

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

In the Matter of the Accusation Against:

ALERE HOME MONITORING INC.
6465 National Drive
Livermore, CA 94550

Wholesale Permit No. WLS 6079

And

THEODORE LLOYD WALKER
6465 National Drive
Livermore, CA 94550

**Designated Representative License No. EXC
22009**

Case No. 5785

OAH No. 2016100938

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 8, 2017.

It is so ORDERED on May 9, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **ALERE HOME MONITORING INC.**
13 **6465 National Drive**
14 **Livermore, CA 94550**

15 **Wholesale Permit No. WLS 6079**

16 **and**

17 **THEODORE LLOYD WALKER**
18 **6465 National Drive**
19 **Livermore, CA 94550**

20 **Designated Representative License No. EXC**
21 **22009**

22 Respondents.

Case No. 5785

OAH No. 2016100938

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL [ALERE HOME
MONITORING INC., Wholesale Permit
No. WLS 6079 ONLY]**

[Bus. & Prof. Code § 495]

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

25 PARTIES

26 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy
27 ("Board"). She brought this action solely in her official capacity and is represented in this matter
28

1 by Xavier Becerra, Attorney General of the State of California, by Susana A. Gonzales, Deputy
2 Attorney General.

3 2. Theodore Lloyd Walker ("Respondent Walker") is represented in this proceeding by
4 attorney Lara D. Compton, whose address is 633 W. Fifth Street, Suite 1700, Los Angeles, CA
5 90071.

6 3. On or about November 8, 2012, the Board of Pharmacy issued Designated
7 Representative License Number EXC 22009 to Theodore Lloyd Walker ("Respondent Walker").
8 The Designated Representative License expired on November 1, 2014, and was cancelled on
9 April 8, 2015. Respondent Walker was the Designated Representative-in-Charge of Respondent
10 Alere from May 16, 2013, through August 5, 2015.

11 JURISDICTION

12 4. Accusation No. 5785 was filed before the Board of Pharmacy ("Board"), Department
13 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
14 statutorily required documents were properly served on Respondent on August 3, 2016.
15 Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation
16 No. 5785 is attached as Exhibit A and incorporated by reference.

17 ADVISEMENT AND WAIVERS

18 5. Respondent has carefully read, fully discussed with counsel, and understands the
19 charges and allegations in Accusation No. 5785. Respondent has also carefully read, fully
20 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
21 Order for Public Repeval.

22 6. Respondent is fully aware of its legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
24 its own expense; the right to confront and cross-examine the witnesses against it; the right to
25 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
26 the attendance of witnesses and the production of documents; the right to reconsideration and
27 court review of an adverse decision; and all other rights accorded by the California
28 Administrative Procedure Act and other applicable laws.

1 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
2 every right set forth above.

3 CULPABILITY

4 8. Respondent understands that the charges and allegations in Accusation No. 5785, if
5 proven at hearing, constitute cause for imposing discipline against its Wholesale Permit Number
6 WLS 6079.

7 9. For the purpose of resolving the Accusation without the expense and uncertainty of
8 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
9 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
10 those charges.

11 10. Respondent agrees that its Original Wholesale Permit is subject to discipline and it
12 agrees to be bound by the Disciplinary Order below.

13 CIRCUMSTANCES IN MITIGATION

14 11. Respondent Alere has never been the subject of any disciplinary action. It is
15 accepting responsibility at an early stage in the proceedings.

16 CONTINGENCY

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

27 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
28 copies of this Stipulated Settlement and Disciplinary Order for Public Repeoval, including

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

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

10 15. In consideration of the foregoing admissions and stipulations, the parties agree that
11 the Board may, without further notice or formal proceeding, issue and enter the following
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Original Wholesale Permit No. WLS 6079 issued to
15 Respondent Alere Home Monitoring Inc. ("Respondent Alere") shall be publicly reprovved by the
16 Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation
17 No. 5785, attached as exhibit A.

18 **Cost Recovery.** Respondent Alere shall pay \$10,645.25 to the Board for its costs
19 associated with the investigation and enforcement of this matter within sixty (60) days of the
20 effective date.

