

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ASPASIA A. PAPAVALASSILOU  
Deputy Attorney General  
4 State Bar No. 196360  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2199  
Facsimile: (510) 622-2270  
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 5102

13 **PHARMACIA CORPORATION d.b.a.**  
**1800 SULLIVAN PHARMACY**  
14 **William M. Tonelli, President**  
**Elsie Tonelli, Vice President**  
15 **Randall W. Tonelli, Secretary and**  
**Pharmacist-in-Charge**  
16 1800 Sullivan Avenue, Suite 102  
Daly City, CA 94015

**FIRST AMENDED**  
**ACCUSATION**

17 **Pharmacy Permit No. PHY 18784**

18 and

19 **RANDALL W. TONELLI**  
20 14 Golden Ridge Court  
San Mateo, CA 94402

21 **Pharmacist License No. RPH 24318**

22 Respondents.

23  
24 Complainant alleges:

25 PARTIES

26 1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her  
27 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
28 Affairs.



1 shall have all the powers granted therein. The action shall be final, except that the propriety of  
2 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
3 Civil Procedure."

4 6. Section 4300.1 of the Code states:

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

10 7. Section 4307 (a) of the Code states:

11 "Any person who has been denied a license or whose license has been revoked or is  
12 under suspension, or who has failed to renew his or her license while it was under suspension, or  
13 who has been a manager, administrator, owner member, officer, director, associate, or partner of  
14 any partnership, corporation, firm, or association whose application for a license has been denied  
15 or revoked, is under suspension or has been placed on probation, and while acting as the manger,  
16 administrator, owner, member, officer, director, associate, or partner had knowledge or  
17 knowingly participated in any conduct for which the license was denied, revoked, suspended, or  
18 placed on probation, shall be prohibited from serving as a manger, administrator, owner, member,  
19 officer, director, associate, or partner of a licensee as follows:

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

22 (2) Where the license is denied or revoked, the prohibition shall continue until the  
23 license is issued or reinstated."

24 STATUTORY AND REGULATORY PROVISIONS

25 8. Section 4061 of the Code states, in pertinent part:

26 "(a) No manufacturer's sales representative shall distribute any dangerous drug or  
27 dangerous device as a complimentary sample without the written request of a physician, dentist,  
28 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7...."

1           9.    Section 4081 of the Code states, in pertinent part:

2           "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs  
3 or dangerous devices shall be at all times during business hours open to inspection by authorized  
4 officers of the law, and shall be preserved for at least three years from the date of making. A  
5 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary  
6 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,  
7 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,  
8 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and  
9 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
10 Institutions Code who maintains a stock of dangerous drugs or dangerous devices."

11           10.   Section 4301 of the Code states, in pertinent part:

12           "The board shall take action against any holder of a license who is guilty of unprofessional  
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
14 Unprofessional conduct shall include, but is not limited to, any of the following:

15           ...

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

18           ...

19           "(l) The conviction of a crime substantially related to the qualifications, functions, and  
20 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
21 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
22 substances or of a violation of the statutes of this state regulating controlled substances or  
23 dangerous drugs shall be conclusive evidence of unprofessional conduct...A plea or verdict of  
24 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
25 meaning of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 ...

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

8 11. California Code of Regulations, title 16, section 1714, states, in pertinent part:

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

13 ...

14 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription  
15 department, including provisions for effective control against theft or diversion of dangerous  
16 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy  
17 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist "

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

19 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions  
20 Code shall be considered to include complete accountability for all dangerous drugs handled by  
21 every licensee enumerated in Sections 4081 and 4332.

22 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be  
23 available for inspection upon request for at least 3 years after the date of the inventory."

24 COST RECOVERY PROVISION

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

1 DRUG

2 14. The drug combination of hydrocodone with acetaminophen (apap) is a Schedule III  
3 controlled substance under Health and Safety Code section 11056, subd. (e)(4), and a dangerous  
4 drug under Business and Professions Code section 4022.

5 FACTUAL BACKGROUND

6 Board Investigation

7 15. Board staff conducted an investigation involving Respondent Pharmacy regarding its  
8 handling of controlled substances and its alleged obtaining of pharmaceutical drug samples.

