

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

In the Matter of the Accusation Against:

**CHAMPION HEALTH SERVICES, INC.
5481 Commercial Drive #B
Huntington Beach, CA 92649**

Wholesale Permit No. WLS 6040

**ERIKA MARIE HOFFMAN
16369 Wimbledon Lane
Huntington Beach, CA 92649**

Designated Representative License No. EXC 20558

**MONICA MARIE HOFFMAN
18504 Beach Blvd #615
Huntington Beach, CA 92648**

Designated Representative License No. EXC 22306

Respondents.

Case No. 5185

OAH No. 2016090341

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
ERIKA MARIE HOFFMAN ONLY**

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order 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 November 15, 2017.

It is so ORDERED on October 16, 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 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

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

Case No. 5185

13 **CHAMPION HEALTH SERVICES, INC.**
14 **5481 Commercial Drive #B**
Huntington Beach, CA 92649

OAH No. 2016090341

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER RE ERIKA
MARIE HOFFMAN ONLY**

15 **Wholesale Permit No. WLS 6040**

16 **ERIKA MARIE HOFFMAN**
17 **4302 Pickwick Circle, Apt. 120**
Huntington Beach, CA 92649

18 **Designated Representative License No.**
19 **EXC 20558**

20 **MONICA MARIE HOFFMAN**
21 **16369 Wimbledon Lane**
Huntington Beach, CA 92649

22 **Designated Representative License No.**
23 **EXC 22306**

24 Respondents.

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
26 entitled proceedings that the following matters are true:
27
28

1 PARTIES

2 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
3 (Board). She brought this action solely in her official capacity and is represented in this matter by
4 Xavier Becerra, Attorney General of the State of California, by Cristina Felix, Deputy Attorney
5 General.

6 2. Respondent Erika Marie Hoffman (Respondent) is represented in this proceeding by

7 3. On or about December 31, 2009, the Board issued Designated Representative License
8 No. EXC 20558 to Respondent. The Designated Representative License was in full force and
9 effect at all times relevant to the charges brought in Accusation No. 5185, and will expire on
10 December 1, 2017, unless renewed. Respondent is and has been the Designated Representative-
11 In- Charge for Champion Health Services since November 28, 2012.

12 JURISDICTION

13 4. Accusation No. 5185 was filed before the Board, and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on March 23, 2016. Respondent timely filed her Notice of Defense contesting the
16 Accusation.

17 5. A copy of Accusation No. 5185 is attached as exhibit A and incorporated herein by
18 reference.

19 ADVISEMENT AND WAIVERS

20 6. Respondent has carefully read, fully discussed with counsel, and understands the
21 charges and allegations in Accusation No. 5185. Respondent has also carefully read, fully
22 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
23 Order.

24 7. Respondent is fully aware of her legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
26 the witnesses against her; the right to present evidence and to testify on her own behalf; the right
27 to the issuance of subpoenas to compel the attendance of witnesses and the production of
28

1 documents; the right to reconsideration and court review of an adverse decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 9. Respondent understands and agrees that the charges and allegations in Accusation
7 No. 5185, if proven at a hearing, constitute cause for imposing discipline upon her Designated
8 Representative License.

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

13 11. Respondent further agrees that in any future proceedings before the Board all
14 allegations set forth in the Accusation shall be deemed admitted.

15 12. Respondent agrees that her Designated Representative License is subject to discipline
16 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
17 Order below.

18 CONTINGENCY

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

28

1 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
2 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
3 signatures thereto, shall have the same force and effect as the originals.

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

10 16. 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 Designated Representative License No. EXC 20558 issued
15 to Respondent Erika Marie Hoffman is revoked. However, the revocation is stayed and
16 Respondent is placed on probation for **five (5) years** on the following terms and conditions.

17 **1. Obey All Laws**

18 Respondent shall obey all state and federal laws and regulations.

19 Respondent shall report any of the following occurrences to the Board, in writing, within
20 seventy-two (72) hours of such occurrence:

21 an arrest or issuance of a criminal complaint for violation of any
22 provision of the Pharmacy Law, state and federal food and drug laws, or state and
23 federal controlled substances laws

24 an arrest or issuance of a criminal complaint for violation of any state or
25 federal law

26 a plea of guilty or nolo contendere in any state or federal criminal
27 proceeding to any criminal complaint, information or indictment

28 a conviction of any crime

1 □ discipline, citation, or other administrative action filed by any state or
2 federal agency which involves Respondent's Designated Representative License or
3 which is related to the practice of pharmacy or the manufacturing, obtaining, handling
4 or distribution or billing or charging for of any drug, device or controlled substance.
5 Failure to timely report any such occurrence shall be considered a violation of probation.