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ACCEPTANCE

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

DATED: 3/8/2017 
ALERE HOME MONITORING INC.
Respondent Alere

I have read and fully discussed with Respondent Alere Home Monitoring Inc. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

DATED: 3/8/2017 
LARA COMPTON
Attorney for Respondent

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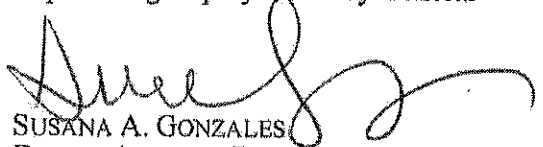
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 8/8/17

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5785

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
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Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5785

12 **ALERE HOME MONITORING INC.**
6465 National Drive
13 Livermore, CA 94550

ACCUSATION

14 Wholesale Permit No. WLS 6079

15 and

16 **THEODORE LLOYD WALKER**
6465 National Drive
17 Livermore, CA 94550

18 Designated Representative License No. EXC
22009

19 Respondents.
20

21 Complainant alleges:
22

23 PARTIES

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

26 2. On or about May 16, 2013, the Board of Pharmacy issued Wholesale Permit Number
27 WLS 6079 to Alere Home Monitoring Inc. ("Respondent Alere"). The Wholesale Permit expired
28 on May 1, 2016, and is currently delinquent.

1 3. On or about November 8, 2013, the Board of Pharmacy issued Designated
2 Representative License Number EXC 22009 to Theodore Lloyd Walker ("Respondent Walker").
3 The Designated Representative License expired on November 1, 2014, and was cancelled on
4 April 8, 2015. Respondent Walker was the Designated Representative-in-Charge of Respondent
5 Alere from May 16, 2013, through August 5, 2015.

6 JURISDICTION

7 4. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
8 Consumer Affairs, under the authority of the following laws. All section references are to the
9 Business and Professions Code unless otherwise indicated.

10 5. Section 4011 of the Code provides that the Board shall administer and enforce both
11 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
12 Act [Health & Safety Code, § 11000 et seq.].

13 6. Section 4300, subdivision (a), of the Code provides that every license issued by the
14 Board may be suspended or revoked.

15 7. Section 4300.1 of the Code states:

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

21 8. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration
22 of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action
23 during the period within which the license may be renewed, restored, reissued or reinstated.
24 Under Code section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all
25 of the fees and meets all of the qualifications and requirements for obtaining an original license.

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STATUTORY AND REGULATORY PROVISIONS

9. Code section 4301, states, in pertinent part:

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

...

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

10. Section 4043 of the Code, in pertinent part, defines “wholesaler” to mean and include “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.”

11. Code section 4053, subdivision (a), states:

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

12. Section 4160 of the Code states, in pertinent part:

“(a) A person shall not act as a wholesaler or third-party logistics provider of any dangerous drug or dangerous device unless he or she has obtained a license from the board.

...

“(o)(1) A separate license shall be required for each place of business owned or operated by a wholesaler or third-party logistics provider. Each place of business may only be issued a single license by the board, except as provided in paragraph (2). Each license shall be renewed annually and shall not be transferable. At all times during which a place of business is open for business,

1 at least one designated representative, in the case of a wholesaler, or designated representative-
2 3PL in the case of a third-party logistics provider, shall be present.

3 “(d) Every wholesaler shall be supervised or managed by a designated representative-in-
4 charge. The designated representative-in-charge shall be responsible for the wholesaler’s
5 compliance with state and federal laws governing wholesalers. As part of its initial application for
6 a license, and for each renewal, each wholesaler shall, on a form designed by the board, provide
7 identifying information and the California license number for a designated representative or
8 pharmacist proposed to serve as the designated representative-in-charge. The proposed designated
9 representative-in-charge shall be subject to approval by the board. The board shall not issue or
10 renew a wholesaler license without identification of an approved designated representative-in-
11 charge for the wholesaler. The designated representative-in-charge shall maintain an active license
12 as a designated representative with the board at all times during which he or she is designated as
13 the designated representative-in-charge.

14 ...

15 “(f) A wholesaler shall notify the board in writing, on a form designed by the board, within
16 30 days of the date when a designated representative-in-charge ceases to act as the designated
17 representative-in-charge, and shall on the same form propose another designated representative or
18 pharmacist to take over as the designated representative-in-charge. The proposed replacement
19 designated representative-in-charge shall be subject to approval by the board. If disapproved, the
20 wholesaler shall propose another replacement within 15 days of the date of disapproval, and shall
21 continue to name proposed replacements until a designated representative-in-charge is approved
22 by the board.”

23 13. Code section 4101, subdivision (b), states:

24 “A designated representative or a pharmacist may take charge of, and act as, the designated
25 representative-in-charge of a wholesaler or veterinary food-animal drug retailer upon application
26 by the wholesaler or veterinary food-animal drug retailer and approval by the board. A designated
27 representative-in-charge who ceases to act as the designated representative-in-charge at that entity
28 shall notify the board in writing within 30 days of the date of that change in status.”

