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

In the Matter of the Accusation Against:

**TALCA PHARMACEUTICALS INC. DBA  
TALCA PHARMACEUTICALS INC.,  
KENNETH JACK AMODEO  
768B Calle Plano  
Camarillo, CA 93012**

**Original Permit No. PHY 51257,**

**and**

**KENNETH JACK AMODEO  
29782 Woodbrook Dr.  
Agoura Hills, CA 91301**

**Pharmacist License No. RPH 37646**

Respondents.

Case No. 6147

OAH No. 2020010360

**DEFAULT DECISION AND ORDER AS  
TO TALCA PHARMACEUTICALS INC.  
DBA TALCA PHARMACEUTICALS  
INC. ONLY**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about August 4, 2018, Complainant Virginia Herold, in her former official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6147 against Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc.,  
///

1 Kenneth Jack Amodeo (collectively Respondents) before the Board of Pharmacy. (Accusation  
2 attached as Exhibit A.)

3 2. On or about October 8, 2019, Complainant Anne Sodergren, in her official capacity  
4 as the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
5 filed First Amended Accusation No. 6147 against Respondents before the Board of Pharmacy.  
6 (First Amended Accusation attached as Exhibit B.)

7 3. On or about May 6, 2020, Complainant Anne Sodergren, in her official capacity as  
8 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Second  
9 Amended Accusation No. 6147 against Respondents before the Board of Pharmacy. (Second  
10 Accusation attached as Exhibit C.)

11 4. On or about August 21, 2013, the Board of Pharmacy (Board) issued Original Permit  
12 No. PHY 51257 to Respondent Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc.  
13 (Respondent Talca.) The Original Permit was in full force and effect at all times relevant to the  
14 charges brought in the Original, First Amended, and Second Amended Accusations No. 6147 and  
15 expired on August 1, 2018, and has not been renewed. Since August 21, 2013, Farihan Uwaydah  
16 is and has been Respondent Talca's 100% shareholder.

17 5. On or about April 4, 1983, the Board of Pharmacy issued Original Pharmacist  
18 License Number RPH 37646 to Kenneth Jack Amodeo (Respondent Amodeo) to practice  
19 pharmacy in California. The Original Pharmacist License was in full force and effect at all times  
20 relevant to the charges brought here with an expiration date of February 28, 2021. On or about  
21 April 15, 2020, pursuant to a Stipulated Surrender and Decision Order, Case No. 6147,  
22 Respondent Amodeo surrendered his license.

23 6. Section 4300 of the Code provides, in pertinent part, that every license issued by the  
24 Board is subject to discipline, including suspension or revocation.

25 7. Section 118, subdivision (b), of the Code provides:

26 The suspension, expiration, or forfeiture by operation of law of a license issued  
27 by a board in the department or its suspension, forfeiture, or cancellation by order of  
28 the board or by order of a court of law, or its surrender without the written consent of  
the board, shall not, during any period in which it may be renewed, restored, reissued,

1 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
2 proceeding against the licensee upon any ground provided by law or to enter an order  
3 suspending or revoking the license or otherwise taking disciplinary action against the  
4 licensee on any such ground.

5 8. On or about August 28, 2018, Respondents were served with Accusation No. 6147;  
6 on October 9, 2019, Respondents were served with First Amended Accusation No. 6147; and on  
7 May 7, 2020, Respondent Talca was served with Second Amended Accusation No. 6147.

8 9. On or about September 10, 2018, Respondents signed and returned a Notice of  
9 Defense, requesting a hearing in this matter.

10 10. On or about November 6, 2019, Respondent Amodeo signed a Stipulated Surrender  
11 of License Order in his individual capacity as Respondent Talca's pharmacist-in-charge to the  
12 first through fourth causes for discipline charged in First Amended Accusation No. 6147. On  
13 March 16, 2020, the Board adopted the stipulation as its final Decision and Order, effective April  
14 15, 2020. The remaining respondent in this matter is Respondent Talca.

15 11. On or about January 15, 2020, Respondents' counsel, Michael A. Dowell, Esq.,  
16 Hinshaw & Culbertson, LLP, e-filed a notice of withdrawal of representation of Respondents with  
17 the Office of Administrative Hearings.