6 **2. Report to the Board.**

7 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or
8 its designee. The report shall be made either in person or in writing, as directed. Among other
9 requirements, Respondent shall state in each report under penalty of perjury whether there has
10 been compliance with all the terms and conditions of probation. Failure to submit timely reports
11 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
12 in submission of reports as directed may be added to the total period of probation. Moreover, if
13 the final probation report is not made as directed, probation shall be automatically extended until
14 such time as the final report is made and accepted by the Board.

15 **3. Interview with the Board**

16 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
17 with the Board or its designee, upon request at such intervals and locations as are determined by
18 the Board or its designee. Failure to appear for any scheduled interview without prior notification
19 to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its
20 designee during the period of probation, shall be considered a violation of probation.

21 **4. Cooperate with Board Staff**

22 Respondent shall cooperate with the Board's inspection program and with the Board's
23 monitoring and investigation of Respondent's compliance with the terms and conditions of her
24 probation. Failure to cooperate shall be considered a violation of probation.

25 **5. Notice to Employers**

26 During the period of probation, Respondent shall notify all present and prospective
27 employers of the decision in case number 5185 and the terms, conditions and restrictions imposed
28 on Respondent by the decision, as follows:

1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
3 designated representative-in-charge (including each new designated representative-in-charge
4 employed during Respondent's tenure of employment) and owner to report to the Board in
5 writing acknowledging that the listed individual(s) has/have read the decision in case number
6 5185 and terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure
7 that her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

8 If Respondent works for or is employed by or through a pharmacy employment service,
9 Respondent must notify her direct supervisor, designated representative-in-charge and owner at
10 each entity licensed by the Board of the terms and conditions of the decision in case number 5185
11 in advance of the Respondent commencing work at each licensed entity. A record of this
12 notification must be provided to the Board upon request.

13 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
14 (15) days of Respondent undertaking any new employment by or through a pharmacy
15 employment service, Respondent shall cause her direct supervisor with the pharmacy
16 employment service to report to the Board in writing acknowledging that she has read the
17 decision in case number 5185 and the terms and conditions imposed thereby. It shall be the
18 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
19 acknowledgment(s) to the Board.

20 Failure to timely notify present or prospective employer(s) or to cause that/those
21 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
22 probation.

23 "Employment" within the meaning of this provision shall include any full-time,
24 part-time, temporary or relief service or pharmacy management service as a
25 designated representative or in any position for which a designated representative
26 license is a requirement or criterion for employment, whether the Respondent is
27 considered an employee or independent contractor or volunteer.

28 ///

1 6. **No Being Designated Representative-in-Charge of Any Other Entity**

2 During the period of probation, Respondent may remain as designated representative-in-
3 charge for Champion Health Care Services, Inc. and shall not be the designated representative-in-
4 charge of any other entity licensed by the Board unless otherwise specified in this order.
5 Assumption of any such unauthorized supervision responsibilities shall be considered a violation
6 of probation.

7 7. **Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, respondent shall pay to the
9 board its costs of investigation and prosecution in the amount of \$26,804.75. Respondent is
10 jointly and severally responsible with Champion Health Services, Inc., and Monica Marie
11 Hoffman for payment in full of this total amount. Effective the date of the Decision, Respondent,
12 Champion Health Services, Inc., and Monica Marie Hoffman shall make fifty-eight (58) monthly
13 payments in the amount of \$454.31 and one final payment of \$454.77.

14 There shall be no deviation from this schedule absent prior written approval by the board or
15 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
16 probation.

17 The filing of bankruptcy by respondent shall not relieve respondent of their responsibility to
18 reimburse the board its costs of investigation and prosecution.

19 8. **Probation Monitoring Costs**

20 Respondent shall pay any costs associated with probation monitoring as determined by the
21 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
22 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
23 shall be considered a violation of probation.

24 9. **Status of License**

25 Respondent shall, at all times while on probation, maintain an active, current designated
26 representative license with the Board, including any period during which suspension or probation
27 is tolled. Failure to maintain an active, current license shall be considered a violation of
28 probation.

1 If Respondent's designated representative license expires or is cancelled by operation of
2 law or otherwise at any time during the period of probation, including any extensions thereof due
3 to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
4 terms and conditions of this probation not previously satisfied.