1 14. California Code of Regulations, title 16, section 1784 states, in pertinent part:

2 "(a) The designated representative-in-charge of each wholesaler as defined under section
3 4160 of the Business and Professions Code shall complete a self-assessment of the wholesaler's
4 compliance with federal and state pharmacy law. The assessment shall be performed before July 1
5 of every odd-numbered year. The primary purpose of the self-assessment is to promote
6 compliance through self-examination and education.

7 ...

8 "(d) Each self-assessment shall be kept on file in the licensed wholesale premises for three
9 years after it is completed.

10 "(e) The wholesaler is jointly responsible with the designated representative-in-charge for
11 compliance with this section."

12 COST RECOVERY

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

17 FACTUAL ALLEGATIONS

18 16. Prior to May 1, 2015, the Board received a permit renewal application and fee
19 payment from Respondent Alere for the renewal of their Wholesale Permit. The Board flagged
20 the renewal application and determined that the renewal could not be processed because the
21 designated representative license of Respondent Alere's designated representative, Respondent
22 Walker, was expired. Respondent Walker's license expired on November 1, 2014, and after
23 failing to respond to communication from the Board, Respondent Walker's license was cancelled
24 on April 8, 2015. The Board did not receive any communication from Respondent Alere
25 requesting approval of a new designated representative. The Board could not process Respondent
26 Alere's renewal application because it lacked a valid designated representative, and, therefore, its
27 Wholesale Permit expired on May 1, 2015.

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1 17. On or about August 10, 2015, the Board received a "Change of Representative In
2 Charge" form from Respondent Alere. The form identified a new designated representative,
3 effective August 5, 2015. The Board processed Respondent Alere's Wholesale Permit renewal
4 and approved its new designated representative.

5 18. On or about September 18, 2015, a Board inspector conducted a complaint-related
6 inspection at Respondent Alere's place of business. The inspector requested and received
7 documentation related to Respondent Alere's sales activity for prescription items sold between
8 November 1, 2014, and September 18, 2015. The report showed 85 sales transactions for items
9 requiring a wholesale permit between November 1, 2014, through May 15, 2015. There was no
10 sales activity for the prescription items requiring a wholesale permit after May 15, 2015.

11 **RESPONDENT ALERE**

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (a))
14 (Engaging in Wholesaler Activity Without an Active License)

15 19. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it
16 engaged in wholesaler activity after its license expired on May 1, 2015. (Bus. & Prof. Code, §§
17 4301, subd. (o), 4160, subd. (a).) Respondent Alere's sales transactions report indicated at least
18 three sales transactions requiring a wholesale permit between May 1, 2015, and May 15, 2015,
19 after Respondent Alere's wholesale permit had expired. The circumstances are set forth in further
20 detail in paragraphs 16 through 18, above.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (o)(1))
23 (Acting as a Wholesaler Without a Designated Representative Present)

24 20. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it was
25 open for business and engaged in wholesaler activity during a time in which it did not have a
26 currently licensed designated representative present. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160,
27 subd. (o)(1).) Specifically, Respondent Walker's license expired on November 1, 2014. Respondent
28 Alere did not identify a new designated representative until August 2015. The circumstances are set
forth in further detail in paragraphs 16 through 18, above.

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THIRD CAUSE FOR DISCIPLINE

(Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d))
(Operating as a Wholesaler Without a DRIC)

21. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it operated as a wholesaler without a designated representative. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d).) Specifically, Respondent Walker’s license expired on November 1, 2014. Respondent Alere did not identify a new designated representative until August 2015. The circumstances are set forth in further detail in paragraphs 16 through 18, above.

FOURTH CAUSE FOR DISCIPLINE

(Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (f))
(Failure to Notify Board of No Designated Representative)

22. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it failed to notify the Board within 30 days of the date in which Respondent Walker was no longer the designated representative. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (f).) Specifically, Respondent Walker’s license expired on November 1, 2014. Respondent Alere did not identify a new designated representative until August 2015. The circumstances are set forth in further detail in paragraphs 16 through 18, above.

FIFTH CAUSE FOR DISCIPLINE

(Cal. Code Regs., tit. 16, sec 1784, subds. (a), (d), (e))
(Failure of Designated Representative to Complete Required Self-Assessment)

23. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it failed to cause Respondent Walker, its designated representative, to submit the required self-assessment of its compliance with federal and state pharmacy law. (Cal. Code Regs., tit. 16, sec 1784, subds. (a), (d), (e).) Specifically, Respondent Alere failed to have Respondent Walker complete a self-assessment on July 1, 2015. Respondent Alere was educated of its need to complete a self-assessment every odd year during a prior inspection in 2013.