18 12. On or about January 17, 2020, a Notice of Hearing was served by mail at  
19 Respondents' counsel's address of record described as follows: Michael A. Dowell, Esq.,  
20 Hinshaw & Culbertson, LLP, 633 W. 5<sup>th</sup> Street, 47<sup>th</sup> Floor, Los Angeles, CA 90071, and to  
21 Respondents at: 768B Calle Plano, Camarillo, CA 93012.

22 13. The Notice of Hearing informed Respondents that an administrative hearing in this  
23 matter was scheduled for May 6-7, 2020. On May 21, 2020, in accordance with a notice and order  
24 of the Office of Administrative Hearings continuing the previously scheduled hearing dates in  
25 response to COVID-19, a Continued Notice of Hearing informed the remaining respondent,  
26 Respondent Talca (owner Farihan Uwaydah) of the rescheduled hearing dates to September 29-  
30, 2020.

27 14. On September 16, 2020, the Office of Administrative Hearings served a Notice and  
28 Order of Videoconference and or Telephonic Conference.

1           15. Service of the Accusations were effective as a matter of law under the provisions of  
2 Government Code section 11505(c) and/or Business and Professions Code section 124.

3           16. The matter was called for hearing at the date, time and location set forth in the Notice  
4 of Continued Hearing and the Notice and Order of Videoconference or Telephonic Conference.  
5 The assigned Administrative Law Judge found that the service of the Notice of Continued  
6 Hearing on Respondent Talca was proper. There was no appearance by or on behalf of  
7 Respondent Talca. A default was declared and on motion of counsel for Complainant, the matter  
8 was remanded to the Board under Government Code section 11520.

9           17. Government Code section 11506(c) states, in pertinent part:

10                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all parts  
12 of the accusation . . . not expressly admitted. Failure to file a notice of defense  
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
14 discretion may nevertheless grant a hearing.

15           18. California Government Code section 11520(a) states, in pertinent part:

16                   (a) If the respondent either fails to file a notice of defense . . . or to appear at the  
17 hearing, the agency may take action based upon the respondent's express admissions or  
18 upon other evidence and affidavits may be used as evidence without any notice to  
19 respondent . . . .

20           19. Pursuant to its authority under Government Code section 11520, the Board finds  
21 Respondent Talca is in default. The Board will take action without further hearing and, based on  
22 the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this  
23 matter, as well as taking official notice of all the investigatory reports, exhibits and statements  
24 contained therein on file at the Board's offices regarding the allegations contained in Second  
25 Amended Accusation No. 6147, finds that the first, second, fifth through tenth causes for  
26 discipline in Second Amended Accusation No. 6147, are separately and severally, found to be  
27 true and correct by a preponderance of the evidence.

28           20. The Board finds that the actual costs for Investigation and Enforcement are  
\$41,513.75 as of September 29, 2020.

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**DETERMINATION OF ISSUES**

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2           1.     Based on the foregoing findings of fact, Respondent Talca Pharmaceuticals Inc. dba  
3 Talca Pharmaceuticals Inc. has subjected its Original Permit No. PHY 51257 to discipline.

4           2.     The agency has jurisdiction to adjudicate this case by default.

5           3.     The Board of Pharmacy is authorized to revoke Respondent's Original Permit based  
6 upon the following violations alleged in the Accusation which are supported by the evidence  
7 contained in the Default Decision Investigatory Evidence Packet in this case:

- 8           a)     Business and Professions Code section 4301, subdivisions (f), (o) and (q),  
9                 Subverting a Board Investigation, First Cause of Discipline;
- 10          b)     Business and Professions Code section 4301, subdivisions (f) and (o), 4081,  
11                 subdivisions (a) and (b), and 4105, subdivisions (a), (b), (c), (d)(1) and (f), Failure  
12                 to Maintain Records of Dangerous Drugs, Second Cause of Discipline;
- 13          c)     Business and Professions Code section 4301, subdivisions (a) and (f), Procurement  
14                 of a License by Fraud, Fifth Cause of Discipline;
- 15          d)     Business and Professions Code section 4301, subdivision (g), Signing of Document  
16                 Falsely Representing Existence or Nonexistence of Facts, Sixth Cause of Discipline;
- 17          e)     Business and Professions Code section 4105, subdivisions (a) and (c), Failure to  
18                 Maintain Records of Acquisition of Dangerous Drugs, Seventh Cause of Discipline;
- 19          f)     Business and Professions Code section 4301, subdivision (o), in conjunction with  
20                 California Code of Regulations, title 16, section 1761, subdivision (a), Filling of  
21                 Erroneous or Uncertain Prescriptions, Eighth Cause of Discipline;
- 22          g)     Business and Professions Code section 4301, subdivision (o), in conjunction with  
23                 California Code of Regulations, title 16, section 1735.7, subdivision (a), Failure of  
24                 Training of Compounding Staff, Ninth Cause of Discipline; and,
- 25          h)     Business and Professions Code section 4301, subdivision (o), in conjunction with  
26                 California Code of Regulations, title 16, section 1735.2, subdivisions (e)(2), (e)(3),  
27                 (e)(5), (e)(6), (e)(7), (a)(1)(2)(D), (a)(1)(2)(E), (a)(1)(2)(J), Compounding  
28                 Limitations and Requirements, Tenth Cause of Discipline.

**ORDER**

IT IS SO ORDERED that Original Permit No. PHY 51257, issued to Respondent Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 23, 2020 at 5:00 p.m.

It is so ORDERED on November 23, 2020.

FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Greg Lippe  
Board President

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DOJ Matter ID:LA2017506493

Attachments:  
Exhibit A: Accusation  
Exhibit B: First Amended Accusation  
Exhibit C: Second Amended Accusation

# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 SHERONDA L. EDWARDS  
Deputy Attorney General  
4 State Bar No. 225404  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6296  
6 Facsimile: (213) 897-2804  
E-mail: Sheronda.Edwards@doj.ca.gov  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **TALCA PHARMACEUTICALS INC. DBA**  
13 **TALCA PHARMACEUTICALS INC.,**  
14 **KENNETH JACK AMODEO**  
15 **768B Calle Plano**  
16 **Camarillo, CA 93012**  
17 **Pharmacy Permit No. PHY 51257**  
18 **and**  
19 **KENNETH JACK AMODEO**  
20 **29782 Woodbrook Drive**  
21 **Agoura Hills, CA 91301**  
22 **Pharmacist License No. RPH 37646**  
23 Respondents.

Case No. 6147  
**ACCUSATION**

22 Complainant alleges:

23 **PARTIES**

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

26 2. On or about August 21, 2013, the Board of Pharmacy issued Original Permit Number  
27 PHY 51257 to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc., Kenneth Jack Amodeo

28 ///

1 (Respondents). The Original Permit was in full force and effect at all times relevant to the  
2 charges brought herein and will expire on August 1, 2018, unless renewed.

3 3. On or about April 4, 1983, the Board of Pharmacy issued Original Pharmacist License  
4 Number RPH 37646 to Kenneth Jack Amodeo (Respondent) to practice pharmacy in California.  
5 The Original Pharmacist License was in full force and effect at all times relevant to the charges  
6 brought here and will expire on February 28, 2019, unless renewed.

### 7 JURISDICTION

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

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

14 6. Section 4300 of the Code provides, in pertinent part, that every license issued by the  
15 Board is subject to discipline, including suspension or revocation.

16 7. Section 118, subdivision (b), of the Code provides:

17 "The suspension, expiration, or forfeiture by operation of law of a license issued by a board  
18 in the department or its suspension, forfeiture, or cancellation by order of the board or by order of  
19 a court of law, or its surrender without the written consent of the board, shall not, during any  
20 period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
21 authority to institute or continue a disciplinary proceeding against the licensee upon any ground  
22 provided by law or to enter an order suspending or revoking the license or otherwise taking  
23 disciplinary action against the licensee on any such ground."

24 8. Section 4300.1 of the Code provides:

25 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
26 operation of law or by order or decision of the board or a court of law, the placement of a license  
27 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

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1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

### 3 STATUTORY PROVISIONS

4 9. Section 4081 of the Code states:

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

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

17 10. Section 4105 of the Code provides:

18 "(a) All records or other documentation of the acquisition and disposition of dangerous  
19 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed  
20 premises in a readily retrievable form.