5 **10. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should Respondent cease work due to
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
8 Respondent may tender her designated representative license to the Board for surrender. The
9 Board or its designee shall have the discretion whether to grant the request for surrender or take
10 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of
11 the license, Respondent will no longer be subject to the terms and conditions of probation. This
12 surrender constitutes a record of discipline and shall become a part of the Respondent's license
13 history with the Board.

14 Upon acceptance of the surrender, Respondent shall relinquish her designated
15 representative license to the Board within ten (10) days of notification by the Board that the
16 surrender is accepted. Respondent may not reapply for any license, permit, or registration from
17 the Board for three (3) years from the effective date of the surrender. Respondent shall meet all
18 requirements applicable to the license sought as of the date the application for that license is
19 submitted to the Board.

20 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
21 **Employment**

22 Respondent shall notify the Board in writing within ten (10) days of any change of
23 employment. Said notification shall include the reasons for leaving and the address of the new
24 employer, supervisor and owner and work schedule, if known. Respondent shall further notify
25 the Board in writing within ten (10) days of a change in name, residence address and mailing
26 address, or phone number.

27 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
28 phone number(s) shall be considered a violation of probation.

1 **12. Tolling of Probation**

2 Except during periods of suspension, Respondent shall, at all times while on probation, be
3 employed as a designated representative in California for a minimum of forty (40) hours per
4 calendar month. Any month during which this minimum is not met shall toll the period of
5 probation, i.e., the period of probation shall be extended by one month for each month during
6 which this minimum is not met. During any such period of tolling of probation, Respondent must
7 nonetheless comply with all terms and conditions of probation.

8 Should Respondent, regardless of residency, for any reason (including vacation) cease
9 working as a designated representative for a minimum of forty (40) hours in California,
10 Respondent must notify the Board in writing within ten (10) days of cessation of work and must
11 further notify the Board in writing within ten (10) days of the resumption of work. Any failure to
12 provide such notification(s) shall be considered a violation of probation.

13 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
14 provisions of this condition for a total period, counting consecutive and non-consecutive months,
15 exceeding thirty-six (36) months.

16 "Cessation of work" means any calendar month during which Respondent is
17 not working as a designated representative for at least forty (40) hours as a designated
18 representative as defined by Business and Professions Code section 4053.

19 "Resumption of work" means any calendar month during which Respondent is
20 working as a designated representative for at least forty (40) hours as a designated
21 representative as defined by Business and Professions Code section 4053.

22 **13. Violation of Probation**

23 If Respondent has not complied with any term or condition of probation, the board shall
24 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
25 until all terms and conditions have been satisfied or the board has taken other action as deemed
26 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
27 to impose the penalty that was stayed.

28

1 If Respondent violates probation in any respect, the board, after giving Respondent notice
2 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
3 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
4 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
5 a petition to revoke probation or an accusation is filed against Respondent during probation, the
6 board shall have continuing jurisdiction and the period of probation shall be automatically
7 extended until the petition to revoke probation or accusation is heard and decided, and the charges
8 and allegations in the Accusation shall be deemed true and correct.

9 **14. Completion of Probation**

10 Upon written notice by the Board indicating successful completion of probation,
11 Respondent's designated representative license will be fully restored.

12 **15. No New Ownership of Licensed Premises**

13 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
14 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
15 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or
16 has legal or beneficial interest in, or serves as a manager, administrator, member, officer, director,
17 trustee, associate, or partner of any business, firm, partnership, or corporation currently or
18 hereinafter licensed by the board, Respondent may continue to serve in such capacity or hold that
19 interest, but only to the extent of that position or interest as of the effective date of this decision.
20 A violation of this restriction shall be considered a violation of probation.

21 **16. Ethics Course**

22 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
23 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its
24 designee. Failure to initiate the course during the first year of probation, and complete it within
25 the second year of probation, is a violation of probation.

26 Respondent shall submit a certificate of completion to the Board or its designee within five
27 days after completing the course.

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Michael J. Stephonovich, Jr. I understand the stipulation and the
4 effect it will have on my Designated Representative License. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Board of Pharmacy.

7
8 DATED: 8-28-17 Erika M. Hoffman
9 ERIKA MARIE HOFFMAN
Respondent

10 I have read and fully discussed with Respondent Erika Marie Hoffman the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

12 I approve its form and content.

13 DATED: 8/28/17 [Signature]
14 MICHAEL J. STEPONOVICH, JR.
15 Attorney for Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Board of Pharmacy.