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1 RESPONDENT WALKER

2 FIRST CAUSE FOR DISCIPLINE

3 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (a), (d))

4 (Engaging in Wholesaler Activity Without an Active License)

5 24. Respondent Walker has subjected his Designated Representative License to
6 disciplinary action in that Respondent Alere engaged in wholesaler activity after its license
7 expired on May 1, 2015. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (a), (d).)
8 Respondent Alere's sales transactions report indicated at least three sales transactions requiring a
9 wholesale permit between May 1, 2015, and May 15, 2015, after Respondent Alere's wholesale
10 permit had expired. The circumstances are set forth in further detail in paragraphs 16 through 18,
11 above.

12 SECOND CAUSE FOR DISCIPLINE

13 (Bus. & Prof. Code, § 4160, subds. (c)(1), (d))

14 (Acting as a Wholesaler Without a Designated Representative Present)

15 25. Respondent Walker has subjected his Designated Representative License to
16 disciplinary action in that between November 1, 2014, the date Respondent Walker's license
17 expired, and May 15, 2015, the date of Respondent Alere's last pharmaceutical sales transaction,
18 Alere was open for business and engaged in wholesaler activity without a valid designated
19 representative present. (Bus. & Prof. Code, § 4160, subds. (c)(1), (d).) Specifically, Respondent
20 Walker's license expired on November 1, 2014. Respondent Alere did not identify a new
21 designated representative until August 2015. The circumstances are set forth in further detail in
22 paragraphs 16 through 18, above.

23 THIRD CAUSE FOR DISCIPLINE

24 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d))

25 (Failure to Maintain an Active License While DRIC)

26 26. Respondent Walker has subjected his Designated Representative License to
27 disciplinary action in that Respondent Walker failed to maintain an active license with the board
28 during a time in which he was the designated representative-in-charge of Respondent Alere.
(Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d).) Respondent Walker allowed his license
to expire on November 1, 2014, yet he was identified as the designated representative of

1 Respondent Alere until August 5, 2015. The circumstances are set forth in further detail in
2 paragraphs 16 through 18, above.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (c)(1), (f))
5 (Failure to Notify Board of No Designated Representative)

6 27. Respondent Walker has subjected his Designated Representative License to
7 disciplinary action in that in that he and Respondent Alere failed to notify the Board within 30
8 days of the date in which Respondent Walker ceased to act as the designated representative-in-
9 charge. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (c)(1), (f).) Specifically,
10 Respondent Walker's license expired on November 1, 2014. Respondent Alere did not identify a
11 new designated representative until August 2015. The circumstances are set forth in further detail
12 in paragraphs 16 through 18, above.

13 FIFTH CAUSE FOR DISCIPLINE

14 (Bus. & Prof. Code, §§ 4301, subd. (o), 4101, subd. (b))
15 (Failure to Notify Board No Longer In Charge)

16 28. Respondent Walker has subjected his Designated Representative License to
17 disciplinary action in that he failed to notify the Board within 30 days of his change in status as
18 the designated representative of Respondent Alere. (Bus. & Prof. Code, §§ 4301, subd. (o), 4101,
19 subd. (b).) Specifically, Respondent Walker's license expired on November 1, 2014. Respondent
20 Alere did not identify a new designated representative until August 2015, and Respondent Walker
21 never sent notification to the Board that he was no longer the designated representative of
22 Respondent Alere. The circumstances are set forth in further detail in paragraphs 16 through 18,
23 above.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Cal. Code Regs., tit. 16, § 1784, subds. (a), (d), (e))
26 (Failure of DRIC to Complete Required Self-Assessment)

27 29. Respondent Walker has subjected his Designated Representative License to
28 disciplinary action in that he failed to submit the required self-assessment of Respondent Alere's
compliance with federal and state pharmacy law. (Cal. Code Regs., tit. 16, sec 1784, subds. (a),
(d), (e).) Specifically, Respondent Walker failed to complete a self-assessment on July 1, 2015, a

1 time in which he was still identified as the designated representative of Respondent Alere.
2 Respondent Walker was educated of his need to complete a self-assessment every odd year during
3 a prior inspection in 2013.

