticipated date(s) on which respondent will resume business as required. Respondent  
9 OptumRx shall further notify the Board in writing with ten (10) days following the next calendar  
10 month during which the Disciplined Premises is open and engaged in its ordinary business as a  
11 pharmacy in California for a minimum of sixty hours. Any failure to timely provide such  
12 notification(s) shall be considered a violation of probation.

13 **14. Posted Notice of Probation**

14 Respondent OptumRx shall prominently post a probation notice provided by the Board or  
15 its designee in a place conspicuous to and readable by the public within two days of receipt thereof  
16 from the Board or its designee. Failure to timely post such notice, or to maintain the posting during  
17 the entire period of probation, shall be considered a violation of probation.

18 In addition, Respondent OptumRx shall prominently post a probation notice similar to that  
19 provided by the Board or its designee on Respondent OptumRx's website in a place that is likely  
20 to be frequented by California consumers and health care providers.

21 Respondent OptumRx shall not, directly or indirectly, engage in any conduct or make any  
22 statement which is intended to mislead or is likely to have the effect of misleading any patient,  
23 customer, member of the public, or other person(s) as to the nature of and reason for the probation  
24 of the licensed entity.

25 **15. Violation of Probation**

26 If the Disciplined Premises has not complied with any term or condition of probation, the  
27 Board shall have continuing jurisdiction over the Disciplined Premises and probation shall be  
28 automatically extended, until all terms and conditions have been satisfied or the Board has taken

263593467 v1

1 other action as deemed appropriate to treat the failure to comply as a violation of probation, to  
2 terminate probation, and to impose the penalty that was stayed.

3 If the Disciplined Premises violates probation in any respect, the Board, after giving the  
4 Disciplined Premises notice and an opportunity to be heard, may revoke probation and carry out  
5 the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed  
6 against the Disciplined Premises during probation, the Board shall have continuing jurisdiction  
7 and the period of probation shall be automatically extended until the petition to revoke probation  
8 or accusation is heard and decided.

9 **16. Completion of Probation**

10 Upon written notice by the Board or its designee indicating successful completion of  
11 probation, Respondent's license will be fully restored.

12 **17. Administrative Fine**

13 Respondent OptumRx shall pay an administrative fine in the amount of \$100,000 and make  
14 an in-kind charitable donation valued at \$75,000 or more, as part of the fine as follows. No later  
15 than 30 days from the effective date of the Decision and Order, Respondent OptumRx shall pay  
16 \$100,000 to the Board. No later than 60 days from the effective date of the Decision and Order,  
17 Respondent OptumRx shall furnish documentation showing it made an in-kind charitable donation,  
18 valued at \$75,000 or more, to a 501(c)(3) registered charity that assists underserved communities  
19 in California. If Respondent OptumRx fails to pay the Board and make the charitable donation as  
20 ordered, Respondent shall not be allowed to renew its Carlsbad Pharmacy Permit until OptumRx  
21 pays the Board. In addition, if Respondent does not furnish the Board with documentation that it  
22 has made the in-kind charitable donation as described within 60 days from the date of the Decision  
23 and Order, \$175,000 total, minus any amounts paid by Respondent OptumRx to the Board, shall  
24 be due and payable to the Board and the Board may enforce this order in any appropriate court, in  
25 addition to any other rights the Board may have.

26 **18. Acknowledgment of Pharmacist Consultation Requirements**

27 Within 30 days from the effective date of the Decision and Order, Respondent OptumRx  
28 must provide the Board with (1) a copy of the written notice provided to all patients about the right

263593467 v1

1 to request and receive a pharmacist consultation (per California Code of Regulations, title 16,  
2 section 1707.2, subdivision (b)); (2) documentation of Respondent OptumRx's rules or guidelines  
3 for customer service representatives to orally provide customers with notice of their right to a  
4 Respondent OptumRx pharmacist consultation, including the telephone number from which a  
5 patient may obtain oral consultation from a Respondent OptumRx pharmacist and the time frame  
6 within which the call will occur; (3) a detailed written description of training provided to customer  
7 service representatives about how to provide this notice and the telephone number from which a  
8 patient may obtain the oral consultation from a Respondent OptumRx pharmacist; (4) a statement  
9 confirming Respondent OptumRx will fulfill its obligations to provide direct pharmacist consults  
10 when required by California Code of Regulations, title 16, section 1707.2; and (5), Respondent  
11 OptumRx's Pharmacist-In-Charge (PIC) shall provide a separate written approval of the above-  
12 listed submissions, as well as a specific acknowledgement that Respondent must provide direct  
13 pharmacist consults when required by California Code of Regulations, title 16, section 1707.2.

