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7

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

11 In the Matter of the Accusation Against:

Case No. 6329

12 **CARDINAL HEALTH, DBA PARMED**  
**PHARMACEUTICALS, LLC**

13 4220 Hyde Park Blvd.  
14 Niagara Falls, NY 14305

**FIRST AMENDED ACCUSATION**

15 **Out of State Distributor License No.**  
**OSD 4895**

16 **LINDA J. DUNKLE**

17 5796 West St.  
Sanborn, NY 14132

18 **Designated Representative License No.**  
**EXC 21821**

19 Respondents.  
20

21 Complainant alleges:

22 **PARTIES**

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

26 2. On or about May 10, 2007, the Board issued Out of State Distributor License Number  
27 OSD 4895 to Cardinal Health, d.b.a., Parmed Pharmaceuticals, LLC (Respondent Cardinal  
28 Health). The Out of State Distributor License was in full force and effect at all times relevant to

1 the charges brought herein, was cancelled on June 28, 2018, and has not been reinstated.

2 3. On or about September 11, 2012, the Board issued Designated Representative  
3 License Number EXC 21821 to Linda J. Dunkle (Respondent Dunkle). The Designated  
4 Representative License was in full force and effect at all times relevant to the charges brought  
5 herein and will expire on September 1, 2019, unless renewed.

6 **JURISDICTION**

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

10 5. Section 4300(a) of the Code provides that every license issued by the Board may be  
11 suspended or revoked.

12 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
13 suspension of a Board-issued license, the placement of a license on a retired status, or the  
14 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
15 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
16 licensee or to render a decision suspending or revoking the license.

17 **STATUTORY PROVISIONS**

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

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

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

24 . . . .

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

1           8.     Section 4022.5 of the Code states, in pertinent part:

2           . . . .

3           (b) “Designated representative-in-charge” means a designated representative or designated  
4 representative-reverse distributor, or a pharmacist proposed by a wholesaler or veterinary food-  
5 animal drug retailer and approved by the board as the supervisor or manager responsible for  
6 ensuring the wholesaler's or veterinary food-animal drug retailer's compliance with all state and  
7 federal laws and regulations pertaining to practice in the applicable license category.”

8           9.     Section 4043 of the Code, state:

9           (a)     “Wholesaler” means and includes a person who acts as a wholesale merchant,  
10 broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells  
11 for resale, or negotiates for distribution, or takes possession of, any drug or device included in  
12 Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or  
13 authorize the storage or warehousing of drugs with any person or at any location not licensed by  
14 the board.

15          10.    Section 4059.5, subdivision (a) of the Code, states in pertinent part that, “except as  
16 otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by  
17 an entity licensed by the board and shall be delivered to the licensed premises and signed for and  
18 received by a pharmacist. Where a licensee is permitted to operate through a designated  
19 representative, the designated representative shall sign for and receive the delivery.”

20          11.    Section 4116, subsection (a) of the Code states that, no person other than a  
21 pharmacist, an intern pharmacist, an authorized officer of the law, or a person authorized to  
22 prescribe shall be permitted in that area, place, or premises described in the license issued by the  
23 board wherein controlled substances or dangerous drugs or dangerous devices are stored,  
24 possessed, prepared, manufactured, derived, compounded, dispensed, or repackaged. However, a  
25 pharmacist shall be responsible for any individual who enters the pharmacy for the purposes of  
26 receiving consultation from the pharmacist or performing clerical, inventory control,  
27 housekeeping, delivery, maintenance, or similar functions relating to the pharmacy if the  
28

1 pharmacist remains present in the pharmacy during all times as the authorized individual is  
2 present.

3 12. Section 4163, subdivision (a) of the Code, states in pertinent part: “A manufacturer,  
4 wholesaler, repackager, or pharmacy may not furnish a dangerous drug or dangerous device to an  
5 unauthorized person.”

6 13. Health and Safety Code section 11209, states, in pertinent part:

7 “(a) No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or  
8 pharmacy receiving area, nor shall any person receive controlled substances on behalf of a  
9 pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a  
10 receipt showing the type and quantity of the controlled substances received. Any discrepancy  
11 between the receipt and the type or quantity of controlled substances actually received shall be  
12 reported to the delivering wholesaler or manufacturer by the next business day after delivery to  
13 the pharmacy.