9 *Controlled Substances*

10 16. On or about April 8, 2011, the Board received a complaint from pharmaceutical  
11 company the ParMed Pharmaceuticals, Inc. (ParMed) about ParMed's suspension of controlled  
12 substance sales to Respondent Pharmacy. ParMed alleged that it blocked Respondent Pharmacy  
13 due to its refusal to permit a "Quality & Regulatory Anti-Diversion visit" from ParMed.

14 17. As a result of the complaint, a Board inspector conducted an audit of the period from  
15 May 25, 2009 to May 9, 2011, and found that Respondent Pharmacy had a loss of approximately  
16 1,976 dosage units of hydrocodone/apap and an overage of approximately 2,798 dosage units of  
17 hydrocodone/apap.

18 *Drug Samples*

19 18. On or about December 9, 2011, the United States Food and Drug Administration  
20 (FDA) provided information to Board staff about the FDA's investigation of a complaint from the  
21 pharmaceutical company Merck that Respondent Pharmacy was receiving large bags of various  
22 samples of pharmaceutical drugs, such as cholesterol and blood pressure medications.

23 19. On or about August 15, 2012, a Board inspector visited Respondent Pharmacy and  
24 found various pharmaceutical drug samples on the inventory shelves and also within boxes and  
25 bags in a small alcove section of the pharmacy.

26 20. On or about August 16, 2012, in an interview with FDA agents, Respondent  
27 Pharmacist stated that the Respondent Pharmacy received pharmaceutical drug samples from  
28 Rotacare, a charity and clinic for uninsured, low-income patients, and maintained them on the

1 premises to fill prescriptions for Rotacare patients.

2 Criminal Conviction

3 21. On or about July 11, 2016, in *United States of America v. Randall Tonelli*, United  
4 States District Court, Northern District of California, Case No. CR-1600072-001 TEH,  
5 Respondent Pharmacist pled guilty to and was convicted of committing the following offenses  
6 between January of 2010 and on or about August 16, 2012: (1) knowingly offer to sell or trade a  
7 prescription drug sample (21 U.S.C. §§ 331(t), 333(b)(1)(B), and 353(c)); and (2) misbranding  
8 drugs while held for sale with the intent to defraud or mislead (21 U.S.C. §§ 331(k) and  
9 333(a)(2)). Respondent Pharmacist was sentenced to five years of probation and was ordered to  
10 forfeit \$884,809.21 and his Board of Pharmacy License Number 24318 to the United States.

11 FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Unsecured Pharmacy)

12 (Bus. & Prof. Code, § 4301, subd. (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d))

13 22. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
14 Respondent Pharmacist has subjected his pharmacist license to discipline because they engaged in  
15 unprofessional conduct by maintaining an unsecured pharmacy (Bus. & Prof. Code, § 4301, subd.  
16 (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d)). Respondents failed to maintain effective  
17 control of the security of the prescription department against theft or loss of controlled  
18 substances. In a Board audit for the period of May 25, 2009, to May 9, 2011, Respondents could  
19 not account for the loss of approximately 1,976 dosage units of hydrocodone/apap, as follows:  
20 494 dosage units of hydrocodone/apap 7.5 mg/750 mg; 1,452 dosage units of hydrocodone/apap  
21 10 mg/325 mg; and 30 dosage units of hydrocodone/apap 10 mg/500 mg.

22 SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Failure to Maintain Current Inventory)

23 (Bus. & Prof. Code, §§ 4301, subds.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718)

24 23. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
25 Respondent Pharmacist has subjected his pharmacist license to discipline because they engaged in  
26 unprofessional conduct by failing to maintain current inventory (Bus. & Prof. Code, §§ 4301,  
27 subds.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718). Respondents failed to  
28 maintain complete accountability of all controlled substances. In a Board audit for the period of