19
20 Dated: 08/28/2017

Respectfully submitted,

21 XAVIER BECERRA
22 Attorney General of California
23 THOMAS L. RINALDI
Supervising Deputy Attorney General

24 [Signature]
25 CRISTINA FELIX
26 Deputy Attorney General
Attorneys for Complainant

27 SD2014707179
Erika Hoffman stipulation.docx

Exhibit A

Accusation No. 5185

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11 **CHAMPION HEALTH SERVICES, INC.**
12 5481 Commercial Drive #B
13 Huntington Beach, CA 92649
14 Wholesale Permit No. WLS 6040
15 **ERIKA MARIE HOFFMAN**
4302 Pickwick Circle, Apt. 120
16 Huntington Beach, CA 92649
17 Designated Representative License No.
EXC 20558
18 **MONICA MARIE HOFFMAN**
19 16369 Wimbledon Lane
Huntington Beach, CA 92649
20 Designated Representative License No.
EXC 22306
21
22 Respondents.

Case No. 5185

A C C U S A T I O N

23 Complainant alleges:

24 **PARTIES**

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

1 agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes
2 possession of, any drug or device included in Section 4022."

3 10. Section 4053(a) of the Code states:

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

9 11. Section 4110(a) of the Code states:

10 No person shall conduct a pharmacy in the State of California unless he or she
11 has obtained a license from the board. A license shall be required for each pharmacy
12 owned or operated by a specific person. A separate license shall be required for each
13 of the premises of any person operating a pharmacy in more than one location. The
14 license shall be renewed annually. The board may, by regulation, determine the
15 circumstances under which a license may be transferred.

16 12. Section 4160 of the Code provides, in pertinent part, that a wholesaler license shall be
17 required for a person or entity to act as a wholesaler, that every wholesaler shall be supervised or
18 managed by a Designated Representative in Charge, and that the Designated Representative in
19 Charge shall be responsible for the wholesaler's compliance with state and federal laws.

20 13. Section 4169(a)(3) states:

21 A person or entity may not do any of the following:

22 Purchase, trade, sell, or transfer dangerous drugs that the person knew or
23 reasonably should have known were misbranded, as defined in Section 111335 of the
24 Health and Safety Code.

25 14. Section 4202(l) of the Code states:

26 For licenses referred to in subdivisions (f), (g) [wholesale license], and (h), any
27 change in the proposed beneficial ownership interest shall be reported to the board
28 within 30 days thereafter upon a form to be furnished by the board.

15. Section 4301 of the Code 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:

(f) The commission of any act involving moral turpitude, dishonesty, fraud,
deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

1
2 (j) The violation of any of the statutes of this state, of any other state, or of the
3 United States regulating controlled substances and dangerous drugs.

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

9 16. Health and Safety Code section 111330(d) states:

10 Any drug subject to Section 111470 is misbranded unless the manufacturer,
11 packer, or distributor of the drug includes, in all advertisements and other descriptive
12 matter issued or caused to be issued by the manufacturer, packer, or distributor with
13 respect to that drug, a true statement of all the following:

14 (d) Such other information, in brief summary relating to side effects,
15 contraindications, and effectiveness as shall be required by regulations promulgated
16 by the department.

17 17. Health and Safety Code section 111335 states:

18 Any drug or device is misbranded if its labeling or packaging does not conform
19 to the requirements of Chapter 4 (commencing with Section 110290).

20 18. Health and Safety Code section 111440 provides that it is unlawful for any person to
21 manufacture, sell, deliver, hold, or offer for sale any drug or device that is misbranded.

22 19. Health and Safety Code section 111450 provides that it is unlawful for any person to
23 receive in commerce any drug or device that is misbranded or to deliver or proffer for delivery
24 any drug or device.

25 20. California Code of Regulations, title 16, section 1717(e) provides in pertinent part
26 that:

27 Prescriptions for other dangerous drugs which are not controlled substances
28 may also be transferred by direct communication between pharmacists or by the
receiving pharmacist's access to prescriptions or electronic files that have been
created or verified by a pharmacist at the transferring pharmacy. The receiving
pharmacist shall create a written prescription; identifying it as a transferred
prescription; and record the date of transfer and the original prescription number.
When a prescription transfer is accomplished via direct access by the receiving
pharmacist, the receiving pharmacist shall notify the transferring pharmacy of the
transfer. A pharmacist at the transferring pharmacy shall then assure that there is a
record of the prescription as having been transferred, and the date of transfer...

