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

12 In the Matter of the Accusation Against:

13 **OPTUMRX INC.**  
14 **DBA OPTUMRX**  
15 **2858 Loker Avenue East, Ste. 100**  
16 **Carlsbad, CA 92010-6608**

16 **Pharmacy Permit No. PHY 47482**

17 **SHAWN JASON BJORN DAL**  
18 **2858 Loker Ave East, Ste 100**  
19 **Carlsbad, CA 92010-6608**

19 **Pharmacist License No. RPH 65593**

20 Respondents.

Case No. 6638

**THIRD AMENDED ACCUSATION**

21  
22 Complainant alleges:

23 **PARTIES**

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

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1 9. Section 4059.5, subdivision (e) states:

2 A dangerous drug or dangerous device shall not be transferred, sold, or  
3 delivered to a person outside this state, whether foreign or domestic, unless the  
4 transferor, seller, or deliverer does so in compliance with the laws of this state and of  
5 the United States and of the state or country to which the dangerous drugs or  
6 dangerous devices are to be transferred, sold, or delivered. Compliance with the laws  
7 of this state and the United States and of the state or country to which the dangerous  
8 drugs or dangerous devices are to be delivered shall include, but not be limited to,  
9 determining that the recipient of the dangerous drugs or dangerous devices is  
10 authorized by law to receive the dangerous drugs or dangerous devices.

7 10. Section 4073, subdivision (c) states:

8 Selection pursuant to this section is within the discretion of the pharmacist,  
9 except as provided in subdivision (b). The person who selects the drug product to be  
10 dispensed pursuant to this section shall assume the same responsibility for selecting  
11 the dispensed drug product as would be incurred in filling a prescription for a drug  
12 product prescribed by generic name. There shall be no liability on the prescriber for  
13 an act or omission by a pharmacist in selecting, preparing, or dispensing a drug  
14 product pursuant to this section. In no case shall the pharmacist select a drug product  
15 pursuant to this section unless the drug product selected costs the patient less than the  
16 prescribed drug product. Cost, as used in this subdivision, is defined to include any  
17 professional fee that may be charged by the pharmacist.

14 11. Section 4113, subdivision (c) states:

15 The pharmacist-in-charge shall be responsible for a pharmacy's compliance  
16 with all state and federal laws and regulations pertaining to the practice of pharmacy.

17 12. Section 4301 states in pertinent part:

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

21 ...

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

27 ...

28 13. California Code of Regulations, title 16, section 1707.3 states:

Prior to consultation as set forth in section 1707.2, a pharmacist shall review a  
patient's drug therapy and medication record before each prescription drug is  
delivered. The review shall include screening for severe potential drug therapy  
problems.

1 14. California Code of Regulations, title 16, section 1716 states:

2 Pharmacists shall not deviate from the requirements of a prescription except  
3 upon the prior consent of the prescriber or to elect the drug product in accordance  
4 with Section 4073 of the Business and Professions Code.

5 Nothing in this regulation is intended to prohibit a pharmacist from exercising  
6 commonly accepted pharmaceutical practice in the compounding or dispensing of a  
7 prescription.

8 15. California Code of Regulations, title 16, section 1761, subdivision (a) states:

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

13 16. Connecticut General Statutes, Title 20, Chapter 400j, section 20-619, subdivision (i)  
14 states:

15 Upon the initial filling or renewal of a prescription that contains a statistical  
16 information code based upon the most recent edition of the International  
17 Classification of Diseases indicating the prescribed drug is used for the treatment of  
18 epilepsy or to prevent seizures, a pharmacist shall not fill the prescription by using a  
19 different drug manufacturer or distributor of the prescribed drug, unless the  
20 pharmacist (1) provides prior notice of the use of a different drug manufacturer or  
21 distributor to the patient and prescribing practitioner, and (2) obtains the written  
22 consent of the patient's prescribing practitioner. For purposes of obtaining the  
23 consent of the patient's prescribing practitioner required by this subsection, a  
24 pharmacist shall notify the prescribing practitioner via electronic mail or facsimile  
25 transmission. If the prescribing practitioner does not provide the necessary consent,  
26 the pharmacist shall fill the prescription without such substitution or use of a different  
27 drug manufacturer or distributor or return the prescription to the patient or to the  
28 patient's representative for filling at another pharmacy. If a pharmacist is unable to  
contact the patient's prescribing practitioner after making reasonable efforts to do so,  
such pharmacist may exercise professional judgment in refilling a prescription in  
accordance with the provisions of subsection (b) of section 20-616. For purposes of  
this subsection, "pharmacy" means a place of business where drugs and devices may  
be sold at retail and for which a pharmacy license was issued pursuant to section 20-  
594, including a hospital-based pharmacy when such pharmacy is filling prescriptions  
for employees and outpatient care, and a mail order pharmacy licensed by this state to  
distribute in this state. "Pharmacy" does not include a pharmacy serving patients in a  
long-term care facility, other institutional facility or a pharmacy that provides  
prescriptions for inpatient hospitals.