4 PRAYER

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

- 7 1. Revoking or suspending Original Wholesale Permit Number WLS 6079, issued to
8 Alere Home Monitoring Inc.;
- 9 2. Revoking or suspending Designated Representative License No. EXC 22009, issued
10 to Theodore Lloyd Walker;
- 11 3. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3;
- 14 4. Taking such other and further action as deemed necessary and proper.

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DATED: 7/26/16 

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

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1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

12 **ALERE HOME MONITORING INC.**
13 **6465 National Drive**
Livermore, CA 94550

14 **Wholesale Permit No. WLS 6079**

15 **and**

16 **THEODORE LLOYD WALKER**
17 **6465 National Drive**
Livermore, CA 94550

18 **Designated Representative License No. EXC**
19 **22009**

20 Respondents.

Case No. 5785

OAH No. 2016100938

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL [THEODORE LLOYD
WALKER, Designated Representative
License No. EXC 22009 ONLY]

[Bus. & Prof. Code § 495]

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. Virginia Herold ("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 Xavier Becerra, Attorney General of the State of California, by Susana A. Gonzales, Deputy
28 Attorney General.

1 2. Theodore Lloyd Walker ("Respondent Walker") is represented in this proceeding by
2 attorney Lara D. Compton, whose address is 633 W. Fifth Street, Suite 1700, Los Angeles, CA
3 90071.

4 3. On or about November 8, 2012, the Board of Pharmacy issued Designated
5 Representative License Number EXC 22009 to Theodore Lloyd Walker ("Respondent Walker").
6 The Designated Representative License expired on November 1, 2014, and was cancelled on
7 April 8, 2015. Respondent Walker was the Designated Representative-in-Charge of Alere Home
8 Monitoring, Inc. from May 16, 2013, through August 5, 2015.

9 JURISDICTION

10 4. Accusation No. 5785 was filed before the Board of Pharmacy ("Board"), Department
11 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
12 statutorily required documents were properly served on Respondent on August 3, 2016.
13 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
14 No. 5785 is attached as Exhibit A and incorporated by reference.

15 ADVISEMENT AND WAIVERS

16 5. Respondent has carefully read, fully discussed with counsel, and understands the
17 charges and allegations in Accusation No. 5785. Respondent has also carefully read, fully
18 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
19 Order for Public Reprimand.

20 6. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
22 his own expense; the right to confront and cross-examine the witnesses against him; the right to
23 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
24 the attendance of witnesses and the production of documents; the right to reconsideration and
25 court review of an adverse decision; and all other rights accorded by the California
26 Administrative Procedure Act and other applicable laws.

27 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 5785, if proven at a hearing, constitute cause for imposing discipline upon his Designated
4 Representative License No. EXC 22009.

5 9. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 10. Respondent agrees that his Designated Representative License is subject to discipline
10 and he agrees to be bound by the Disciplinary Order below.

11 CIRCUMSTANCES IN MITIGATION

12 11. Respondent Walker has never been the subject of any disciplinary action. He is
13 accepting responsibility at an early stage in the proceedings.

14 CONTINGENCY

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

25 13. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Settlement and Disciplinary Order for Public Repeval, including
27 Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and
28 effect as the originals.

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

8 15. In consideration of the foregoing admissions and stipulations, the parties agree that
9 the Board may, without further notice or formal proceeding, issue and enter the following
10 Disciplinary Order:

11 **DISCIPLINARY ORDER**

12 IT IS HEREBY ORDERED that Designated Representative License No. EXC 22009,
13 issued Theodore Lloyd Walker ("Respondent Walker") shall be publicly reprovod by the Board of
14 Pharmacy under Business and Professions Code section 495 in resolution of Accusation No.
15 5785, attached as exhibit A.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
18 Repeval and have fully discussed it with my attorney, Lara Compton. I understand the
19 stipulation and the effect it will have on Designated Representative License. I enter into this
20 Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and
21 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

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23 DATED: 3/8/2017 
24 THEODORE LLOYD WALKER
Respondent

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I have read and fully discussed with Respondent Theodore Lloyd Walker the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

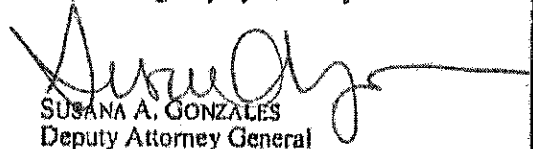
DATED: 3/8/2017 
LARA COMPTON
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 3/8/17

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


SUSANA A. GONZALES
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5785

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:	Case No. 5785
12 ALERE HOME MONITORING INC.	ACCUSATION
13 6465 National Drive	
14 Livermore, CA 94550	
15 Wholesale Permit No. WLS 6079	
16 and	
17 THEODORE LLOYD WALKER	
18 6465 National Drive	
19 Livermore, CA 94550	
20 Designated Representative License No. EXC 22009	
Respondents.	