21 "(b) The licensee may remove the original records or documentation from the licensed  
22 premises on a temporary basis for license-related purposes. However, a duplicate set of those  
23 records or other documentation shall be retained on the licensed premises.

24 "(c) The records required by this section shall be retained on the licensed premises for a  
25 period of three years from the date of making.

26 "(d) (1) Any records that are maintained electronically shall be maintained so that the  
27 pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on duty, shall,  
28 at all times during which the licensed premises are open for business, be able to produce a

1 hardcopy and electronic copy of all records of acquisition or disposition or other drug or  
2 dispensing-related records maintained electronically.

3 "...

4 "(f) When requested by an authorized officer of the law or by an authorized representative  
5 of the board, the owner, corporate officer, or manager of an entity licensed by the board shall  
6 provide the board with the requested records within three business days of the time the request  
7 was made. The entity may request in writing an extension of this timeframe for a period not to  
8 exceed 14 calendar days from the date the records were requested. A request for an extension of  
9 time is subject to the approval of the board. An extension shall be deemed approved if the board  
10 fails to deny the extension request within two business days of the time the extension request was  
11 made directly to the board."

12 11. Section 4301 of the Code states:

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

16 "...

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

20 "...

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

25 "...

26 "(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the  
27 board. ..."

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1 **STATEMENT OF FACTS**

2 15. On February 20, 2015, the Board of Pharmacy received a consumer complaint from a  
3 third party administrator for an insurance company. During a Board inspection of the pharmacy,  
4 the inspector discovered 55 boxes of "returned/refused/undeliverable" patient prescriptions and  
5 suspected insurance billing fraud. Respondents failed to produce sufficient patient profile and  
6 billing information for the prescriptions.

7 **A. Board Inspection on May 21, 2015**

8 16. On May 21, 2015, a Board inspector arrived at Respondents' pharmacy to conduct a  
9 routine inspection.

10 17. Respondent Amodeo informed the inspector that the pharmacy ceased filling and  
11 dispensing prescriptions on February 3, 2015. Respondents' City of Camarillo Business Tax  
12 Certification listed Respondent as a Wholesale Distributor as its business type.

13 18. Respondent Amodeo told the inspector that the pharmacy was a closed door mail  
14 order pharmacy servicing only patients of workers' compensation clinics, and dispensed products  
15 manufactured by Fusion Pharmaceuticals located next door.

16 19. Respondent Amodeo told the inspector that prescriptions are received by fax or email  
17 from the clinics and are filled for only the items the pharmacy has available.

18 20. The inspector observed approximately 55 boxes of "returned/refused/undeliverable"  
19 mailing boxes stacked in the pharmacy area. Respondent Amodeo stated the items in the boxes  
20 were "reversed/returned" in their system but they did not handle any of the billing. Respondent  
21 Amodeo stated they had not destroyed the items because they did not have a reverse distributor.

22 21. The inspector requested a printed patient profile report on one of the patients'  
23 prescriptions located in the boxes of the "returned/refused/undeliverable" items. The technician  
24 stated she could not print a report from her computer and claimed both her and Respondent  
25 Amodeo were currently "locked out" of the main prescription processing computer.

26 22. On May 21, 2015 and June 3, 2015, the inspector requested patient records be  
27 produced.

28 ///

1           23. On June 4, 2015, the inspector received an email from Respondents' counsel of a  
2 report of all of the prescriptions Respondents filled from 1/01/2014 to 5/21/2015, but the patient  
3 names and other personal identifiable information were redacted from the report.

4           **B. Board Inspection on August 20, 2015**

5           24. On August 20, 2015, the inspector conducted a second inspection of Respondents  
6 pharmacy to acquire the patient names and insurance information for a select group of  
7 prescriptions.

8           25. On August 23, 2015 and September 14, 2015, the inspector received emails from  
9 Respondents declining to produce the requested patient and insurance information. Respondents  
10 stated the patient information falls under "Protected Health Information" and insisted upon a  
11 subpoena or warrant before disclosing patient profile information.