14 **IT IS ALSO HEREBY ORDERED AS TO RESPONDENT BJORN DAL** that subject  
15 to and within 60 days of the effective date of the Board's Decision and Order and OptumRx's  
16 compliance with the terms of the Decision and Order which have come due at or before that time,  
17 Complainant shall withdraw the pending Third Amended Accusation as to Shawn Jason Bjorndal  
18 only and Shawn Jason Bjorndal shall comply with the following terms.

19 **Ethics Course.** Within 60 days from the date of the withdrawal of the Third Amended  
20 Accusation, Respondent Bjorndal shall enroll in an ethics course (in-person or webinar), at  
21 Respondent Bjorndal's expense, approved in advance by the Board or its designee, that complies  
22 with Title 16, California Code of Regulations, section 1773.5. Within 5 days of enrollment,  
23 Bjorndal shall provide proof of enrollment. Within 5 days of completion of the course, Respondent  
24 Bjorndal shall submit a copy of the certificate of completion to the Board or its designee.  
25 Respondent Bjorndal shall not be allowed to renew his pharmacist license until he submits a copy  
26 of the certificate of completion as required by this term. Failure to timely enroll in an approved  
27 ethics course, to provide required documentation to the board, or to successfully complete the ethics  
28 course shall be considered unprofessional conduct and may subject Respondent Bjorndal to the

263593467 v1

1 filing of an administrative action

2 **Payment.** Within 60 days from the date of the withdrawal of the Third Amended  
3 Accusation, Respondent Bjorndal shall pay the Board administrative costs in the amount of \$2,000.

4 **Approval of Pharmacist Consultation Requirements.** Respondent Bjorndal shall be  
5 ordered to demonstrate approval of pharmacist consultation requirements as follows: Within 30  
6 days from the effective date of the Decision and Order, Respondent Bjorndal shall acknowledge in  
7 a letter to the Board, signed under penalty of perjury, that he understands and agrees that all  
8 pharmacies licensed in California, including OptumRx, must provide direct pharmacist consults  
9 when required by California Code of Regulations, title 16, section 1707.2. Additionally,  
10 Respondent Bjorndal shall acknowledge and agree that as a PIC he is aware of and understands  
11 Code sections 4113 and 4330, subdivision (b).

12 **ACCEPTANCE**

13 I, Christopher R. Zaetta, Chief Legal Officer of Optum, Inc., have been authorized to act on  
14 OptumRx's behalf in this matter, and have carefully read the above Stipulated Settlement and  
15 Disciplinary Order and have fully discussed it with its counsel, Alissa Brice Castañeda. Respondent  
16 OptumRx understands the stipulation and the effect it will have on its Carlsbad Pharmacy Permit.  
17 On behalf of OptumRx, Inc, as its authorized representative, I enter into this Stipulated Settlement  
18 and Disciplinary Order voluntarily, knowingly, and intelligently, and OptumRx, Inc agrees to be  
19 bound by the Decision and Order of the Board of Pharmacy.

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

\_\_\_\_\_  
OPTUMRx, INC., DBA OPTUMRx  
*Respondent*  
*Name: Christopher R. Zaetta*  
*Title: Chief Legal Officer, Optum, Inc.*  
*Authorized Representative*

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7 a letter to the Board, signed under penalty of perjury, that he understands and agrees that all  
8 pharmacies licensed in California, including OptumRx, must provide direct pharmacist consults  
9 when required by California Code of Regulations, title 16, section 1707.2. Additionally,  
10 Respondent Bjorndal shall acknowledge and agree that as a PIC he is aware of and understands  
11 Code sections 4113 and 4330, subdivision (b).

12 **ACCEPTANCE**

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15 Disciplinary Order and have fully discussed it with its counsel, Alissa Brice Castañeda. Respondent  
16 OptumRx understands the stipulation and the effect it will have on its Carlsbad Pharmacy Permit.  
17 On behalf of OptumRx, Inc, as its authorized representative, I enter into this Stipulated Settlement  
18 and Disciplinary Order voluntarily, knowingly, and intelligently, and OptumRx, Inc agrees to be  
19 bound by the Decision and Order of the Board of Pharmacy.