#### **COST RECOVERY**

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

1 **DRUGS**

2 18. Alprazolam is the generic for Xanax and is a Schedule IV controlled substance  
3 pursuant to Health & Safety Code section 11057, subdivision (d)(1) and a dangerous drug  
4 pursuant to Business and Professions Code section 4022. It is used to treat anxiety.

5 19. Amiloride is the generic for Midador and is a dangerous drug pursuant to Business  
6 and Professions Code section 4022. It is a diuretic.

7 20. Atorvastatin is the generic for Lipitor and is a dangerous drug pursuant to Business  
8 and Professions Code section 4022. It is used to treat hypercholesteremia.

9 21. Chlorthalidone is the generic for Thalitone and is a dangerous drug pursuant to  
10 Business and Professions Code section 4022. It is used to treat hypertension.

11 22. Degludec insulin is the generic for Tresiba FlexTouch insulin injection and is a  
12 dangerous drug pursuant to Business and Professions Code section 4022. It is used to treat  
13 diabetes.

14 23. Dovonex is the brand name for calcipotriene and is a dangerous drug pursuant to  
15 Business and Professions Code section 4022. It is utilized to treat moderate plaque psoriasis.

16 24. Lamotrigine ER is the generic for Lamictal XR and is a dangerous drug pursuant to  
17 Business and Professions Code section 4022. It is utilized to prevent seizures.

18 25. Lomedia 24 FE is the generic for Larin 24 FE and is a dangerous drug pursuant to  
19 Business and Professions Code section 4022. It is utilized to prevent pregnancies.

20 26. Proscar is the brand name for finasteride and is a dangerous drug pursuant to Business  
21 and Professions Code section 4022. It is utilized to treat alopecia and benign prostatic  
22 hyperplasia.

23 27. Pravachol is the brand name for pravastatin and is a dangerous drug pursuant to  
24 Business and Professions Code section 4022. It is utilized to treat hypercholesteremia.

25 28. Synthroid is the brand name for levothyroxine and is a dangerous drug pursuant to  
26 Business and Professions Code section 4022. It is utilized to treat hypothyroidism.

27 29. Victoza is the brand name for liraglutide and is a dangerous drug pursuant to Business  
28 and Professions Code section 4022. It is utilized to treat type 2 diabetes.

1 30. Venlafaxine is the generic for Effexor and is a dangerous drug pursuant to Business  
2 and Professions Code section 4022. It is used to treat depression.

3 **FACTUAL ALLEGATIONS**

4 31. Since January 3, 2017, Shawn Bjorndal has been the Pharmacist-in-Charge (PIC) of  
5 OptumRx. At all relevant times herein, PIC Bjorndal and OptumRx (collectively Respondents)  
6 dispensed prescription drugs to patients via mail or overnight delivery services. Respondents  
7 dispensed drugs to the following patients as described below.

