



California State Board of Pharmacy

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BUSINESS AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR GAVIN NEWSOM

CEASE AND DESIST ORDER

Date: 9/9/2026

Permit No.: Unlicensed

Name: Surgical Product Solutions

Address: 901 Pennsylvania Avenue, Pittsburgh, PA 15233

Authority for this Action:

Business and Professions Code Section 4316, subdivision (a), states, the board, through its executive officer, is authorized to issue a cease-and-desist order for operating any facility under this chapter that requires licensure or for practicing any activity under this chapter that requires licensure without obtaining that licensure. Subdivision (b) of that section provides that, whenever the board issues a cease-and-desist order pursuant to subdivision (a), the board shall immediately issue the facility a notice setting forth the acts or omissions with which it is charged, specifying the pertinent code section or sections and any regulations.

Activities under this chapter that require licensure include, but are not limited to, those set forth in the following regulations:

Business and Professions Code section 4022, "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following: (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import. (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device. (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

Business and Professions Code section 4043, "Wholesaler" means and includes a person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or authorize the storage or warehousing of drugs with any person or at any location not licensed by the board.

Business and Professions Code section 4161, subdivision (a), states, a person located outside this state that (1) ships, sells, mails, warehouses, distributes, or delivers dangerous drugs or dangerous devices into this state or (2) sells, brokers, warehouses, or distributes dangerous drugs or devices within this state shall be considered a nonresident wholesaler or a nonresident third-party logistics provider. Business and Professions Code section 4161, subdivision (b), states, a nonresident wholesaler or nonresident third-party logistics provider shall be



licensed by the board prior to shipping, selling, mailing, warehousing, distributing, or delivering dangerous drugs or dangerous devices to a site located in this state or selling, brokering, warehousing, or distributing dangerous drugs or devices within this state.

Business and Professions Code section 4201, subdivision (a), states, each application to conduct a pharmacy, wholesaler, third-party logistics provider, veterinary food-animal drug retailer, or outsourcing facility shall be made on a form furnished by the board and shall state the name, address, usual occupation, and professional qualifications, if any, of the applicant. If the applicant is other than a natural person, the application shall state the information as to each person beneficially interested therein or any person with management or control over the license. Business and Professions Code section 4201, subdivision (e), states, upon the approval of the application by the board and payment of the fee required by this chapter for each pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer, the executive officer of the board shall issue a license to conduct a pharmacy, wholesaler, third-party logistics provider, veterinary food-animal drug retailer, or outsourcing facility if all of the provisions of this chapter have been complied with. Business and Professions Code section 4201, subdivision (f), states, notwithstanding any other law, the pharmacy license shall authorize the holder to conduct a pharmacy. The license shall be renewed annually and shall not be transferable.

Acts or Omissions Upon Which this Action is Based

Surgical Product Solutions located at 901 Pennsylvania Avenue, Pittsburgh, PA 15233, is not licensed as a nonresident wholesaler by the California State Board of Pharmacy.

The Board's investigation determined Surgical Product Solutions, an unlicensed location, located at 901 Pennsylvania Avenue, Pittsburgh, PA 15233 is engaging in activities under this chapter that require licensure, without having obtained the necessary licensure. Specifically, between April 2025 and April 2026, Surgical Product Solutions stored and distributed approximately 1,800 dangerous devices to customers located in California. The dangerous devices included internal staplers, implantable mesh, orthopedic implants, electrosurgical items, shunts, heparin coated grafts, sutures, bypass grafts, angiographic catheters and many other class two and three dangerous devices. The customers included approximately 40 entities which Surgical Product Solutions was unable to verify the licensure status.

Order

On the basis of the foregoing, the Board, through its Executive Officer therefore ORDERS:

Effective immediately, Surgical Product Solutions located at 901 Pennsylvania Avenue, Pittsburgh, PA 15233, an unlicensed nonresident wholesaler, shall cease and desist practicing any activity under this chapter that requires licensure, including storing and distributing any dangerous drug or dangerous device into California.

Unlicensed Entity's Right to be Heard and Procedure

Pursuant to Business and Professions Code Section 4316, subdivision (c), within 15 days of receipt of this notice, Surgical Product Solutions may request a hearing before the president of the Board to contest this cease and desist order. Any contest of the cease and desist order will comply with the requirements of Section 11425.10 of the Government Code. Chapter 5 of the Administrative Procedure Act (commencing at

Government Code Section 11500) does not apply to this proceeding. The hearing will be held no later than five business days from the date the owner's request for a hearing is received by the board. The president will render a written decision within five business days of the hearing. In the absence of the president of the board, the vice president of the board may conduct the hearing permitted by this subdivision. The owner or person in possession or control of the facility may seek review of the decision of the president of the board pursuant to Section 1094.5 of the Code of Civil Procedure.

California State Board of Pharmacy

By: Anne Sodergren, Executive Officer

Signed: **Sodergren,**
Date: **Anne@DCA**

Digitally signed by
Sodergren,
Anne@DCA
Date: 2026.09.09
10:13:21 -07'00'

Acknowledgement

I hereby acknowledge receipt of the above cease and desist order and notice.

By:

Date:

Please return a copy of this signed and acknowledged document to the Board of Pharmacy by fax to 916-574-8614 or email sara.mullen@dca.ca.gov