1 May 25, 2009, to May 9, 2011, Respondents could not account for the loss of approximately  
2 1,976 dosage units of hydrocodone/apap, as follows: 494 dosage units of hydrocodone/apap 7.5  
3 mg/750 mg; 1,452 dosage units of hydrocodone/apap 10 mg/325 mg; and 30 dosage units of  
4 hydrocodone/apap 10 mg/500 mg. In addition, Respondents could not account for an overage of  
5 approximately 2,798 dosage units of hydrocodone/apap, as follows: 2,268 dosage units of  
6 hydrocodone/apap 5 mg/500 mg; 126 dosage units of hydrocodone/apap 5mg/325 mg; 225  
7 dosage units of hydrocodone/apap 7.5 mg/325 mg; 4 dosage units of hydrocodone/apap 7.5  
8 mg/500 mg; and 175 dosage units of hydrocodone/apap 10 mg/650 mg.

9 THIRD CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct: Obtaining and Possessing Drug Samples)  
11 (Bus. & Prof. Code, §§ 4301, subd. (o) and 4061, subd. (a))

12 24. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
13 Respondent Pharmacist has subjected his pharmacist license to discipline because they engaged in  
14 unprofessional conduct by obtaining and possessing pharmaceutical drug samples (Bus. & Prof.  
15 Code, §§ 4301, subd. (o) and 4061, subd. (a).) The circumstances are described in paragraphs 18-  
16 22, above.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: Violation of Law Regarding Controlled Substances)  
19 (Bus. & Prof. Code, § 4301, subd. (j))

20 25. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
21 Respondent Pharmacist has subjected his pharmacist license to discipline because Respondent  
22 Pharmacist violated a law regarding controlled substances (Bus. & Prof. Code, § 4301, subd. (j)).  
23 The circumstances are described in paragraphs 18-22, above.

24 FIFTH CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct: Substantially Related Conviction)  
26 (Bus. & Prof. Code, § 4301, subd. (l))

27 26. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
28 Respondent Pharmacist has subjected his pharmacist license to discipline because Respondent  
29 Pharmacist was convicted of a criminal offense substantially related to the practice of pharmacy  
(Bus. & Prof. Code, § 4301, subd. (l)). The circumstances are described in paragraphs 18-22,  
above.





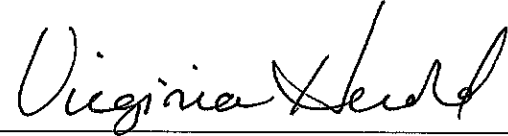
1 PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is reinstated;

2 5. Prohibiting Randall W. Tonelli from serving as a manager, administrator, owner,  
3 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
4 Number PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is  
5 reinstated;

6 6. Ordering Pharmaca Corporation doing business as 1800 Sullivan Pharmacy and  
7 Randall W. Tonelli to pay the Board of Pharmacy the reasonable costs of the investigation and  
8 enforcement of this case, under Business and Professions Code section 125.3;

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

10  
11 DATED: 9/8/16



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

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**William M. Tonelli, President**  
14 **Elsie Tonelli, Vice President**  
**Randall W. Tonelli, Secretary and**  
15 **Pharmacist-in-Charge**  
1800 Sullivan Avenue, Suite 102  
16 Daly City, CA 94015

**A C C U S A T I O N**

17 **Pharmacy Permit No. PHY 18784**

18 and

19 **RANDALL W. TONELLI**  
14 Golden Ridge Court  
20 San Mateo, CA 94402

21 **Pharmacist License No. RPH 24318**

22 Respondents.

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24 Complainant alleges:

25 PARTIES

26 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
27 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
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2 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil  
3 Procedure."

4 6. Section 4300.1 of the Code states:

5 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
6 of law or by order or decision of the board or a court of law, the placement of a license on a  
7 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
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9 against, the licensee or to render a decision suspending or revoking the license."

10 STATUTORY AND REGULATORY PROVISIONS

11 7. Section 4301 of the Code states, in pertinent part:

12 "The board shall take action against any holder of a license who is guilty of unprofessional  
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
14 Unprofessional conduct shall include, but is not limited to, any of the following:

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

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19 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
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21 federal and state laws and regulations governing pharmacy, including regulations established by the  
22 board or by any other state or federal regulatory agency."

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24 "(a) No manufacturer's sales representative shall distribute any dangerous drug or dangerous  
25 device as a complimentary sample without the written request of a physician, dentist, podiatrist,  
26 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7...."