21 Complainant alleges:

22 PARTIES

- 23 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
25 2. On or about May 16, 2013, the Board of Pharmacy issued Wholesale Permit Number
26 WLS 6079 to Alere Home Monitoring Inc. ("Respondent Alere"). The Wholesale Permit expired
27 on May 1, 2016, and is currently delinquent.
28

1 3. On or about November 8, 2013, the Board of Pharmacy issued Designated
2 Representative License Number EXC 22009 to Theodore Lloyd Walker ("Respondent Walker").
3 The Designated Representative License expired on November 1, 2014, and was cancelled on
4 April 8, 2015. Respondent Walker was the Designated Representative-in-Charge of Respondent
5 Alere from May 16, 2013, through August 5, 2015.

6 JURISDICTION

7 4. This Accusation is brought before the Board of Pharmacy ("Board"), Department of
8 Consumer Affairs, under the authority of the following laws. All section references are to the
9 Business and Professions Code unless otherwise indicated.

10 5. Section 4011 of the Code provides that the Board shall administer and enforce both
11 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
12 Act [Health & Safety Code, § 11000 et seq.].

13 6. Section 4300, subdivision (a), of the Code provides that every license issued by the
14 Board may be suspended or revoked.

15 7. Section 4300.1 of the Code states:

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

21 8. Section 118, subdivision (b), of the Code provides, in pertinent part, that the expiration
22 of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action
23 during the period within which the license may be renewed, restored, reissued or reinstated.
24 Under Code section 7076.1, the Registrar may reinstate a cancelled license if the licensee pays all
25 of the fees and meets all of the qualifications and requirements for obtaining an original license.

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1 at least one designated representative, in the case of a wholesaler, or designated representative-
2 3PL in the case of a third-party logistics provider, shall be present.

3 “(d) Every wholesaler shall be supervised or managed by a designated representative-in-
4 charge. The designated representative-in-charge shall be responsible for the wholesaler’s
5 compliance with state and federal laws governing wholesalers. As part of its initial application for
6 a license, and for each renewal, each wholesaler shall, on a form designed by the board, provide
7 identifying information and the California license number for a designated representative or
8 pharmacist proposed to serve as the designated representative-in-charge. The proposed designated
9 representative-in-charge shall be subject to approval by the board. The board shall not issue or
10 renew a wholesaler license without identification of an approved designated representative-in-
11 charge for the wholesaler. The designated representative-in-charge shall maintain an active license
12 as a designated representative with the board at all times during which he or she is designated as
13 the designated representative-in-charge.

14 ...

15 “(f) A wholesaler shall notify the board in writing, on a form designed by the board, within
16 30 days of the date when a designated representative-in-charge ceases to act as the designated
17 representative-in-charge, and shall on the same form propose another designated representative or
18 pharmacist to take over as the designated representative-in-charge. The proposed replacement
19 designated representative-in-charge shall be subject to approval by the board. If disapproved, the
20 wholesaler shall propose another replacement within 15 days of the date of disapproval, and shall
21 continue to name proposed replacements until a designated representative-in-charge is approved
22 by the board.”

23 13. Code section 4101, subdivision (b), states:

24 “A designated representative or a pharmacist may take charge of, and act as, the designated
25 representative-in-charge of a wholesaler or veterinary food-animal drug retailer upon application
26 by the wholesaler or veterinary food-animal drug retailer and approval by the board. A designated
27 representative-in-charge who ceases to act as the designated representative-in-charge at that entity
28 shall notify the board in writing within 30 days of the date of that change in status.”

1 14. California Code of Regulations, title 16, section 1784 states, in pertinent part:

2 "(a) The designated representative-in-charge of each wholesaler as defined under section
3 4160 of the Business and Professions Code shall complete a self-assessment of the wholesaler's
4 compliance with federal and state pharmacy law. The assessment shall be performed before July 1
5 of every odd-numbered year. The primary purpose of the self-assessment is to promote
6 compliance through self-examination and education.

7 ...

8 "(d) Each self-assessment shall be kept on file in the licensed wholesale premises for three
9 years after it is completed.

10 "(e) The wholesaler is jointly responsible with the designated representative-in-charge for
11 compliance with this section."