1 **COST RECOVERY**

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

6 **FACTUAL ALLEGATIONS**

7 22. From 2009 through January 2014, Respondent Erika Hoffman was employed by
8 SportsPharm Pharmaceuticals, Inc. and held the position of Director of Sports Medicine and Chief
9 Operating Officer. In February 2014, she executed a lease agreement as the Vice President, Chief
10 Operating Officer of SportPharm Pharmaceuticals, Inc. Eric Parent was the President of
11 SportPharm Pharmaceuticals, Inc. From October 2008 until 2013, Respondent Monica Hoffman
12 was the Chief Financial Officer of SportPharm Pharmaceuticals, Inc.

13 23. On or about June 21, 2011, the Board issued a Citation and Fine against SportPharm
14 Pharmaceuticals, Inc. for violating Business and Professions Code section 4160(a), on the
15 grounds that SportsPharm Pharmaceuticals, Inc. conducted, operated, practiced and acted as a
16 wholesaler of dangerous drugs and controlled substances.

17 24. On or about August 27, 2014, the Board issued a Citation and Fine against SportPharm
18 Pharmaceuticals, Inc. for violating Business and Professions Code section 4160(a), on the
19 grounds that SportsPharm Pharmaceuticals, Inc. conducted, operated, practiced and acted as a
20 wholesaler of dangerous drugs and controlled substances. SportPharm Pharmaceuticals, Inc. was
21 also cited for violating Business and Professions Code section 4110(a) in that it conducted a
22 pharmacy without being licensed by the State of California as a pharmacy by receiving
23 prescription documents for compound formulations from prescribers, determining that they were
24 prescriptions and sending them to Triad Compounding Pharmacy without a licensed pharmacist to
25 evaluate and interpret the documents.

26 25. Since November 28, 2012, Respondent Erika Hoffman was the Designated
27 Representative-in-Charge (DRIC) of Respondent Champion Health Services. Eric Parent,
28

1 Respondent Erika Hoffman and Respondent Monica Hoffman are the owners of Respondent
2 Champion Health Services.

3 26. Teresa M. Hoffman was listed as the President and the sole owner of Respondent
4 Champion Health Services on its application for a wholesaler permit but is no longer an officer or
5 owner of Champion Health Services. Respondents Champion Health Services and Erika Hoffman
6 failed to report the change in ownership to the Board within thirty days.

7 27. Respondent Champion Health Services was located in the same facilities as
8 SportsPharm Pharmaceuticals, Inc. and shared facilities with it. Respondents Erika and Monica
9 Hoffman operated SportsPharm Pharmaceuticals, Inc. and Respondent Champion Health
10 Services, Inc. concurrently until at least September 2013.

11 28. From at least October 28, 2011 through August 8, 2013, SportPharm Pharmaceuticals,
12 Inc received prescriptions for compounded drug products from various prescribers. Respondents
13 then reviewed these prescription orders and sent them to Artesia Pharmacy, Inc., doing business
14 as Triad Compounding Pharmacy. Artesia Pharmacy, Inc., doing business as Triad Compounding
15 Pharmacy then dispensed, furnished and sold the drugs to SportsPharm Pharmaceuticals, Inc. and
16 to Respondent Champion Health Services.

17 29. From May 2013 to the present, Respondents purchased dangerous drugs in bulk, sent
18 dangerous drugs to be repackaged into smaller units and sold drugs without patient package
19 inserts that contained a brief summary of the side effects, contraindications and effectiveness of
20 the drugs, to patients.

21 30. In May 2013, Board inspectors advised Respondent Champion Health Services and
22 Erika Hoffman that patient package inserts were required to be included in the drug packaging
23 and that without them, the drugs would be considered misbranded. However, Respondents
24 continued their practice of not including those patient package inserts in drugs sold by them.

25 31. On or about December 3, 2014, the Board conducted an inspection of Respondent
26 Champion Health Services. Respondent Erika Hoffman informed Board inspectors that as of
27 August 2012, SportsPharm ceased to exist and that she left her employment at SportsPharm
28 because "she knew how [the owner] was operating SportsPharm was illegal, because he refused to

1 obtain licensure in California, as well as, out-of-state licenses" and that she left "SportsPharm to
2 create Champion Health Services, Inc. to conduct a similar business with the appropriate
3 licensure."