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1           9.     Section 4081 of the Code states, in pertinent part:

2           "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or  
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9 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
10 Institutions Code who maintains a stock of dangerous drugs or dangerous devices."

11           10.    Section 4307 (a) of the Code states:

12           "Any person who has been denied a license or whose license has been revoked or is  
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14 who has been a manager, administrator, owner member, officer, director, associate, or partner of  
15 any partnership, corporation, firm, or association whose application for a license has been denied  
16 or revoked, is under suspension or has been placed on probation, and while acting as the manger,  
17 administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly  
18 participated in any conduct for which the license was denied, revoked, suspended, or placed on  
19 probation, shall be prohibited from serving as a manger, administrator, owner, member, officer,  
20 director, associate, or partner of a licensee as follows:

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

23           (2) Where the license is denied or revoked, the prohibition shall continue until the  
24 license is issued or reinstated."

25           11.    California Code of Regulations, title 16, section 1714, states, in pertinent part:

26           "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and  
27 equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The  
28

1 pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of  
2 pharmacy.

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4 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription  
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6 and devices, and records for such drugs and devices. Possession of a key to the pharmacy where  
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10 Code shall be considered to include complete accountability for all dangerous drugs handled by  
11 every licensee enumerated in Sections 4081 and 4332.

12 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be  
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#### 14 COST RECOVERY PROVISION

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

#### 19 DRUG

20 14. The drug combination of hydrocodone with acetaminophen (apap) is a Schedule III  
21 controlled substance under Health and Safety Code section 11056, subd. (e)(4), and a dangerous  
22 drug under Business and Professions Code section 4022.

#### 23 FACTUAL BACKGROUND

24 15. Board staff conducted an investigation involving Respondent Pharmacy regarding (1)  
25 its handling of controlled substances and (2) its alleged obtaining of pharmaceutical drug samples.

#### 26 *Controlled Substances*

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28 company the ParMed Pharmaceuticals, Inc. (ParMed) about ParMed's suspension of controlled

1 substance sales to Respondent Pharmacy. ParMed alleged that it blocked Respondent Pharmacy  
2 due to its refusal to permit a "Quality & Regulatory Anti-Diversion visit" from ParMed.

3 17. As a result of the complaint, a Board inspector conducted an audit of the period from  
4 May 25, 2009 to May 9, 2011, and found that Respondent Pharmacy had a loss of approximately  
5 1,976 dosage units of hydrocodone/apap and an overage of approximately 2,798 dosage units of  
6 hydrocodone/apap.

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8 18. On or about December 9, 2011, the United States Food and Drug Administration  
9 (FDA) provided information to Board staff about the FDA's investigation of a complaint from the  
10 pharmaceutical company Merck that Respondent Pharmacy was receiving large bags of various  
11 samples of pharmaceutical drugs, such as cholesterol and blood pressure medications.

12 19. On or about August 15, 2012, a Board inspector visited Respondent Pharmacy and  
13 found various pharmaceutical drug samples on the inventory shelves and also within boxes and  
14 bags in a small alcove section of the pharmacy.

15 20. On or about August 16, 2012, in an interview with FDA agents, Respondent  
16 Pharmacist admitted that the Respondent Pharmacy received pharmaceutical drug samples from  
17 Rotacare, a charity and clinic for uninsured, low-income patients, and maintained them on the  
18 premises to fill prescriptions for Rotacare patients.

19 FIRST CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct: Unsecured Pharmacy)

21 (Bus. & Prof. Code, § 4301, subd. (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d))

22 21. Respondent Pharmacy has subjected its pharmacy permit to discipline and Respondent  
23 Pharmacist has subjected his pharmacist license to discipline because they engaged in  
24 unprofessional conduct by maintaining an unsecured pharmacy (Bus. & Prof. Code, § 4301, subd.  
25 (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d)). Respondents failed to maintain effective  
26 control of the security of the prescription department against theft or loss of controlled substances.  
27 In a Board audit for the period of May 25, 2009, to May 9, 2011, Respondents could not account  
28 for the loss of approximately 1,976 dosage units of hydrocodone/apap, as follows: 494 dosage



