

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

In the Matter of the Accusation
Against:

GOLDEN STATE PHARMACEUTICALS
768 Calle Plano
Camarillo, CA 93012
Pharmacy Permit No. PHY 48647

Respondent.

Case No. 4801

OAH No. 2014080123

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on September 18, 2015.

It is so ORDERED on August 19, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

11 **GOLDEN STATE PHARMACEUTICALS**
12 **768 Calle Plano**
13 **Camarillo, CA 93012**
Pharmacy Permit No. PHY 48647

Case No. 4801

OAH No. 2014080123

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.

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

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Leslie A. Walden, Deputy Attorney
23 General.

24 2. Golden State Pharmaceuticals (Respondent) is represented in this proceeding by
25 attorney Michael A. Dowell, whose address is Hinshaw & Culbertson, LLP, 11601 Wilshire
26 Blvd, Suite 800, Los Angeles, California 90025.
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1 basis for the charges in the Accusation and that those charges constitute cause for discipline.
2 Respondent hereby gives up their right to contest that cause for discipline exists based on those
3 charges.

4 10. Respondent understands that by signing this stipulation Entity enables the Board to
5 issue an order accepting the surrender of their Pharmacy Permit without further process.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
8 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
9 communicate directly with the Board regarding this stipulation and surrender, without notice to or
10 participation by Respondent or its counsel. By signing the stipulation, Respondent understands
11 and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the
12 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its
13 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or
14 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
15 and the Board shall not be disqualified from further action by having considered this matter.

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

19 13. This Stipulated Surrender of License and Order is intended by the parties to be an
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
22 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
23 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
24 executed by an authorized representative of each of the parties.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

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2 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 48647, issued to Respondent
3 Golden State Pharmaceuticals, is surrendered and accepted by the Board of Pharmacy.

4 1. The surrender of Respondent's Pharmacy Permit and the acceptance of the
5 surrendered license by the Board shall constitute the imposition of discipline against Respondent.

6 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
7 license history with the Board of Pharmacy.

8 2. Respondent shall lose all rights and privileges as a Pharmacy in California as of the
9 effective date of the Board's Decision and Order.

10 3. Respondent shall cause to be delivered to the Board its Permit and wall certificate, if
11 they still have them, on or before the effective date of the Decision and Order.

12 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
13 California, the Board shall treat it as a new application for licensure. Respondent must comply
14 with all the laws, regulations and procedures for licensure in effect at the time the application or
15 petition is filed, and all of the charges and allegations contained in Accusation No. 4801 shall be
16 deemed to be true, correct and admitted by Respondent when the Board determines whether to
17 grant or deny the application or petition.

18 5. Respondent shall pay the agency its costs of investigation and enforcement in the
19 amount of \$9,900.00 within ninety (90) days of the effective date of the Board's Decision and
20 Order.

21 6. If Respondent should ever apply or reapply for a new license or certification, or
22 petition for reinstatement of a license, by any other health care licensing agency in the State of
23 California, all of the charges and allegations contained in Accusation, No. 4801 shall be deemed
24 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
25 other proceeding seeking to deny or restrict licensure.
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Michael A. Dowell. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 5/10/2015 Bless
GOLDEN STATE PHARMACEUTICALS
Respondent

I have read and fully discussed with Respondent Golden State Pharmaceuticals the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 5/10/2015 Michael Dowell
MICHAEL A. DOWELL
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 5/11/15 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General
Lee
LESLIE A. WALDEN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4801

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4801

11 **GOLDEN STATE PHARMACEUTICALS;**
12 **KENNETH JACK AMODEO**
13 **768 Calle Plano**
Camarillo, CA 93012

A C C U S A T I O N

14 Pharmacy Permit No. PHY 48647,

15 Pharmacist License No. RPH 37646

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17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about August 24, 2007, the Board of Pharmacy issued Pharmacy Permit
25 Number PHY 48647 to Golden State Pharmaceuticals (Respondent). The Pharmacy Permit
26 expired on August 1, 2010, and has not been renewed.

1 6. Section 4300.1 of the Code states:

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

7 7. Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a
8 pharmacy and all other records required by Section 4081 shall be maintained on the premises and
9 available for inspection by authorized officers of the law for a period of at least three years. In
10 cases where the pharmacy discontinues business, these records shall be maintained in a
11 board-licensed facility for at least three years.

12 8. Section 4081 of the Code states:

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

22 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal
23 drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-
24 charge, for maintaining the records and inventory described in this section.

25 "(c) The pharmacist-in-charge or representative-in-charge shall not be criminally
26 responsible for acts of the owner, officer, partner, or employee that violate this section and of
27 which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or
28 she did not knowingly participate."

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 12. California Code of Regulations, title 16, section 1708.2 provides:

4 "Any permit holder shall contact the board prior to transferring or selling any dangerous
5 drugs, devices or hypodermics inventory as a result of termination of business or bankruptcy
6 proceedings and shall follow official instructions given by the board applicable to the
7 transaction."