8 **Patient Edward F.**

9 32. On or about December 5, 2018, Edward F.'s physician wrote Edward F. a  
10 prescription with refills for 90 tablets of amiloride 5mg and 90 tablets of venlafaxine XR 150mg.  
11 On May 9, 2019, Edward F.'s physician wrote Edward F. a prescription with refills for 90 tablets  
12 of atorvastatin 20mg. On January 7, 2019, Edward F.'s physician wrote Edward F. a prescription  
13 with refills for 90 tablets of chlorthalidone 50mg. On September 3, 2019, Edward F. requested a  
14 refill of these four drugs from Respondent OptumRx via its automated telephone system.  
15 Respondents did not immediately dispense these prescriptions. On September 13, 2019, Edward  
16 F. ran out of venlafaxine (used to treat depression) and atorvastatin. Edward F. understood  
17 venlafaxine was for depression and should be taken regularly without missing a dose. Therefore,  
18 on September 13, 2019, when he did not receive his medications and ran out of venlafaxine and  
19 atorvastatin, he called Respondent OptumRx. Respondents' customer service representative told  
20 him that Respondent OptumRx would expedite the dispensing of his medications to him.  
21 However, Respondents did not expedite the processing of Edward F.'s medications. On  
22 September 18, 2019, 15 days after placing the order for them and five days after he ran out of  
23 venlafaxine and atorvastatin, Edward F. received refills of amiloride, venlafaxine, atorvastatin  
24 and chlorthalidone from Respondents.

25 **Patient Sun P.**

26 33. Sun P. was located in the State of Connecticut. On or about February 22, 2018, Sun  
27 P.'s physician wrote Sun P. a prescription for 360 tablets of lamotrigine ER 200mg with refills in  
28 order to treat his epilepsy and prevent seizures, and the prescription specified that it should be

1 manufactured by PAR (Rx No. 197290325). Sun P. and/or his physician submitted that  
2 prescription to Respondents for dispensing. On or about March 6, 2018, Respondents dispensed  
3 and caused to be delivered Sun P.'s prescription of lamotrigine ER 200mg which was  
4 manufactured by TruPharma rather than PAR, without providing prior notice of the dispensing of  
5 a different manufacturer to Sun P. and his physician and without obtaining the written consent of  
6 Sun P.'s physician to a change in manufacturer. This was a violation of the laws of the State of  
7 Connecticut. Sun P.'s physician did not consent to the change in manufacturer of lamotrigine ER.

8 **Patient Ken N.**

9 34. On or about November 1, 2017, Patient Ken N.'s physician wrote Ken N. a  
10 prescription with refills for 90 tablets of pravastatin 20mg, in order to treat his  
11 hypercholesteremia (Rx No. 187696324). Ken N. and/or his physician submitted that prescription  
12 to Respondents for dispensing. On or about May 9, 2018, Respondents dispensed Ken N.'s  
13 prescription with an alopecia drug, finasteride 5mg, instead of pravastatin 20mg. Respondents'  
14 verification process did not catch this medication error.

15 **Patient Joseph H.**

16 35. On or about March 1, 2018, Joseph H.'s physician wrote Joseph H. a prescription for  
17 12 grams of 0.005% Dovonex cream with a refill, to treat his psoriasis (Rx No. 197939463).  
18 Joseph H. and/or his physician submitted that prescription to Respondents for dispensing.  
19 However, Respondents did not have 0.005% Dovonex cream 12mg tubes in stock. Accordingly,  
20 on or about March 1, 2018, Respondent processed and dispensed two 60 gram tubes of the  
21 generic of 0.005% Dovonex cream (calcipotriene) with a co-insurance amount of \$228.02.  
22 Respondents did not clarify the quantity or grams of Dovonex needed by Joseph H. with his  
23 prescriber prior to dispensing 120 grams of Dovonex cream.

24 **Patient Cheri M.**

25 36. On or about January 11, 2018, Cheri M.'s physician wrote Cheri M. a prescription for  
26 a Victoza 2-pak 0.6mg/0.1mL (18mg/3mL) subcutaneous pen injector to treat her diabetes (Rx  
27 No. 193789662). Cheri M. and/or her physician submitted that prescription to Respondents for  
28 dispensing. However, Respondents did not fill her prescription at that time. On or about

1 February 12, 2018, Cheri M. contacted Respondents because she had not received her medication  
2 and requested her medication. Respondents created an order but cancelled it. On or about  
3 February 14, 2018, Cheri M. contacted Respondents again because she had not received her  
4 medication and requested her medication again. Respondents created an order but cancelled it.  
5 On or about February 16, 2018, Cheri M. contacted Respondents to inquire about the status of her  
6 medication. Respondents filled her prescription on February 20, 2018. Consequently, Cheri M.  
7 did not have her type 2 diabetes medication for approximately two weeks.