20 DATED: 02/02/2022

*Christopher R. Zaetta*  
Christopher R. Zaetta (Feb 2, 2022 05:41 MST)

\_\_\_\_\_  
OPTUMRX, INC., DBA OPTUMRX  
*Respondent*  
*Name: Christopher R. Zaetta*  
*Title: Chief Legal Officer, Optum, Inc.*  
*Authorized Representative*

24 ///  
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26 ///  
27 ///  
28 ///

1 I have read and fully discussed with Respondent OptumRx Inc., dba OptumRx the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4  
5 DATED: \_\_\_\_\_  
6 ALISSA BRICE CASTANEDA  
7 *Attorney for Respondent OPTUMRx, INC., DBA*  
8 *OPTUMRx*

9 I have carefully read and understand the above Stipulated Settlement and have fully  
10 discussed it with my attorneys, Jonathan Klein and Sweta Patel. I enter into this Stipulated  
11 Settlement voluntarily, knowingly, and intelligently, and agree to be bound by its terms.

12  
13 DATED: \_\_\_\_\_  
14 SHAWN JASON BJORN DAL  
15 *Respondent*

16 I have read and fully discussed with Respondent Shawn Jason Bjorndal the terms and  
17 conditions and other matters contained in the above Stipulated Settlement. I approve its form and  
18 content.

19 DATED: \_\_\_\_\_  
20 SWETA PATEL  
21 *Attorney for Respondent Bjorndal*

22  
23 **ENDORSEMENT**

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



1 I have read and fully discussed with Respondent OptumRx Inc., dba OptumRx the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4 DATED: 02/01/2022



5 ALISSA BRICE CASTANEDA  
6 *Attorney for Respondent OPTUMRx, INC., DBA*  
7 *OPTUMRx*

8 I have carefully read and understand the above Stipulated Settlement and have fully  
9 discussed it with my attorneys, Jonathan Klein and Sweta Patel. I enter into this Stipulated  
10 Settlement voluntarily, knowingly, and intelligently, and agree to be bound by its terms.  
11

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

13 SHAWN JASON BJORN DAL  
14 *Respondent*

15 I have read and fully discussed with Respondent Shawn Jason Bjorndal the terms and  
16 conditions and other matters contained in the above Stipulated Settlement. I approve its form and  
17 content.  
18

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

20 SWETA PATEL  
21 *Attorney for Respondent Bjorndal*

22  
23 **ENDORSEMENT**

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25 submitted for consideration by the Board of Pharmacy.  
26  
27  
28

1 I have read and fully discussed with Respondent OptumRx Inc., dba OptumRx the terms  
2 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
3 Order. I approve its form and content.

4  
5 DATED: \_\_\_\_\_

ALISSA BRICE CASTANEDA  
*Attorney for Respondent OPTUMRX, INC., DBA  
OPTUMRX*

6  
7  
8 I have carefully read and understand the above Stipulated Settlement and have fully  
9 discussed it with my attorneys, Jonathan Klein and Sweta Patel. I enter into this Stipulated  
10 Settlement voluntarily, knowingly, and intelligently, and agree to be bound by its terms.

11  
12 DATED: 2/1/2022

  
\_\_\_\_\_  
SHAWN JASON BJORNDAL  
*Respondent*

13  
14  
15 I have read and fully discussed with Respondent Shawn Jason Bjorndal the terms and  
16 conditions and other matters contained in the above Stipulated Settlement. I approve its form and  
17 content.

18  
19 DATED: \_\_\_\_\_

  
\_\_\_\_\_  
SWETA PATEL  
*Attorney for Respondent Bjorndal*

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23 **ENDORSEMENT**

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

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

Respectfully submitted,

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

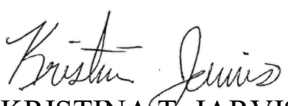
DESIREE I. KELLOGG  
Deputy Attorney General Attorneys for Complainant

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DATED: February 2, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General

  
KRISTINA T. JARVIS  
Deputy Attorney General  
Attorneys for Complainant

**Exhibit A**

**Third Amended Accusation No. 6638**

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
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8  
9 **BEFORE THE**  
10 **BOARD OF PHARMACY**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **OPTUMRX INC.**  
14 **DBA OPTUMRX**  
15 **2858 Loker Avenue East, Ste. 100**  
16 **Carlsbad, CA 92010-6608**