8 13. California Code of Regulations, title 16, section 1761 provides:

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

13 COSTS

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

18 FIRST CAUSE FOR DISCIPLINE

19 (Golden State Pharmaceuticals - Failure to File Discontinuance of Business)

20 15. Respondent Golden State Pharmaceuticals is subject to disciplinary action under title
21 16, section 1708.2 of the California Code of Regulations (CCR) in that Respondent failed to
22 contact the Board prior to transferring or selling any dangerous drugs, devices or hypodermic
23 inventory as a result of termination of its business. The circumstances are as follows:

24 16. On or about April 29, 2011, an onsite inspection by the Board of Pharmacy revealed
25 that another business was operating out of the business address licensed to Respondent located at
26 768 Calle Plano, Camarillo, CA 93012. Respondent failed to submit or file a Discontinuance of
27 Business form with the Board upon the termination of its business.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Golden State Pharmaceuticals - Failure to Maintain Prescription Records)

3 17. Respondent Golden State Pharmaceuticals is subject to disciplinary action under
4 section 4333 in conjunction with 4081 of the Code in that it failed to maintain all prescriptions
5 filled by the pharmacy and all other records on its premises for inspection by authorized officers
6 for a period of three years. The circumstances are as follows:

7 18. On or about June 16, 2010 Respondent Golden State Pharmaceuticals terminated its
8 business operations located at 768 Calle Plano, Camarillo, CA 93012, and subsequently failed to
9 notify the Board prior to transferring, selling or disposing of all dangerous drugs and devices. In
10 addition, Respondent failed to notify the Board as to where all records of acquisition and
11 disposition of dangerous drugs, including prescription files, were retained and maintained for the
12 legally required period of three years from the date of making.

13 THIRD CAUSE FOR DISCIPLINE

14 (Golden State Pharmaceuticals - Unauthorized Prescriptions)

15 19. Respondent Golden State Pharmaceuticals is subject to disciplinary action under title
16 16, section 1761, subdivision (a) of the CCR in conjunction with section 4059 subdivision (a) and
17 4060 of the Code in that it failed to contact the prescribers to validate prescriptions prior to
18 compounding or dispensing such prescriptions which contained significant errors, omissions,
19 irregularities, uncertainties, ambiguities, or alterations. The circumstances are as follows:

20 20. From on or about January 2009 to June 2010, Respondent Golden State
21 Pharmaceuticals furnished and dispensed approximately 1000 controlled substance prescriptions,
22 which were not prescribed or authorized by Douglas Mills, M.D.. Specifically, Respondent failed
23 to obtain validation of the prescriptions from Dr. Mills who was not employed by Frontline
24 Medical Associates, the prescribing medical group, since September 2007, and had not been
25 practicing medicine in the State of California since October 2009.

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1 FOURTH CAUSE FOR DISCIPLINE

2 (Kenneth Jack Amodeo - Failure to Maintain Prescription Records)

3 21. Respondent Kenneth Jack Amodeo is subject to disciplinary action under section
4 4333 in conjunction with 4081 of the Code in that he failed to maintain all prescriptions filled by
5 the pharmacy and all other records on its premises for inspection by authorized officers for a
6 period of three years. The circumstances are as follows:

7 22. On or about June 16, 2010, while Respondent Kenneth Jack Amodeo was the
8 Pharmacist-in-Charge, Golden State Pharmaceuticals terminated its business operations located at
9 768 Calle Plano, Camarillo, CA 93012. Respondent Amodeo failed to notify the Board of the
10 termination of business practices prior to transferring, selling or disposing of all dangerous drugs
11 and devices. In addition, Respondent Amodeo failed to notify the Board as to where all records of
12 acquisition and disposition of dangerous drugs, including prescription files, were retained and
13 maintained for the legally required period of three years from the date of making.

14 FIFTH CAUSE FOR DISCIPLINE

15 (Kenneth Jack Amodeo - Unauthorized Prescriptions)

16 23. Respondent Kenneth Jack Amodeo is subject to disciplinary action under Title 16,
17 section 1761, subdivision (a) of the CCR in conjunction with section 4059 subdivision (a) and
18 4060 of the Code in that while he was the Pharmacist-In-Charge, the pharmacist(s) who dispensed
19 the prescriptions failed to contact the prescribers to validate prescriptions prior to compounding
20 or dispensing such prescriptions, which contained significant errors, omissions, irregularities,
21 uncertainties, ambiguities, or alterations. The circumstances are as follows:

22 24. From on or about January 2009 to June 2010, Respondent Kenneth Jack Amodeo was
23 the Pharmacist-In-Charge at Golden State Pharmaceuticals. During this time frame,
24 approximately 1000 controlled substance prescriptions were furnished and dispensed, which were
25 not prescribed or authorized by Douglas Mills, M.D.. Specifically, the pharmacist(s) failed to
26 obtain validation of the prescriptions from Dr. Mills who was not employed by Frontline Medical
27 Associates, the prescribing medical group, since September 2007 and had not been practicing
28 medicine in the State of California since October 2009.

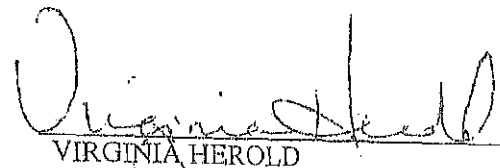
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P R A Y E R

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

1. Revoking or suspending Pharmacy Permit Number PHY 48647, issued to Golden State Pharmaceuticals and PIC Kenneth Jack Amodeo.
2. Revoking or suspending Pharmacist license Number RPH 48647, issued to Kenneth Jack Amodeo;
3. Ordering Kenneth Jack Amodeo and Golden State Pharmaceuticals to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: 1/6/14



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

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