12           26. Again, on September 8, 2015, the inspector sent a letter to Respondents requesting the  
13 previously requested information and cited to Business and Professions Code sections 4081(a)  
14 and 4105(d)(1) and (f).

15           27. On September 14, 2015, the inspector received an emailed letter from Respondents'  
16 counsel that states "the request for patient information falls under 'Protected Health Information'  
17 and insists upon receiving a subpoena or warrant before disclosing patient profile information."  
18 The Respondents denied billing insurance carriers or possessing patient insurance information.  
19 However, the Respondents claimed that it voided prescriptions, but were unable to pull the date  
20 the prescriptions were voided.

21           28. On September 18, 2015, the Board's attorney sent Respondent's counsel a letter titled  
22 "Talca Pharmaceuticals, Inc.'s Duty to Cooperate," which renewed the Board's request submitted  
23 on September 8, 2015, for patient profiles, report showing the dates prescriptions were void, and  
24 insurance billing information. In a letter dated September 25, 2015, Respondent's attorney  
25 claimed the Board required warrants or waivers for any medical information. In a letter on  
26 October 7, 2015, Respondent's attorney claimed the Board required a "proper investigative  
27 demand statement" for the documents. The requested documents were not provided.

28       ///



1 five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy  
2 Permit Number PHY 51257 is reinstated if it is revoked.

3 33. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit  
4 Number PHY 51257 issued to Talca Pharmaceuticals, Inc. while Farihan U. Wayday was the  
5 owner and Yolanda Perez an officer and had knowledge of or knowingly participated in any  
6 conduct for which the licensee was disciplined, Farihan U. Wayday and Yolanda Perez shall be  
7 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
8 or partner of a licensee for five years if Pharmacy Permit Number PHY 51257 is placed on  
9 probation or until Pharmacy Permit Number PHY 51257 is reinstated if it is revoked.

10 **DISCIPLINE CONSIDERATIONS**

11 34. To determine the degree of discipline, if any, to be imposed on Respondent Amodeo,  
12 Complainant alleges that on or about October 9, 2015, in a prior action, the Board of Pharmacy  
13 issued by Stipulation a Letter of Public Reproval, Case No. AC201200480100, to Respondent  
14 Amodeo and Golden State Pharmaceuticals for violating sections 4081, 4033, 4059(a), and 4060,  
15 and California Code of Regulations, title 16, section 1761(a).

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**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 Original Permit Number PHY 51257, issued to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc., Kenneth Jack Amodeo;
2. Revoking or suspending Original Pharmacist Number RPH 37646, issued to Kenneth Jack Amodeo;
3. Prohibiting Talca Pharmaceuticals Inc. from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy Permit Number PHY 51257 is reinstated if Pharmacy Permit Number PHY 51257 issued to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. is revoked;
4. Prohibiting Kenneth Jack Amodeo from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy Permit Number PHY 51257 is reinstated if Pharmacy Permit Number PHY 51257 issued to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. is revoked;
5. Ordering Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. and Kenneth Jack Amodeo 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,
6. Taking such other and further action as deemed necessary and proper.

DATED: August 4, 2018 *Virginia Herold*

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

LA2017506493  
62759643\_3.doc

# Exhibit B

First Amended Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 SHERONDA L. EDWARDS  
Deputy Attorney General  
4 State Bar No. 225404  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6296  
6 Facsimile: (213) 897-2804  
E-mail: Sheronda.Edwards@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6147

13 **TALCA PHARMACEUTICALS INC. DBA**  
14 **TALCA PHARMACEUTICALS INC.,**  
15 **KENNETH JACK AMODEO**  
768B Calle Plano  
16 Camarillo, CA 93012

**FIRST AMENDED ACCUSATION**

17 Pharmacy Permit No. PHY 51257

18 and

19 **KENNETH JACK AMODEO**  
20 29782 Woodbrook Drive  
21 Agoura Hills, CA 91301

22 Pharmacist License No. RPH 37646

23 Respondents.

24 **PARTIES**

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

27 2. On or about August 21, 2013, the Board of Pharmacy issued Original Permit Number  
28 PHY 51257 to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc., Kenneth Jack Amodeo

///

1 (Respondent Talca). The Original Permit was in full force and effect at all times relevant to the  
2 charges brought herein and will expire on August 1, 2020, unless renewed.