1 units of hydrocodone/apap 7.5 mg/750 mg; 1,452 dosage units of hydrocodone/apap 10 mg/325  
2 mg; and 30 dosage units of hydrocodone/apap 10 mg/500 mg.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Failure to Maintain Current Inventory)  
5 (Bus. & Prof. Code, §§ 4301, subs.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718)

6 22. Respondent Pharmacy has subjected its pharmacy permit to discipline and Respondent  
7 Pharmacist has subjected his pharmacist license to discipline because they engaged in  
8 unprofessional conduct by failing to maintain current inventory (Bus. & Prof. Code, §§ 4301,  
9 subs.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718). Respondents failed to  
10 maintain complete accountability of all controlled substances. In a Board audit for the period of  
11 May 25, 2009, to May 9, 2011, Respondents could not account for the loss of approximately  
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13 mg/750 mg; 1,452 dosage units of hydrocodone/apap 10 mg/325 mg; and 30 dosage units of  
14 hydrocodone/apap 10 mg/500 mg. In addition, Respondents could not account for an overage of  
15 approximately 2,798 dosage units of hydrocodone/apap, as follows: 2,268 dosage units of  
16 hydrocodone/apap 5 mg/500 mg; 126 dosage units of hydrocodone/apap 5mg/325 mg; 225 dosage  
17 units of hydrocodone/apap 7.5 mg/325 mg; 4 dosage units of hydrocodone/apap 7.5 mg/500 mg;  
18 and 175 dosage units of hydrocodone/apap 10 mg/650 mg.

19 THIRD CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct: Obtaining and Possessing Drug Samples)  
21 (Bus. & Prof. Code, §§ 4301, subd. (o) and 4061, subd. (a))

22 23. Respondent Pharmacy has subjected its pharmacy permit to discipline and Respondent  
23 Pharmacist has subjected his pharmacist license to discipline because they engaged in  
24 unprofessional conduct by obtaining and possessing pharmaceutical drug samples (Bus. & Prof.  
25 Code, §§ 4301, subd. (o) and 4061, subd. (a).) The circumstances are described in paragraphs 18-  
26 20, above.

27 OTHER MATTERS

28 24. Pursuant to section 4307, if discipline is imposed on Pharmacy Permit Number PHY  
18784, issued to Pharmaca Corporation doing business as 1800 Sullivan Pharmacy, then William  
M. Tonelli, Elise Tonelli, and Randall W. Tonelli, if they had knowledge of or knowingly

1 participated in any conduct for which the licensee was disciplined, shall be prohibited from serving  
2 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
3 for five years if Pharmacy Permit Number PHY 18784 is placed on probation or, if it is revoked,  
4 until the pharmacy permit is reinstated.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
7 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Pharmacy Permit Number PHY 18784, issued to Pharmacia  
9 Corporation doing business as 1800 Sullivan Pharmacy;

10 2. Revoking or suspending Pharmacist License Number RPH 24318, issued to Randall  
11 W. Tonelli;

12 3. Prohibiting William M. Tonelli from serving as a manager, administrator, owner,  
13 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
14 Number PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is  
15 reinstated;

16 4. Prohibiting Elsie Tonelli from serving as a manager, administrator, owner, member,  
17 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY  
18 18784 is placed on probation or, if it is revoked, until the pharmacy permit is reinstated;

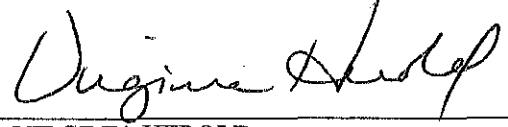
19 5. Prohibiting Randall W. Tonelli from serving as a manager, administrator, owner,  
20 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
21 Number PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is  
22 reinstated;

23 6. Ordering Pharmaca Corporation doing business as 1800 Sullivan Pharmacy and  
24 Randall W. Tonelli to pay the Board of Pharmacy the reasonable costs of the investigation and  
25 enforcement of this case, under Business and Professions Code section 125.3;

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

DATED: 5/22/16



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

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