16 **Pharmacy Permit No. PHY 47482**

17 **SHAWN JASON BJORN DAL**  
18 **2858 Loker Ave East, Ste 100**  
19 **Carlsbad, CA 92010-6608**

19 **Pharmacist License No. RPH 65593**

20 Respondents.

Case No. 6638

**THIRD AMENDED ACCUSATION**

21  
22 Complainant alleges:

23 **PARTIES**

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

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1 9. Section 4059.5, subdivision (e) states:

2 A dangerous drug or dangerous device shall not be transferred, sold, or  
3 delivered to a person outside this state, whether foreign or domestic, unless the  
4 transferor, seller, or deliverer does so in compliance with the laws of this state and of  
5 the United States and of the state or country to which the dangerous drugs or  
6 dangerous devices are to be transferred, sold, or delivered. Compliance with the laws  
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.

7 10. Section 4073, subdivision (c) states:

8 Selection pursuant to this section is within the discretion of the pharmacist,  
9 except as provided in subdivision (b). The person who selects the drug product to be  
10 dispensed pursuant to this section shall assume the same responsibility for selecting  
11 the dispensed drug product as would be incurred in filling a prescription for a drug  
12 product prescribed by generic name. There shall be no liability on the prescriber for  
13 an act or omission by a pharmacist in selecting, preparing, or dispensing a drug  
product pursuant to this section. In no case shall the pharmacist select a drug product  
pursuant to this section unless the drug product selected costs the patient less than the  
prescribed drug product. Cost, as used in this subdivision, is defined to include any  
professional fee that may be charged by the pharmacist.

14 11. Section 4113, subdivision (c) states:

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

17 12. Section 4301 states in pertinent part:

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

20 ...

21 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
22 abetting the violation of or conspiring to violate any provision or term of this chapter  
23 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.

24 ...

25 13. California Code of Regulations, title 16, section 1707.3 states:

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



1 14. California Code of Regulations, title 16, section 1716 states:

2 Pharmacists shall not deviate from the requirements of a prescription except  
3 upon the prior consent of the prescriber or to elect the drug product in accordance  
4 with Section 4073 of the Business and Professions Code.

5 Nothing in this regulation is intended to prohibit a pharmacist from exercising  
6 commonly accepted pharmaceutical practice in the compounding or dispensing of a  
7 prescription.

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

9 No pharmacist shall compound or dispense any prescription which contains any  
10 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon  
11 receipt of any such prescription, the pharmacist shall contact the prescriber to obtain  
12 the information needed to validate the prescription.

13 16. Connecticut General Statutes, Title 20, Chapter 400j, section 20-619, subdivision (i)  
14 states:

15 Upon the initial filling or renewal of a prescription that contains a statistical  
16 information code based upon the most recent edition of the International  
17 Classification of Diseases indicating the prescribed drug is used for the treatment of  
18 epilepsy or to prevent seizures, a pharmacist shall not fill the prescription by using a  
19 different drug manufacturer or distributor of the prescribed drug, unless the  
20 pharmacist (1) provides prior notice of the use of a different drug manufacturer or  
21 distributor to the patient and prescribing practitioner, and (2) obtains the written  
22 consent of the patient's prescribing practitioner. For purposes of obtaining the  
23 consent of the patient's prescribing practitioner required by this subsection, a  
24 pharmacist shall notify the prescribing practitioner via electronic mail or facsimile  
25 transmission. If the prescribing practitioner does not provide the necessary consent,  
26 the pharmacist shall fill the prescription without such substitution or use of a different  
27 drug manufacturer or distributor or return the prescription to the patient or to the  
28 patient's representative for filling at another pharmacy. If a pharmacist is unable to  
contact the patient's prescribing practitioner after making reasonable efforts to do so,  
such pharmacist may exercise professional judgment in refilling a prescription in  
accordance with the provisions of subsection (b) of section 20-616. For purposes of  
this subsection, "pharmacy" means a place of business where drugs and devices may  
be sold at retail and for which a pharmacy license was issued pursuant to section 20-  
594, including a hospital-based pharmacy when such pharmacy is filling prescriptions  
for employees and outpatient care, and a mail order pharmacy licensed by this state to  
distribute in this state. "Pharmacy" does not include a pharmacy serving patients in a  
long-term care facility, other institutional facility or a pharmacy that provides  
prescriptions for inpatient hospitals.