3 3. On or about April 4, 1983, the Board of Pharmacy issued Original Pharmacist License  
4 Number RPH 37646 to Kenneth Jack Amodeo (Respondent Amodeo) to practice pharmacy in  
5 California. The Original Pharmacist License was in full force and effect at all times relevant to  
6 the charges brought here and will expire on February 28, 2021, unless renewed. Respondent  
7 Amodeo has been the Pharmacist-in-Charge of Respondent Talca since August 21, 2013.

### 8 **JURISDICTION**

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

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

15 6. Section 4300 of the Code provides, in pertinent part, that every license issued by the  
16 Board is subject to discipline, including suspension or revocation.

17 7. Section 118, subdivision (b), of the Code provides:

18 The suspension, expiration, or forfeiture by operation of law of a license issued  
19 by a board in the department or its suspension, forfeiture, or cancellation by order of  
20 the board or by order of a court of law, or its surrender without the written consent of  
21 the board, shall not, during any period in which it may be renewed, restored, reissued,  
22 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
23 proceeding against the licensee upon any ground provided by law or to enter an order  
24 suspending or revoking the license or otherwise taking disciplinary action against the  
25 licensee on any such ground.

26 8. Section 4300.1 of the Code provides:

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

///

1 **STATUTORY PROVISIONS**

2 9. Section 482 of the Code states:

3 Each board under the provisions of this code shall develop criteria to evaluate the  
4 rehabilitation of a person when:

5 (a) Considering the denial of a license by the board under Section 480; or

6 (b) Considering suspension or revocation of a license under Section 490.

7 Each board shall take into account all competent evidence of rehabilitation  
8 furnished by the applicant or licensee.

9 10. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
10 revoke a license on the ground that the licensee has been convicted of a crime substantially related  
11 to the qualifications, functions, or duties of the business or profession for which the license was  
12 issued.

13 11. Section 493 of the Code states:

14 Notwithstanding any other provision of law, in a proceeding conducted by a board  
15 within the department pursuant to law to deny an application for a license or to suspend  
16 or revoke a license or otherwise take disciplinary action against a person who holds a  
17 license, upon the ground that the applicant or the licensee has been convicted of a crime  
18 substantially related to the qualifications, functions, and duties of the licensee in  
19 question, the record of conviction of the crime shall be conclusive evidence of the fact  
20 that the conviction occurred, but only of that fact, and the board may inquire into the  
21 circumstances surrounding the commission of the crime in order to fix the degree of  
22 discipline or to determine if the conviction is substantially related to the qualifications,  
23 functions, and duties of the licensee in question.

24 As used in this section, "license" includes "certificate," "permit," "authority," and  
25 "registration."

26 12. Section 4081 of the Code states:

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

///

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

5 13. Section 4105 of the Code provides:

6 (a) All records or other documentation of the acquisition and disposition of  
7 dangerous drugs and dangerous devices by any entity licensed by the board shall be  
8 retained on the licensed premises in a readily retrievable form.

9 (b) The licensee may remove the original records or documentation from the  
10 licensed premises on a temporary basis for license-related purposes. However, a  
11 duplicate set of those records or other documentation shall be retained on the licensed  
12 premises.

13 (c) The records required by this section shall be retained on the licensed  
14 premises for a period of three years from the date of making.

15 (d) (1) Any records that are maintained electronically shall be maintained so that  
16 the pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not  
17 on duty, shall, at all times during which the licensed premises are open for business,  
18 be able to produce a hardcopy and electronic copy of all records of acquisition or  
19 disposition or other drug or dispensing-related records maintained electronically.

20 ...

21 (f) When requested by an authorized officer of the law or by an authorized  
22 representative of the board, the owner, corporate officer, or manager of an entity  
23 licensed by the board shall provide the board with the requested records within three  
24 business days of the time the request was made. The entity may request in writing an  
25 extension of this timeframe for a period not to exceed 14 calendar days from the date  
26 the records were requested. A request for an extension of time is subject to the  
27 approval of the board. An extension shall be deemed approved if the board fails to  
28 deny the extension request within two business days of the time the extension request  
was made directly to the board.