14 (b) The delivery receipt and any record of discrepancy shall be maintained by the  
15 wholesaler or manufacturer for a period of three years.

16 (c) A violation of this section is a misdemeanor.”

17 ....

### 18 REGULATIONS

19 14. California Code of Regulations, title 16, section 1783, states, in pertinent part:

20 “(a) A manufacturer or wholesaler shall furnish dangerous drugs or devices only to an  
21 authorized person; prior to furnishing dangerous drugs and devices to a person not known to the  
22 furnisher, the manufacturer or wholesaler shall contact the board or, if the person is licensed or  
23 registered by another government entity, that entity, to confirm the recipient is an authorized  
24 person.”

### 25 COSTS

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

1 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

2 16. Section 4021 of the Code states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
4 11053) of Division 10 of the Health and Safety Code.”

5 17. Section 4022 of the Code states, in pertinent part:

6 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
7 except veterinary drugs that are labeled as such, and includes the following:

8 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
9 prescription,’ ‘Rx only,’ or words of similar import.

10 . . .

11 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
12 prescription or furnished pursuant to Section 4006.”

13 **FACTUAL BACKGROUND**

14 18. From September 11, 2012 through the present, Respondent Linda J. Dunkle has been  
15 the Designated Representative-in-Charge of Respondent Cardinal Health (a “wholesaler” under  
16 Section 4043) at its premises in Niagara Falls, New York.

17 19. On or about May 9, 2017, the Board received a complaint regarding the continued  
18 operation of Lane Medical Pharmacy (Lane Pharmacy). The complaint indicated that Lane  
19 Pharmacy continued to operate despite the owner, Mr. Lane Frankel, being deceased. The Board  
20 investigation determined that Mr. Lane Frankel died on July 14, 2015. Mr. Lane Frankel was the  
21 owner and pharmacist-in-charge of Lane Pharmacy. The Board investigation determined that  
22 non-pharmacists (pharmacy technicians) continued to operate Lane Pharmacy after Mr. Lane  
23 Frankel’s death and these non-pharmacists purchased and/or signed for delivery of dangerous  
24 drugs and controlled substances.

25 20. As part of its investigation, a Board investigator requested that a Drug Enforcement  
26 Agency (DEA) Diversion Investigator run an Automation of Reports and Consolidated Orders  
27 Systems (ARCOS) report, which showed that Lane Pharmacy had purchased controlled  
28 substances for itself through, in part, Respondent Cardinal Health.

1           21. The Board’s investigation revealed that Respondent Cardinal Health made sales and  
2 caused delivery of dangerous drugs and controlled substances to Lane Pharmacy, which were  
3 signed for by non-pharmacists, as follows:

4           **Before Mr. Lane Frankel’s Death**

5           a). Purchases were made on January 15, 2015 and signed for delivery by non-pharmacist  
6 Sigrid Higueros (former pharmacy technician).

7           b). Purchases were made on February 3, 2015 and signed for delivery by non-pharmacist  
8 Sigrid Higueros.

9           c). Purchases were made on February 14, 2015 and signed for delivery by non-pharmacist  
10 Sigrid Higueros.

11           **After Mr. Lane Frankel’s Death**

12           d). Purchases were made on March 29, 2016 and signed for delivery by non-pharmacist  
13 Elida Garcia (former pharmacy technician).

14           e). Purchases were made on August 30, 2016 and signed for delivery by non-pharmacist  
15 Elida Garcia.

16           f). Purchases were made on November 11, 2016 and signed for delivery by non-pharmacist  
17 Elida Garcia.

18           g). Purchases were made on December 19, 2016 and signed for delivery under the name of  
19 “Lane Frankel,” after Mr. Frankel had deceased.

20           h). Purchases were made on January 30, 2017 and signed for delivery by an unknown  
21 signatory.

22           i). Purchases were made on February 23, 2017 and signed for delivery under the name of  
23 “Lane Frankel,” after Mr. Frankel had deceased.

24           j). Purchases were made on March 30, 2017 and signed for delivery under the name of  
25 “Lane Frankel,” after Mr. Frankel had deceased.

26           k). Purchases were made on May 11, 2017 and signed for delivery under the name of “Lane  
27 Frankel,” after Mr. Frankel had deceased.