#### **COST RECOVERY**

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

1 **DRUGS**

2 18. Alprazolam is the generic for Xanax and is a Schedule IV controlled substance  
3 pursuant to Health & Safety Code section 11057, subdivision (d)(1) and a dangerous drug  
4 pursuant to Business and Professions Code section 4022. It is used to treat anxiety.

5 19. Amiloride is the generic for Midador and is a dangerous drug pursuant to Business  
6 and Professions Code section 4022. It is a diuretic.

7 20. Atorvastatin is the generic for Lipitor and is a dangerous drug pursuant to Business  
8 and Professions Code section 4022. It is used to treat hypercholesteremia.

9 21. Chlorthalidone is the generic for Thalitone and is a dangerous drug pursuant to  
10 Business and Professions Code section 4022. It is used to treat hypertension.

11 22. Degludec insulin is the generic for Tresiba FlexTouch insulin injection and is a  
12 dangerous drug pursuant to Business and Professions Code section 4022. It is used to treat  
13 diabetes.

14 23. Dovonex is the brand name for calcipotriene and is a dangerous drug pursuant to  
15 Business and Professions Code section 4022. It is utilized to treat moderate plaque psoriasis.

16 24. Lamotrigine ER is the generic for Lamictal XR and is a dangerous drug pursuant to  
17 Business and Professions Code section 4022. It is utilized to prevent seizures.

18 25. Lomedia 24 FE is the generic for Larin 24 FE and is a dangerous drug pursuant to  
19 Business and Professions Code section 4022. It is utilized to prevent pregnancies.

20 26. Proscar is the brand name for finasteride and is a dangerous drug pursuant to Business  
21 and Professions Code section 4022. It is utilized to treat alopecia and benign prostatic  
22 hyperplasia.

23 27. Pravachol is the brand name for pravastatin and is a dangerous drug pursuant to  
24 Business and Professions Code section 4022. It is utilized to treat hypercholesteremia.

25 28. Synthroid is the brand name for levothyroxine and is a dangerous drug pursuant to  
26 Business and Professions Code section 4022. It is utilized to treat hypothyroidism.

27 29. Victoza is the brand name for liraglutide and is a dangerous drug pursuant to Business  
28 and Professions Code section 4022. It is utilized to treat type 2 diabetes.



1 manufactured by PAR (Rx No. 197290325). Sun P. and/or his physician submitted that  
2 prescription to Respondents for dispensing. On or about March 6, 2018, Respondents dispensed  
3 and caused to be delivered Sun P.'s prescription of lamotrigine ER 200mg which was  
4 manufactured by TruPharma rather than PAR, without providing prior notice of the dispensing of  
5 a different manufacturer to Sun P. and his physician and without obtaining the written consent of  
6 Sun P.'s physician to a change in manufacturer. This was a violation of the laws of the State of  
7 Connecticut. Sun P.'s physician did not consent to the change in manufacturer of lamotrigine ER.

8 **Patient Ken N.**

9 34. On or about November 1, 2017, Patient Ken N.'s physician wrote Ken N. a  
10 prescription with refills for 90 tablets of pravastatin 20mg, in order to treat his  
11 hypercholesteremia (Rx No. 187696324). Ken N. and/or his physician submitted that prescription  
12 to Respondents for dispensing. On or about May 9, 2018, Respondents dispensed Ken N.'s  
13 prescription with an alopecia drug, finasteride 5mg, instead of pravastatin 20mg. Respondents'  
14 verification process did not catch this medication error.

15 **Patient Joseph H.**

16 35. On or about March 1, 2018, Joseph H.'s physician wrote Joseph H. a prescription for  
17 12 grams of 0.005% Dovonex cream with a refill, to treat his psoriasis (Rx No. 197939463).  
18 Joseph H. and/or his physician submitted that prescription to Respondents for dispensing.  
19 However, Respondents did not have 0.005% Dovonex cream 12mg tubes in stock. Accordingly,  
20 on or about March 1, 2018, Respondent processed and dispensed two 60 gram tubes of the  
21 generic of 0.005% Dovonex cream (calcipotriene) with a co-insurance amount of \$228.02.  
22 Respondents did not clarify the quantity or grams of Dovonex needed by Joseph H. with his  
23 prescriber prior to dispensing 120 grams of Dovonex cream.