14. Section 4301 of the Code states:

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 (l) The conviction of a crime substantially related to the qualifications, functions,  
2 and duties of a licensee under this chapter. The record of conviction of a violation of  
3 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code  
4 regulating controlled substances or of a violation of the statutes of this state regulating  
5 controlled substances or dangerous drugs shall be conclusive evidence of unprofessional  
6 conduct. In all other cases, the record of conviction shall be conclusive evidence only of  
7 the fact that the conviction occurred. The board may inquire into the circumstances  
8 surrounding the commission of the crime, in order to fix the degree of discipline or, in  
9 the case of a conviction not involving controlled substances or dangerous drugs, to  
10 determine if the conviction is of an offense substantially related to the qualifications,  
11 functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a  
12 conviction following a plea of nolo contendere is deemed to be a conviction within the  
13 meaning of this provision. The board may take action when the time for appeal has  
14 elapsed, or the judgment of conviction has been affirmed on appeal or when an order  
15 granting probation is made suspending the imposition of sentence, irrespective of a  
16 subsequent order under Section 1203.4 of the Penal Code allowing the person to  
17 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the  
18 verdict of guilty, or dismissing the accusation, information, or indictment. . . .

19 . . .  
20 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
21 abetting the violation of or conspiring to violate any provision or term of this chapter  
22 or of the applicable federal and state laws and regulations governing pharmacy,  
23 including regulations established by the board or by any other state or federal  
24 regulatory agency.

25 . . .  
26 (q) Engaging in any conduct that subverts or attempts to subvert an investigation  
27 of the board. . . .

28 15. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked  
or is under suspension, or who has failed to renew his or her license while it was under  
suspension, or who has been a manager, administrator, owner, member, officer,  
director, associate, partner, or any other person with management or control of any  
partnership, corporation, trust, firm, or association whose application for a license has  
been denied or revoked, is under suspension or has been placed on probation, and  
while acting as the manager, administrator, owner, member, officer, director,  
associate, partner, or any other person with management or control had knowledge of  
or knowingly participated in any conduct for which the license was denied, revoked,  
suspended, or placed on probation, shall be prohibited from serving as a manager,  
administrator, owner, member, officer, director, associate, partner, or in any other  
position with management or control of a licensee. . . .

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1 **REGULATORY PROVISIONS**

2 16. California Code of Regulations, title 16, section 1711, subdivision (d), provides:

3 Each pharmacy shall use the findings of its quality assurance program to develop  
4 pharmacy systems and workflow processes designed to prevent medication errors. An  
5 investigation of each medication error shall commence as soon as is reasonably  
6 possible, but no later than 2 business days from the date the medication error is  
7 discovered. All medication errors discovered shall be subject to a quality assurance  
8 review.

9 17. California Code of Regulations, title 16, section 1769, subdivision (b) states:

10 When considering the suspension or revocation of a facility or a personal license on  
11 the ground that the licensee or the registrant has been convicted of a crime, the board, in  
12 evaluating the rehabilitation of such person and his present eligibility for a license will  
13 consider the following criteria:

14 (1) Nature and severity of the act(s) or offense(s).

15 (2) Total criminal record.

16 (3) The time that has elapsed since commission of the act(s) or offense(s).

17 (4) Whether the licensee has complied with all terms of parole, probation,  
18 restitution or any other sanctions lawfully imposed against the licensee.

19 (5) Evidence, if any, of rehabilitation submitted by the licensee.

20 18. California Code of Regulations, title 16, section 1770, states:

21 For the purpose of denial, suspension, or revocation of a personal or facility license  
22 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions  
23 Code, a crime or act shall be considered substantially related to the qualifications,  
24 functions or duties of a licensee or registrant if to a substantial degree it evidences  
25 present or potential unfitness of a licensee or registrant to perform the functions  
26 authorized by his license or registration in a manner consistent with the public health,  
27 safety, or welfare.