28           ///

1 l). Purchases were made on June 16, 2017 and signed for delivery by non-pharmacist Sigrid  
2 Higueros.

3 m). Purchases were made on July 31, 2017 and signed for delivery under the name of “Lane  
4 Frankel,” after Mr. Frankel had deceased.

5 22. During the course of the Board’s investigation, former pharmacy technician Sigrid  
6 Higueros admitted to signing the name of “Lane Frankel” after Mr. Frankel had deceased.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Statutes)**

9 23. Respondents’ licenses are subject to disciplinary action under Code section 4301,  
10 subdivision (o), in that they engaged in unprofessional conduct by violating California Health and  
11 Safety Code section 11209. Respondents sold and/or delivered dangerous drugs and controlled  
12 substances and allowed non-pharmacists to sign for these deliveries, as set forth more fully in  
13 paragraphs 18 to 22 above, which are incorporated herein by reference.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations)**

16 24. Respondents’ licenses are subject to disciplinary action under Code section 4301,  
17 subdivision (o), in that they engaged in unprofessional conduct by violating California Code of  
18 Regulations, title 16, section 1783, subdivision (a). Respondents furnished dangerous drugs and  
19 controlled substances to unauthorized persons and/or failed to contact the Board prior to  
20 furnishing dangerous drugs and controlled substances to unauthorized or unknown persons.  
21 Paragraphs 18 to 22 are incorporated herein by reference.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Pharmacy Law)**

24 25. Respondents’ licenses are subject to disciplinary action under Code section 4301,  
25 subdivision (j), in that they engaged in unprofessional conduct by violating California Business  
26 and Professions Code sections 4163 and 4059.5, subdivision (a). Respondents furnished and  
27 delivered dangerous drugs and controlled substances to unauthorized persons, as set forth more  
28 fully in paragraphs 18 to 22 above, which are incorporated herein by reference.

1 **DISCIPLINE CONSIDERATIONS**

2 26. On June 18, 2018, the Board issued Citation No. CI 2017 80280 to Respondent  
3 Cardinal Health. The Board cited Respondent Cardinal Health for violating California Business  
4 and Professions Code section 4059.5, subdivision (a), in that Respondent Cardinal Health sold  
5 and shipped dangerous drugs to a pharmacy, but the dangerous drugs were not signed for by a  
6 pharmacist. The Board fined Respondent Cardinal Health in the amount of \$1,000.00.

7 **PRAYER**

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

10 1. Revoking or suspending Out of State Distributor License Number OSD 4895, issued  
11 to Cardinal Health, doing business as Parmed Pharmaceuticals, LLC;

12 2. Revoking or suspending Designated Representative License Number EXC 21821,  
13 issued to Linda J. Dunkle;

14 2. Ordering Cardinal Health, doing business as Parmed Pharmaceuticals, LLC, and  
15 Linda J. Dunkle to pay the Board of Pharmacy the reasonable costs of the investigation and  
16 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.  
18

19  
20 DATED: May 10, 2019 \_\_\_\_\_



21 ANNE SODERGREN  
22 Interim Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 *Complainant*



1 XAVIER BECERRA  
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**A C C U S A T I O N**

15 **Out of State Distributor License No.**  
16 **OSD 4895**

17 **LINDA J. DUNKLE**

5796 West St.  
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18 **Designated Representative License No.**  
19 **EXC 21821**

20 Respondents.

21 Complainant alleges:

22 **PARTIES**

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

26 2. On or about May 10, 2007, the Board issued Out of State Distributor License Number  
27 OSD 4895 to Cardinal Health, d.b.a., Parmed Pharmaceuticals, LLC (Respondent Cardinal  
28 Health). The Out of State Distributor License was in full force and effect at all times relevant to

1 the charges brought herein and will expire on May 1, 2019, unless renewed.

2 3. On or about September 11, 2012, the Board issued Designated Representative  
3 License Number EXC 21821 to Linda J. Dunkle (Respondent Dunkle). The Designated  
4 Representative License was in full force and effect at all times relevant to the charges brought  
5 herein and will expire on September 1, 2019, unless renewed.

6 **JURISDICTION**

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

10 5. Section 4300(a) of the Code provides that every license issued by the Board may be  
11 suspended or revoked.