12 COST RECOVERY

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

17 FACTUAL ALLEGATIONS

18 16. Prior to May 1, 2015, the Board received a permit renewal application and fee
19 payment from Respondent Alere for the renewal of their Wholesale Permit. The Board flagged
20 the renewal application and determined that the renewal could not be processed because the
21 designated representative license of Respondent Alere's designated representative, Respondent
22 Walker, was expired. Respondent Walker's license expired on November 1, 2014, and after
23 failing to respond to communication from the Board, Respondent Walker's license was cancelled
24 on April 8, 2015. The Board did not receive any communication from Respondent Alere
25 requesting approval of a new designated representative. The Board could not process Respondent
26 Alere's renewal application because it lacked a valid designated representative, and, therefore, its
27 Wholesale Permit expired on May 1, 2015.

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1 17. On or about August 10, 2015, the Board received a "Change of Representative In
2 Charge" form from Respondent Alere. The form identified a new designated representative,
3 effective August 5, 2015. The Board processed Respondent Alere's Wholesale Permit renewal
4 and approved its new designated representative.

5 18. On or about September 18, 2015, a Board inspector conducted a complaint-related
6 inspection at Respondent Alere's place of business. The inspector requested and received
7 documentation related to Respondent Alere's sales activity for prescription items sold between
8 November 1, 2014, and September 18, 2015. The report showed 85 sales transactions for items
9 requiring a wholesale permit between November 1, 2014, through May 15, 2015. There was no
10 sales activity for the prescription items requiring a wholesale permit after May 15, 2015.

11 **RESPONDENT ALERE**

12 **FIRST CAUSE FOR DISCIPLINE**

13 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (a))
14 (Engaging in Wholesaler Activity Without an Active License)

15 19. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it
16 engaged in wholesaler activity after its license expired on May 1, 2015. (Bus. & Prof. Code, §§
17 4301, subd. (o), 4160, subd. (a).) Respondent Alere's sales transactions report indicated at least
18 three sales transactions requiring a wholesale permit between May 1, 2015, and May 15, 2015,
19 after Respondent Alere's wholesale permit had expired. The circumstances are set forth in further
20 detail in paragraphs 16 through 18, above.

21 **SECOND CAUSE FOR DISCIPLINE**

22 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (c)(1))
23 (Acting as a Wholesaler Without a Designated Representative Present)

24 20. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it was
25 open for business and engaged in wholesaler activity during a time in which it did not have a
26 currently licensed designated representative present. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160,
27 subd. (c)(1).) Specifically, Respondent Walker's license expired on November 1, 2014. Respondent
28 Alere did not identify a new designated representative until August 2015. The circumstances are set
forth in further detail in paragraphs 16 through 18, above.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d))
3 (Operating as a Wholesaler Without a DRIC)

4 21. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it
5 operated as a wholesaler without a designated representative. (Bus. & Prof. Code, §§ 4301, subd.
6 (o), 4160, subd. (d).) Specifically, Respondent Walker's license expired on November 1, 2014.
7 Respondent Alere did not identify a new designated representative until August 2015. The
8 circumstances are set forth in further detail in paragraphs 16 through 18, above.

9 FOURTH CAUSE FOR DISCIPLINE

10 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (f))
11 (Failure to Notify Board of No Designated Representative)

12 22. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it
13 failed to notify the Board within 30 days of the date in which Respondent Walker was no longer
14 the designated representative. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (f).)
15 Specifically, Respondent Walker's license expired on November 1, 2014. Respondent Alere did
16 not identify a new designated representative until August 2015. The circumstances are set forth in
17 further detail in paragraphs 16 through 18, above.

18 FIFTH CAUSE FOR DISCIPLINE

19 (Cal. Code Regs., tit. 16, sec 1784, subsds. (a), (d), (e))
20 (Failure of Designated Representative to Complete Required Self-Assessment)

21 23. Respondent Alere has subjected its Wholesale Permit to disciplinary action in that it
22 failed to cause Respondent Walker, its designated representative, to submit the required self-
23 assessment of its compliance with federal and state pharmacy law. (Cal. Code Regs., tit. 16, sec
24 1784, subsds. (a), (d), (e).) Specifically, Respondent Alere failed to have Respondent Walker
25 complete a self-assessment on July 1, 2015. Respondent Alere was educated of its need to
26 complete a self-assessment every odd year during a prior inspection in 2013.