24 **Patient Cheri M.**

25 36. On or about January 11, 2018, Cheri M.'s physician wrote Cheri M. a prescription for  
26 a Victoza 2-pak 0.6mg/0.1mL (18mg/3mL) subcutaneous pen injector to treat her diabetes (Rx  
27 No. 193789662). Cheri M. and/or her physician submitted that prescription to Respondents for  
28 dispensing. However, Respondents did not fill her prescription at that time. On or about

1 February 12, 2018, Cheri M. contacted Respondents because she had not received her medication  
2 and requested her medication. Respondents created an order but cancelled it. On or about  
3 February 14, 2018, Cheri M. contacted Respondents again because she had not received her  
4 medication and requested her medication again. Respondents created an order but cancelled it.  
5 On or about February 16, 2018, Cheri M. contacted Respondents to inquire about the status of her  
6 medication. Respondents filled her prescription on February 20, 2018. Consequently, Cheri M.  
7 did not have her type 2 diabetes medication for approximately two weeks.

8 **Patient Shannon W.**

9 37. On or about December 26, 2017, Shannon W.'s physician wrote Shannon W. a  
10 prescription for 90 tablets of Synthroid 50mcg to treat her hypothyroidism (Rx. No. 191835776).  
11 On or about February 14, 2018, Shannon W. requested that Respondents fill her prescription for  
12 Synthroid. However, Respondents did not fill her prescription. On or about February 20, 2018,  
13 Shannon W. contacted Respondent to inquire about the status of her medication. Respondents  
14 ultimately filled her medication on February 22, 2018. Consequently, Shannon W. did not have  
15 her hypothyroidism medication for approximately two weeks.

16 **Patient Isha B.**

17 38. On or about June 8, 2016, Isha B.'s physician wrote Isha B. a prescription for 90  
18 tablets of the brand name drug, Larin 24 FE to prevent pregnancies (Rx No. 155869767). Isha B.  
19 and/or her physician submitted the prescription to OptumRx. Due to Isha B.'s insurance plan, the  
20 brand name, Larin 24FE was less expensive than the generic, Lomedia 24 FE. On June 8, 2016,  
21 OptumRx processed, filled and dispensed Lomedia 24 FE to Isha B. and charged her \$204.14 for  
22 that medication when there was a zero co-pay for dispensing the brand, Larin 24 FE.

23 **Patient Robert P.**

24 39. Robert P. was a newly diagnosed insulin dependent diabetic. On or about August 28,  
25 2020, Robert P.'s physician wrote Robert P. a new prescription for Tresiba in order to change the  
26 directions for use on his diabetic medication and transmitted it to Respondents. Robert P.'s  
27 physician was calibrating or titrating his medication and was increasing Robert P.'s dosage until  
28 Robert P.'s blood sugar was controlled. Respondents did not acknowledge receipt of the

1 prescription or fill it. Meanwhile, Robert P. checked on the status of his prescription via  
2 computer repeatedly, but received no update on the status of his prescription.

3 40. On September 1, 2020, Robert P. made multiple telephone calls to OptumRx, but had  
4 a difficult time speaking with any employee, including a pharmacist. Robert P. eventually spoke  
5 with a supervisor. Robert P. advised the OptumRx supervisor that he was running out of his  
6 Tresiba medication and that his physician had changed the directions for taking his Tresiba  
7 because his blood sugar was not sufficiently controlled. The OptumRx representative told Robert  
8 P. that OptumRx could not fill his prescription for Tresiba because it was too early to fill and that  
9 the cost of his medication had been denied by his insurance carrier.

10 41. A pharmacist did not review Robert P.'s Drug Utilization Review prior to  
11 Respondents' decision not to fill Robert P.'s prescription. Since Robert P. was almost out of  
12 Tresiba, he was forced to obtain a sample of it from his physician and a new prescription that was  
13 filled at a retail pharmacy.