12 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
13 suspension of a Board-issued license, the placement of a license on a retired status, or the  
14 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
15 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
16 licensee or to render a decision suspending or revoking the license.

17 **STATUTORY PROVISIONS**

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

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

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

24 . . . .

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

1           8.     Section 4022.5 of the Code states, in pertinent part:

2           . . . .

3           (b) “Designated representative-in-charge” means a designated representative or designated  
4 representative-reverse distributor, or a pharmacist proposed by a wholesaler or veterinary food-  
5 animal drug retailer and approved by the board as the supervisor or manager responsible for  
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8           9.     Section 4043 of the Code, state:

9           (a)     “Wholesaler” means and includes a person who acts as a wholesale merchant,  
10 broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells  
11 for resale, or negotiates for distribution, or takes possession of, any drug or device included in  
12 Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or  
13 authorize the storage or warehousing of drugs with any person or at any location not licensed by  
14 the board.

15          10.    Section 4059.5, subdivision (a) of the Code, states in pertinent part that, “except as  
16 otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by  
17 an entity licensed by the board and shall be delivered to the licensed premises and signed for and  
18 received by a pharmacist. Where a licensee is permitted to operate through a designated  
19 representative, the designated representative shall sign for and receive the delivery.”

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21 pharmacist, an intern pharmacist, an authorized officer of the law, or a person authorized to  
22 prescribe shall be permitted in that area, place, or premises described in the license issued by the  
23 board wherein controlled substances or dangerous drugs or dangerous devices are stored,  
24 possessed, prepared, manufactured, derived, compounded, dispensed, or repackaged. However, a  
25 pharmacist shall be responsible for any individual who enters the pharmacy for the purposes of  
26 receiving consultation from the pharmacist or performing clerical, inventory control,  
27 housekeeping, delivery, maintenance, or similar functions relating to the pharmacy if the  
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1 pharmacist remains present in the pharmacy during all times as the authorized individual is  
2 present.

3 12. Section 4163, subdivision (a) of the Code, states in pertinent part: “A manufacturer,  
4 wholesaler, repackager, or pharmacy may not furnish a dangerous drug or dangerous device to an  
5 unauthorized person.”

6 13. Health and Safety Code section 11209, states, in pertinent part:

7 “(a) No person shall deliver Schedule II, III, or IV controlled substances to a pharmacy or  
8 pharmacy receiving area, nor shall any person receive controlled substances on behalf of a  
9 pharmacy unless, at the time of delivery, a pharmacist or authorized receiving personnel signs a  
10 receipt showing the type and quantity of the controlled substances received. Any discrepancy  
11 between the receipt and the type or quantity of controlled substances actually received shall be  
12 reported to the delivering wholesaler or manufacturer by the next business day after delivery to  
13 the pharmacy.

14 (b) The delivery receipt and any record of discrepancy shall be maintained by the  
15 wholesaler or manufacturer for a period of three years.

16 (c) A violation of this section is a misdemeanor.”

17 ....

### 18 **REGULATIONS**

19 14. California Code of Regulations, title 16, section 1783, states, in pertinent part:

20 “(a) A manufacturer or wholesaler shall furnish dangerous drugs or devices only to an  
21 authorized person; prior to furnishing dangerous drugs and devices to a person not known to the  
22 furnisher, the manufacturer or wholesaler shall contact the board or, if the person is licensed or  
23 registered by another government entity, that entity, to confirm the recipient is an authorized  
24 person.”

### 25 **COSTS**

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

1 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

2 16. Section 4021 of the Code states:

3 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
4 11053) of Division 10 of the Health and Safety Code.”

5 17. Section 4022 of the Code states, in pertinent part:

6 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use,  
7 except veterinary drugs that are labeled as such, and includes the following:

8 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
9 prescription,’ ‘Rx only,’ or words of similar import.

10 . . .

11 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
12 prescription or furnished pursuant to Section 4006.”

13 FACTUAL BACKGROUND

14 18. From September 11, 2012 through the present, Respondent Linda J. Dunkle has been  
15 the Designated Representative-in-Charge of Respondent Cardinal Health (a “wholesaler” under  
16 Section 4043) at its premises in Niagara Falls, New York.