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RESPONDENT WALKER

FIRST CAUSE FOR DISCIPLINE

(Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (a), (d))
(Engaging in Wholesaler Activity Without an Active License)

24. Respondent Walker has subjected his Designated Representative License to disciplinary action in that Respondent Alere engaged in wholesaler activity after its license expired on May 1, 2015. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (a), (d).) Respondent Alere's sales transactions report indicated at least three sales transactions requiring a wholesale permit between May 1, 2015, and May 15, 2015, after Respondent Alere's wholesale permit had expired. The circumstances are set forth in further detail in paragraphs 16 through 18, above.

SECOND CAUSE FOR DISCIPLINE

(Bus. & Prof. Code, § 4160, subds. (c)(1), (d))
(Acting as a Wholesaler Without a Designated Representative Present)

25. Respondent Walker has subjected his Designated Representative License to disciplinary action in that between November 1, 2014, the date Respondent Walker's license expired, and May 15, 2015, the date of Respondent Alere's last pharmaceutical sales transaction, Alere was open for business and engaged in wholesaler activity without a valid designated representative present. (Bus. & Prof. Code, § 4160, subds. (c)(1), (d).) Specifically, Respondent Walker's license expired on November 1, 2014. Respondent Alere did not identify a new designated representative until August 2015. The circumstances are set forth in further detail in paragraphs 16 through 18, above.

THIRD CAUSE FOR DISCIPLINE

(Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d))
(Failure to Maintain an Active License While DRIC)

26. Respondent Walker has subjected his Designated Representative License to disciplinary action in that Respondent Walker failed to maintain an active license with the board during a time in which he was the designated representative-in-charge of Respondent Alere. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subd. (d).) Respondent Walker allowed his license to expire on November 1, 2014, yet he was identified as the designated representative of

1 Respondent Alere until August 5, 2015. The circumstances are set forth in further detail in
2 paragraphs 16 through 18, above.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (c)(1), (f))
5 (Failure to Notify Board of No Designated Representative)

6 27. Respondent Walker has subjected his Designated Representative License to
7 disciplinary action in that in that he and Respondent Alere failed to notify the Board within 30
8 days of the date in which Respondent Walker ceased to act as the designated representative-in-
9 charge. (Bus. & Prof. Code, §§ 4301, subd. (o), 4160, subds. (c)(1), (f).) Specifically,
10 Respondent Walker's license expired on November 1, 2014. Respondent Alere did not identify a
11 new designated representative until August 2015. The circumstances are set forth in further detail
12 in paragraphs 16 through 18, above.

13 FIFTH CAUSE FOR DISCIPLINE

14 (Bus. & Prof. Code, §§ 4301, subd. (o), 4101, subd. (b))
15 (Failure to Notify Board No Longer In Charge)

16 28. Respondent Walker has subjected his Designated Representative License to
17 disciplinary action in that he failed to notify the Board within 30 days of his change in status as
18 the designated representative of Respondent Alere. (Bus. & Prof. Code, §§ 4301, subd. (o), 4101,
19 subd. (b).) Specifically, Respondent Walker's license expired on November 1, 2014. Respondent
20 Alere did not identify a new designated representative until August 2015, and Respondent Walker
21 never sent notification to the Board that he was no longer the designated representative of
22 Respondent Alere. The circumstances are set forth in further detail in paragraphs 16 through 18,
23 above.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Cal. Code Regs., tit. 16, § 1784, subds. (a), (d), (e))
26 (Failure of DRIC to Complete Required Self-Assessment)

27 29. Respondent Walker has subjected his Designated Representative License to
28 disciplinary action in that he failed to submit the required self-assessment of Respondent Alere's
compliance with federal and state pharmacy law. (Cal. Code Regs., tit. 16, sec 1784, subds. (a),
(d), (e).) Specifically, Respondent Walker failed to complete a self-assessment on July 1, 2015, a

1 time in which he was still identified as the designated representative of Respondent Alere.
2 Respondent Walker was educated of his need to complete a self-assessment every odd year during
3 a prior inspection in 2013.

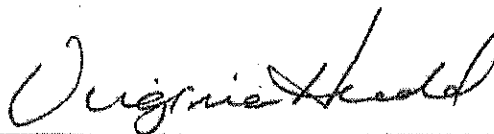
4 PRAYER

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

- 7 1. Revoking or suspending Original Wholesale Permit Number WLS 6079, issued to
8 Alere Home Monitoring Inc.;
- 9 2. Revoking or suspending Designated Representative License No. EXC 22009, issued
10 to Theodore Lloyd Walker;
- 11 3. Ordering Respondents to pay the Board of Pharmacy the reasonable costs of the
12 investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3;
- 14 4. Taking such other and further action as deemed necessary and proper.
- 15
16

17
18 DATED: _____

7/26/16



19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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