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Unlicensed Practice of Pharmacy against Respondents)**

6 32. Respondents are subject to disciplinary action under Code section 4301(o), for
7 violating California Code of Regulations, title 16, section 1717(e), in that they engaged in the
8 practice of pharmacy by transferring prescriptions for dangerous drugs from an unlicensed entity,
9 SportsPharm Pharmaceuticals, Inc. to Artesia Pharmacy, Inc., doing business as Triad
10 Compounding Pharmacy for the purpose of dispensing and filling of prescriptions, as set forth in
11 paragraphs 22 through 31 above, which are incorporated herein by reference.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Aiding and Abetting Unlicensed Practice of Pharmacy and Wholesaling against**
14 **Respondents)**

15 33. Respondents are subject to disciplinary action under Code section 4301(o), for
16 violating Business and Professions Code sections 4160(a) and 4110(a), in that they aided and
17 abetted SportsPharm Pharmaceuticals, Inc. in the unlicensed practice of pharmacy and
18 wholesaling, doing business as Triad Compounding Pharmacy for the dispensing and filling of
19 prescriptions, as set forth in paragraphs 22 through 31 above, which are incorporated herein by
20 reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Held, Sold, Delivered or Offered for Sale Misbranded Drugs against Respondents)**

23 34. Respondents are subject to disciplinary action under Code section 4301(j), for
24 violating statutes regulating controlled substances and dangerous drugs and state laws governing
25 pharmacy, in that Respondents sold, offered for sale, held or delivered misbranded drugs, as
26 defined by Health & Safety Code section 111330(d) in violation of Health and Safety Code
27 section 111440, as set forth in paragraphs 22 through 31, which are incorporated herein by
28 reference.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOURTH CAUSE FOR DISCIPLINE

(Delivered or Proffered for Delivery Misbranded Drugs against Respondents)

35. Respondents are subject to disciplinary action under Code section 4301(j), for violating statutes regulating controlled substances and dangerous drugs and state laws governing pharmacy, in that Respondents delivered or proffered for delivery misbranded drugs, as defined by Health & Safety Code section 111330(d) in violation of Health and Safety Code section 111450, as set forth in paragraphs 22 through 31, which are incorporated herein by reference.

FIFTH CAUSE FOR DISCIPLINE

(Knowingly Selling Misbranded Drugs against Respondents)

36. Respondents are subject to disciplinary action under Code section 4301(o), for violating Business and Professions Code section 4169(a)(3), in that Respondents knowingly sold misbranded drugs, as defined by Health & Safety Code sections 111335, as set forth in paragraphs 22 through 31, which are incorporated herein by reference.

SIXTH CAUSE FOR DISCIPLINE

(Dishonest Acts against Respondent Erika Hoffman)

37. Respondent Erika Hoffman is subject to disciplinary action under Code section 4301(f), for violating Business and Professions Code section 4169(a)(3), in that Respondent Erika Hoffman engaged in dishonest acts when she informed the Board Inspector that SportsPharm had ceased operations in August 2012 when it had not done so, as set forth in paragraphs 22 through 31, which are incorporated herein by reference.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Notify Board of Change in Beneficial Ownership Interest against Respondent Champion Health Services and Erika Hoffman)

38. Respondents are subject to disciplinary action under Code section 4301(o), for violating Business and Professions Code section 4201(l), in that Respondents Champion Health Services and Erika Hoffman failed to notify the Board of a change in beneficial ownership interest, as set forth in paragraphs 22 through 31, which are incorporated herein by reference.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct against Respondents)

3 39. Respondents are subject to disciplinary action under Code section 4301 for
4 unprofessional conduct in that they engaged in the activities described in paragraphs 22 through
5 31 above, which are incorporated herein by reference.

6 PRAYER

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

9 1. Revoking or suspending Wholesale Permit Number WLS 6040, issued to Champion
10 Health Services, Inc.;

11 2. Revoking or suspending Designated Representative License Number EXC 20558
12 issued to Erika Marie Hoffman;

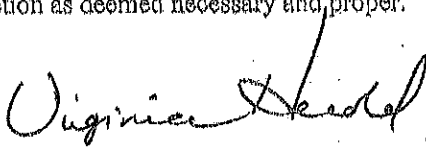
13 3. Revoking or suspending Designated Representative License Number EXC 22306
14 issued to Monica Marie Hoffman;

15 4. Ordering Champion Health Services, Inc., Erika Marie Hoffman and Monica Marie
16 Hoffman to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
17 of this case, pursuant to Business and Professions Code section 125.3;

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

19
20
21 DATED: _____

3/15/16


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

22
23
24
25 SD2014707179
26 70975879.doc
27
28