14 **Patient Laura K.**

15 42. On August 21, 2020, Laura K. requested a refill of alprazolam. On August 23, 2020,  
16 Laura K.'s physician transmitted a prescription for alprazolam to Respondents which was placed  
17 on a "hold" because the computer system calculated a 7.5 day supply, instead of an eight day  
18 supply for "claims adjudication." Commencing on or about August 27, 2020, Laura K.'s husband  
19 contacted OptumRx five times to inquire about the status of his wife's prescription and received  
20 five different stories. None of the employees correctly identified why Laura K.'s prescription  
21 was on "hold" or released the "hold" until September 2, 2020. The prescription for alprazolam  
22 was not furnished to Laura K. until September 4, 2020. Consequently, Laura K. did not have her  
23 anxiety medication for approximately two weeks.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Obstructing Patients in Obtaining Prescription Drugs)**

26 43. Respondents are subject to disciplinary action under Code section 4301(o), for  
27 violating Code section 733, subdivision (a) in that they obstructed patients from obtaining their  
28

1 prescription drugs, as set forth in paragraphs 31 through 42 above, which are incorporated herein  
2 by reference.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failing to Comply with Laws of Another State when Delivering Drugs)**

5 44. Respondents are subject to disciplinary action under Code section 4301(o), for  
6 violating Code section 4059.5, subdivision (e) in that they failed to comply with the laws of  
7 another state when delivering drugs to a patient in that state, as set forth in paragraphs 31 through  
8 42 above, which are incorporated herein by reference.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Substituting More Expensive Drug against Respondent OptumRx Only)**

11 45. Respondent OptumRx is subject to disciplinary action under Code section 4301(o),  
12 for violating Code section 4073, subdivision (c) in that it substituted a more expensive generic  
13 drug for the less expensive brand name of that drug, as set forth in paragraphs 31 through 42  
14 above, which are incorporated herein by reference.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Deviating from Prescription Requirements)**

17 46. Respondents are subject to disciplinary action under Code section 4301(o), for  
18 violating California Code of Regulations, title 16, section 1716, subdivision (a) in that they  
19 deviated from the requirements of a prescription, as set forth in paragraphs 31 through 42 above,  
20 which are incorporated herein by reference.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Failing to Validate Uncertain Prescription)**

23 47. Respondents are subject to disciplinary action under Code section 4301(o), for  
24 violating California Code of Regulations, title 16, section 1761, subdivision (a) in that they  
25 dispensed an uncertain prescription, without contacting the prescriber to obtain the information  
26 needed to validate the prescription, as set forth in paragraphs 31 through 42 above, which are  
27 incorporated herein by reference.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Failure to Review Drug Therapies)**

3 48. Respondents are subject to disciplinary action under Code section 4301, subdivisions  
4 (j) and (o), for violating California Code of Regulations, title 16, section 1707.3, in that they  
5 failed to review patients' drug therapy and medication records and take appropriate actions, prior  
6 to consultation and the delivery of drugs, as set forth in paragraphs 31 through 42, which are  
7 incorporated herein.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 49. Respondents are subject to disciplinary action under Code section 4301 for  
11 unprofessional conduct, in that they engaged in the unprofessional activities described in  
12 paragraphs 31 through 42 above, which are incorporated herein by reference.

13 **DISCIPLINE CONSIDERATIONS**

14 50. To determine the degree of discipline, if any, to be imposed on Respondents,  
15 Complainant alleges that:

16 a. On or about January 23, 2017, in a prior disciplinary action entitled *In the Matter of*  
17 *the Accusation Against OptumRx, Inc., dba OptumRx*, Case Number 5413 before the Board,  
18 OptumRx's license was publically reprovved by the Board under Business and Professions Code  
19 section 494 for unprofessional conduct and violations of Business and Professions Code section  
20 733, subdivision (a), obstructing patients in obtaining prescription drugs. That decision is now  
21 final and is incorporated by reference as if fully set forth.

22 b. On or about July 26, 2017, in case number CI 2016 74253, the Board issued a Letter  
23 of Admonishment to Shawn Bjorndal pursuant to Business and Professions Code section 4315 for  
24 violating Business and Professions Code section 4073, subdivision (b), dispensing an  
25 unauthorized substitution of a generic drug and California Code of Regulations, title 16, section  
26 1717.4, subdivision (h) and Health & Safety Code section 11164, subdivision (b)(1), in that he  
27 failed to validate the security, integrity and authority of controlled substances prescriptions while  
28 employed at another pharmacy.



1 c. On or about July 3, 2018, in case number C1 2017 80410, the Board issued a Letter of  
2 Admonishment to Shawn Bjorndal pursuant to Business and Professions Code section 4315 for  
3 violating Business and Professions Code section 733, in that he obstructed the dispensing of  
4 prescription drugs.

5 d. On or about February 10, 2021, the Board issued Citation number CI 2018 84425  
6 against OptumRx for engaging in unprofessional conduct in that it obstructed a patient from  
7 speaking to a pharmacist, then referred the patient to a pharmacist not licensed in California and  
8 located at a call center which was not licensed in California as a non-resident pharmacy. The  
9 Board issued a fine that OptumRx paid.