8 **Patient Shannon W.**

9 37. On or about December 26, 2017, Shannon W.'s physician wrote Shannon W. a  
10 prescription for 90 tablets of Synthroid 50mcg to treat her hypothyroidism (Rx. No. 191835776).  
11 On or about February 14, 2018, Shannon W. requested that Respondents fill her prescription for  
12 Synthroid. However, Respondents did not fill her prescription. On or about February 20, 2018,  
13 Shannon W. contacted Respondent to inquire about the status of her medication. Respondents  
14 ultimately filled her medication on February 22, 2018. Consequently, Shannon W. did not have  
15 her hypothyroidism medication for approximately two weeks.

16 **Patient Isha B.**

17 38. On or about June 8, 2016, Isha B.'s physician wrote Isha B. a prescription for 90  
18 tablets of the brand name drug, Larin 24 FE to prevent pregnancies (Rx No. 155869767). Isha B.  
19 and/or her physician submitted the prescription to OptumRx. Due to Isha B.'s insurance plan, the  
20 brand name, Larin 24FE was less expensive than the generic, Lomedia 24 FE. On June 8, 2016,  
21 OptumRx processed, filled and dispensed Lomedia 24 FE to Isha B. and charged her \$204.14 for  
22 that medication when there was a zero co-pay for dispensing the brand, Larin 24 FE.

23 **Patient Robert P.**

24 39. Robert P. was a newly diagnosed insulin dependent diabetic. On or about August 28,  
25 2020, Robert P.'s physician wrote Robert P. a new prescription for Tresiba in order to change the  
26 directions for use on his diabetic medication and transmitted it to Respondents. Robert P.'s  
27 physician was calibrating or titrating his medication and was increasing Robert P.'s dosage until  
28 Robert P.'s blood sugar was controlled. Respondents did not acknowledge receipt of the



1 prescription or fill it. Meanwhile, Robert P. checked on the status of his prescription via  
2 computer repeatedly, but received no update on the status of his prescription.

3 40. On September 1, 2020, Robert P. made multiple telephone calls to OptumRx, but had  
4 a difficult time speaking with any employee, including a pharmacist. Robert P. eventually spoke  
5 with a supervisor. Robert P. advised the OptumRx supervisor that he was running out of his  
6 Tresiba medication and that his physician had changed the directions for taking his Tresiba  
7 because his blood sugar was not sufficiently controlled. The OptumRx representative told Robert  
8 P. that OptumRx could not fill his prescription for Tresiba because it was too early to fill and that  
9 the cost of his medication had been denied by his insurance carrier.

10 41. A pharmacist did not review Robert P.'s Drug Utilization Review prior to  
11 Respondents' decision not to fill Robert P.'s prescription. Since Robert P. was almost out of  
12 Tresiba, he was forced to obtain a sample of it from his physician and a new prescription that was  
13 filled at a retail pharmacy.

14 **Patient Laura K.**

15 42. On August 21, 2020, Laura K. requested a refill of alprazolam. On August 23, 2020,  
16 Laura K.'s physician transmitted a prescription for alprazolam to Respondents which was placed  
17 on a "hold" because the computer system calculated a 7.5 day supply, instead of an eight day  
18 supply for "claims adjudication." Commencing on or about August 27, 2020, Laura K.'s husband  
19 contacted OptumRx five times to inquire about the status of his wife's prescription and received  
20 five different stories. None of the employees correctly identified why Laura K.'s prescription  
21 was on "hold" or released the "hold" until September 2, 2020. The prescription for alprazolam  
22 was not furnished to Laura K. until September 4, 2020. Consequently, Laura K. did not have her  
23 anxiety medication for approximately two weeks.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Obstructing Patients in Obtaining Prescription Drugs)**

26 43. Respondents are subject to disciplinary action under Code section 4301(o), for  
27 violating Code section 733, subdivision (a) in that they obstructed patients from obtaining their  
28

1 prescription drugs, as set forth in paragraphs 31 through 42 above, which are incorporated herein  
2 by reference.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Failing to Comply with Laws of Another State when Delivering Drugs)**