17 19. On or about May 9, 2017, the Board received a complaint regarding the continued  
18 operation of Lane Medical Pharmacy (Lane Pharmacy). The complaint indicated that Lane  
19 Pharmacy continued to operate despite the owner, Mr. Lane Frankel, being deceased. The Board  
20 investigation determined that Mr. Lane Frankel died on July 14, 2015. Mr. Lane Frankel was the  
21 owner and pharmacist-in-charge of Lane Pharmacy. The Board investigation determined that  
22 non-pharmacists (pharmacy technicians) continued to operate Lane Pharmacy after Mr. Lane  
23 Frankel’s death and these non-pharmacists purchased and/or signed for delivery of dangerous  
24 drugs and controlled substances.

25 20. As part of its investigation, a Board investigator requested that a Drug Enforcement  
26 Agency (DEA) Diversion Investigator run an Automation of Reports and Consolidated Orders  
27 Systems (ARCOS) report, which showed that Lane Pharmacy had purchased controlled  
28 substances for itself through, in part, Respondent Cardinal Health.

1           21. The Board’s investigation revealed that Respondent Cardinal Health made sales and  
2 caused delivery of dangerous drugs and controlled substances to Lane Pharmacy, which were  
3 signed for by non-pharmacists, as follows:

4           **Before Mr. Lane Frankel’s Death**

5           a). Purchases were made on January 15, 2015 and signed for delivery by non-pharmacist  
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12           d). Purchases were made on March 29, 2016 and signed for delivery by non-pharmacist  
13 Elida Garcia (former pharmacy technician).

14           e). Purchases were made on August 30, 2016 and signed for delivery by non-pharmacist  
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16           f). Purchases were made on November 11, 2016 and signed for delivery by non-pharmacist  
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18           g). Purchases were made on December 19, 2016 and signed for delivery under the name of  
19 “Lane Frankel,” after Mr. Frankel had deceased.

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26           k). Purchases were made on May 11, 2017 and signed for delivery under the name of “Lane  
27 Frankel,” after Mr. Frankel had deceased.

28           ///

1 l). Purchases were made on June 16, 2017 and signed for delivery by non-pharmacist Sigrid  
2 Higueros.

3 m). Purchases were made on July 31, 2017 and signed for delivery under the name of “Lane  
4 Frankel,” after Mr. Frankel had deceased.

5 22. During the course of the Board’s investigation, former pharmacy technician Sigrid  
6 Higueros admitted to signing the name of “Lane Frankel” after Mr. Frankel had deceased.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Statutes)**

9 23. Respondents’ licenses are subject to disciplinary action under Code section 4301,  
10 subdivision (o), in that they engaged in unprofessional conduct by violating California Health and  
11 Safety Code section 11209. Respondents sold and/or delivered dangerous drugs and controlled  
12 substances and allowed non-pharmacists to sign for these deliveries, as set forth more fully in  
13 paragraphs 18 to 22 above, which are incorporated herein by reference.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations)**

16 24. Respondents’ licenses are subject to disciplinary action under Code section 4301,  
17 subdivision (o), in that they engaged in unprofessional conduct by violating California Code of  
18 Regulations, title 16, section 1783, subdivision (a). Respondents furnished dangerous drugs and  
19 controlled substances to unauthorized persons and/or failed to contact the Board prior to  
20 furnishing dangerous drugs and controlled substances to unauthorized or unknown persons.  
21 Paragraphs 18 to 22 are incorporated herein by reference.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Pharmacy Law)**

24 25. Respondents’ licenses are subject to disciplinary action under Code section 4301,  
25 subdivision (j), in that they engaged in unprofessional conduct by violating California Business  
26 and Professions Code sections 4163 and 4059.5, subdivision (a). Respondents furnished and  
27 delivered dangerous drugs and controlled substances to unauthorized persons, as set forth more  
28 fully in paragraphs 18 to 22 above, which are incorporated herein by reference.

**PRAYER**

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 Out of State Distributor License Number OSD 4895, issued to Cardinal Health, doing business as Parmed Pharmaceuticals, LLC;

2. Revoking or suspending Designated Representative License Number EXC 21821, issued to Linda J. Dunkle;

2. Ordering Cardinal Health, doing business as Parmed Pharmaceuticals, LLC, and Linda J. Dunkle 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; and

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

DATED: March 1, 2019



ANNE SODERGREN  
Interim Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*