10 e. On or about February 10, 2021, the Board issued Citation number CI 2020 90096  
11 against Shawn Jason Bjorndal for engaging in unprofessional conduct, in that he obstructed a  
12 patient from speaking to a pharmacist, then referred the patient to a pharmacist not licensed in  
13 California and located at a call center which was not licensed in California as a non-resident  
14 pharmacy. Shawn Jason Bjorndal did not appeal the Citation.

15 f. On or about September 18, 2018, the Board issued Citation number CI 2016 75859  
16 against OptumRx for violating California Code of Regulations, title 16, section 1716, deviating  
17 from the requirements of a prescription. The Board issued a fine that OptumRX paid.

18 g. On or about September 13, 2018, the Board issued Citation number CI 2017 77718  
19 against OptumRx for engaging in acts of dishonesty as defined by Business and Professions Code  
20 section 4301, subdivision (f). The Board issued a fine that OptumRx paid.

21 h. On or about July 3, 2018, the Board issued Citation number CI 2017 76295 against  
22 OptumRx for violating Business and Professions Code section 733, subdivision (a), in that it  
23 obstructed the dispensing of prescriptions drugs. The Board issued a fine that OptumRx paid.

24 i. On or about December 1, 2017, the Board issued Citation number CI 2015 70397  
25 against OptumRx for violating California Code of Regulations, title 16, section 1716, deviating  
26 from the requirements of a prescription.

27 ///

28 ///

1 j. On or about June 12, 2017, the Board issued Citation number CI 2015 69556 against  
2 OptumRx for violating Business and Professions Code section 733, subdivision (a), in that it  
3 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRx paid.

4 k. On or about June 8, 2017, the Board issued Citation number CI 2015 69919 against  
5 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
6 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRX paid.

7 l. On or about April 8, 2015, the Board issued Citation number CI 2013 60163 against  
8 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
9 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRx paid.

10 m. On or about February 9, 2015, the Board issued Citation number CI 2013 60075  
11 against OptumRx for incompetence as defined by Business and Professions Code section 4301,  
12 subdivision (b). The Board issued a fine that OptumRx paid.

13 n. On July 9, 2014, the Board issued Citation number CI 2013 59891 against OptumRx  
14 for violating Business and Professions Code section 733, subdivision (a) in that it obstructed the  
15 dispensing of prescription drugs.

16 o. On January 23, 2014, the Board issued Citation number CI 2012 54362 against  
17 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
18 obstructed the dispensing of prescription drugs and devices and California Code of Regulations,  
19 title 16, section 1716 for deviating from the requirements of a prescription without the prior  
20 consent of the prescriber. The Board issued a fine that OptumRx paid.

21 p. On April 11, 2014, the Board issued Citation number CI 2013 58107 against  
22 OptumRx for violating Civil Code section 56.10, subdivision (a) and California Code of  
23 Regulations, title 16, section 1764 in that there was the unauthorized release of protected  
24 healthcare information. The Board issued a fine that OptumRx paid.

25 q. On February 14, 2013, the Board issued Citation number CI 2012 53121 against  
26 OptumRx for violating California Code of Regulations, title 16, section 1716 in that it dispensed a  
27 prescription without clarifying the dose with the prescriber. The Board issued a fine that  
28 OptumRx paid.

1 r. On November 15, 2013, the Board issued Citation number CI 2012 56693 against  
2 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
3 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRx paid.

4 s. On September 11, 2013, the Board issued Citation number CI 2012 54430 against  
5 OptumRx for violating California Code of Regulations, title 16, section 1716 in that it deviated  
6 from the requirements of a prescription without the prior consent of the prescriber.

7 **PRAYER**

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

10 1. Revoking or suspending Pharmacy Permit Number PHY 47482, issued to OptumRx  
11 Inc., dba OptumRx;

12 2. Revoking or suspending Pharmacist License Number RPH 65593, issued to Shawn  
13 Jason Bjorndal;

14 3. Ordering OptumRx Inc., dba OptumRx and Shawn Jason Bjorndal to pay the Board  
15 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
16 Business and Professions Code section 125.3; and,

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

18 DATED: 8/16/2021

Signature on File

19 ANNE SODERGREN  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 *Complainant*

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