5 44. Respondents are subject to disciplinary action under Code section 4301(o), for  
6 violating Code section 4059.5, subdivision (e) in that they failed to comply with the laws of  
7 another state when delivering drugs to a patient in that state, as set forth in paragraphs 31 through  
8 42 above, which are incorporated herein by reference.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Substituting More Expensive Drug against Respondent OptumRx Only)**

11 45. Respondent OptumRx is subject to disciplinary action under Code section 4301(o),  
12 for violating Code section 4073, subdivision (c) in that it substituted a more expensive generic  
13 drug for the less expensive brand name of that drug, as set forth in paragraphs 31 through 42  
14 above, which are incorporated herein by reference.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Deviating from Prescription Requirements)**

17 46. Respondents are subject to disciplinary action under Code section 4301(o), for  
18 violating California Code of Regulations, title 16, section 1716, subdivision (a) in that they  
19 deviated from the requirements of a prescription, as set forth in paragraphs 31 through 42 above,  
20 which are incorporated herein by reference.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Failing to Validate Uncertain Prescription)**

23 47. Respondents are subject to disciplinary action under Code section 4301(o), for  
24 violating California Code of Regulations, title 16, section 1761, subdivision (a) in that they  
25 dispensed an uncertain prescription, without contacting the prescriber to obtain the information  
26 needed to validate the prescription, as set forth in paragraphs 31 through 42 above, which are  
27 incorporated herein by reference.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Failure to Review Drug Therapies)**

3 48. Respondents are subject to disciplinary action under Code section 4301, subdivisions  
4 (j) and (o), for violating California Code of Regulations, title 16, section 1707.3, in that they  
5 failed to review patients' drug therapy and medication records and take appropriate actions, prior  
6 to consultation and the delivery of drugs, as set forth in paragraphs 31 through 42, which are  
7 incorporated herein.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 49. Respondents are subject to disciplinary action under Code section 4301 for  
11 unprofessional conduct, in that they engaged in the unprofessional activities described in  
12 paragraphs 31 through 42 above, which are incorporated herein by reference.

13 **DISCIPLINE CONSIDERATIONS**

14 50. To determine the degree of discipline, if any, to be imposed on Respondents,  
15 Complainant alleges that:

16 a. On or about January 23, 2017, in a prior disciplinary action entitled *In the Matter of*  
17 *the Accusation Against OptumRx, Inc., dba OptumRx*, Case Number 5413 before the Board,  
18 OptumRx's license was publically reprovved by the Board under Business and Professions Code  
19 section 494 for unprofessional conduct and violations of Business and Professions Code section  
20 733, subdivision (a), obstructing patients in obtaining prescription drugs. That decision is now  
21 final and is incorporated by reference as if fully set forth.

22 b. On or about July 26, 2017, in case number CI 2016 74253, the Board issued a Letter  
23 of Admonishment to Shawn Bjorndal pursuant to Business and Professions Code section 4315 for  
24 violating Business and Professions Code section 4073, subdivision (b), dispensing an  
25 unauthorized substitution of a generic drug and California Code of Regulations, title 16, section  
26 1717.4, subdivision (h) and Health & Safety Code section 11164, subdivision (b)(1), in that he  
27 failed to validate the security, integrity and authority of controlled substances prescriptions while  
28 employed at another pharmacy.

1 c. On or about July 3, 2018, in case number C1 2017 80410, the Board issued a Letter of  
2 Admonishment to Shawn Bjorndal pursuant to Business and Professions Code section 4315 for  
3 violating Business and Professions Code section 733, in that he obstructed the dispensing of  
4 prescription drugs.

5 d. On or about February 10, 2021, the Board issued Citation number CI 2018 84425  
6 against OptumRx for engaging in unprofessional conduct in that it obstructed a patient from  
7 speaking to a pharmacist, then referred the patient to a pharmacist not licensed in California and  
8 located at a call center which was not licensed in California as a non-resident pharmacy. The  
9 Board issued a fine that OptumRx paid.

10 e. On or about February 10, 2021, the Board issued Citation number CI 2020 90096  
11 against Shawn Jason Bjorndal for engaging in unprofessional conduct, in that he obstructed a  
12 patient from speaking to a pharmacist, then referred the patient to a pharmacist not licensed in  
13 California and located at a call center which was not licensed in California as a non-resident  
14 pharmacy. Shawn Jason Bjorndal did not appeal the Citation.

15 f. On or about September 18, 2018, the Board issued Citation number CI 2016 75859  
16 against OptumRx for violating California Code of Regulations, title 16, section 1716, deviating  
17 from the requirements of a prescription. The Board issued a fine that OptumRX paid.

18 g. On or about September 13, 2018, the Board issued Citation number CI 2017 77718  
19 against OptumRx for engaging in acts of dishonesty as defined by Business and Professions Code  
20 section 4301, subdivision (f). The Board issued a fine that OptumRx paid.

21 h. On or about July 3, 2018, the Board issued Citation number CI 2017 76295 against  
22 OptumRx for violating Business and Professions Code section 733, subdivision (a), in that it  
23 obstructed the dispensing of prescriptions drugs. The Board issued a fine that OptumRx paid.

24 i. On or about December 1, 2017, the Board issued Citation number CI 2015 70397  
25 against OptumRx for violating California Code of Regulations, title 16, section 1716, deviating  
26 from the requirements of a prescription.

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1 j. On or about June 12, 2017, the Board issued Citation number CI 2015 69556 against  
2 OptumRx for violating Business and Professions Code section 733, subdivision (a), in that it  
3 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRx paid.

4 k. On or about June 8, 2017, the Board issued Citation number CI 2015 69919 against  
5 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
6 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRX paid.

7 l. On or about April 8, 2015, the Board issued Citation number CI 2013 60163 against  
8 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
9 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRx paid.

10 m. On or about February 9, 2015, the Board issued Citation number CI 2013 60075  
11 against OptumRx for incompetence as defined by Business and Professions Code section 4301,  
12 subdivision (b). The Board issued a fine that OptumRx paid.

13 n. On July 9, 2014, the Board issued Citation number CI 2013 59891 against OptumRx  
14 for violating Business and Professions Code section 733, subdivision (a) in that it obstructed the  
15 dispensing of prescription drugs.

16 o. On January 23, 2014, the Board issued Citation number CI 2012 54362 against  
17 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
18 obstructed the dispensing of prescription drugs and devices and California Code of Regulations,  
19 title 16, section 1716 for deviating from the requirements of a prescription without the prior  
20 consent of the prescriber. The Board issued a fine that OptumRx paid.

21 p. On April 11, 2014, the Board issued Citation number CI 2013 58107 against  
22 OptumRx for violating Civil Code section 56.10, subdivision (a) and California Code of  
23 Regulations, title 16, section 1764 in that there was the unauthorized release of protected  
24 healthcare information. The Board issued a fine that OptumRx paid.

25 q. On February 14, 2013, the Board issued Citation number CI 2012 53121 against  
26 OptumRx for violating California Code of Regulations, title 16, section 1716 in that it dispensed a  
27 prescription without clarifying the dose with the prescriber. The Board issued a fine that  
28 OptumRx paid.

1 r. On November 15, 2013, the Board issued Citation number CI 2012 56693 against  
2 OptumRx for violating Business and Professions Code section 733, subdivision (a) in that it  
3 obstructed the dispensing of prescription drugs. The Board issued a fine that OptumRx paid.

4 s. On September 11, 2013, the Board issued Citation number CI 2012 54430 against  
5 OptumRx for violating California Code of Regulations, title 16, section 1716 in that it deviated  
6 from the requirements of a prescription without the prior consent of the prescriber.

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 Pharmacy Permit Number PHY 47482, issued to OptumRx  
11 Inc., dba OptumRx;

12 2. Revoking or suspending Pharmacist License Number RPH 65593, issued to Shawn  
13 Jason Bjorndal;

14 3. Ordering OptumRx Inc., dba OptumRx and Shawn Jason Bjorndal to pay the Board  
15 of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
16 Business and Professions Code section 125.3; and,

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

18 DATED: 8/16/2021

Signature on File

19 ANNE SODERGREN  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 *Complainant*

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