28 **COST RECOVERY**

19. 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, with failure of the licentiate to comply subjecting the license to not being  
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

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1 **STATEMENT OF FACTS**

2 20. On February 20, 2015, the Board of Pharmacy received a consumer complaint from a  
3 third party administrator for an insurance company. During a Board inspection of the pharmacy,  
4 the inspector discovered 55 boxes of “returned/refused/undeliverable” patient prescriptions and  
5 suspected insurance billing fraud. Respondents failed to produce sufficient patient profile and  
6 billing information for the prescriptions.

7 **A. Board Inspection on May 21, 2015**

8 21. On May 21, 2015, a Board inspector arrived at Respondents’ pharmacy to conduct a  
9 routine inspection.

10 22. Respondent Amodeo informed the inspector that the pharmacy ceased filling and  
11 dispensing prescriptions on February 3, 2015. Respondents’ City of Camarillo Business Tax  
12 Certification listed Respondent as a Wholesale Distributor as its business type.

13 23. Respondent Amodeo told the inspector that the pharmacy was a closed door mail  
14 order pharmacy servicing only patients of workers’ compensation clinics, and dispensed products  
15 manufactured by Fusion Phamaceuticals located next door.

16 24. Respondent Amodeo told the inspector that prescriptions are received by fax or email  
17 from the clinics and are filled for only the items the pharmacy has available.

18 25. The inspector observed approximately 55 boxes of “returned/refused/undeliverable”  
19 mailing boxes stacked in the pharmacy area. Respondent Amodeo stated the items in the boxes  
20 were “reversed/returned” in their system but they did not handle any of the billing. Respondent  
21 Amodeo stated they had not destroyed the items because they did not have a reverse distributor.

22 26. The inspector requested a printed patient profile report on one of the patients’  
23 prescriptions located in the boxes of the “returned/refused/undeliverable” items. The technician  
24 stated she could not print a report from her computer and claimed both her and Respondent  
25 Amodeo were currently “locked out” of the main prescription processing computer.

26 27. On May 21, 2015 and June 3, 2015, the inspector requested patient records be  
27 produced.

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1           28. On June 4, 2015, the inspector received an email from Respondents' counsel of a  
2 report of all of the prescriptions Respondents filled from 1/01/2014 to 5/21/2015, but the patient  
3 names and other personal identifiable information were redacted from the report.

4           **B. Board Inspection on August 20, 2015**

5           29. On August 20, 2015, the inspector conducted a second inspection of Respondents  
6 pharmacy to acquire the patient names and insurance information for a select group of  
7 prescriptions.

8           30. On August 23, 2015 and September 14, 2015, the inspector received emails from  
9 Respondents declining to produce the requested patient and insurance information. Respondents  
10 stated the patient information falls under "Protected Health Information" and insisted upon a  
11 subpoena or warrant before disclosing patient profile information.

12           31. Again, on September 8, 2015, the inspector sent a letter to Respondents requesting the  
13 previously requested information and cited to Business and Professions Code sections 4081(a)  
14 and 4105(d)(1) and (f).

15           32. On September 14, 2015, the inspector received an emailed letter from Respondents'  
16 counsel that states "the request for patient information falls under 'Protected Health Information'  
17 and insists upon receiving a subpoena or warrant before disclosing patient profile information."  
18 The Respondents denied billing insurance carriers or possessing patient insurance information.  
19 However, the Respondents claimed that it voided prescriptions, but were unable to pull the date  
20 the prescriptions were voided.

21           33. On September 18, 2015, the Board's attorney sent Respondent's counsel a letter titled  
22 "Talca Pharmaceuticals, Inc.'s Duty to Cooperate," which renewed the Board's request submitted  
23 on September 8, 2015, for patient profiles, report showing the dates prescriptions were void, and  
24 insurance billing information. In a letter dated September 25, 2015, Respondent's attorney  
25 claimed the Board required warrants or waivers for any medical information. In a letter on  
26 October 7, 2015, Respondent's attorney claimed the Board required a "proper investigative  
27 demand statement" for the documents. The requested documents were not provided.

28 ///



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(September 27, 2019 Criminal Conviction – Fraudulent Benefit’s Claim)**

3 37. Respondent Amodeo is subject to disciplinary action under code sections 490 and  
4 4301, subdivision (l), of the Code in that he was convicted of a crime that is substantially related  
5 to the qualifications, duties, and functions of a pharmacist. The circumstances are as follows:

6 a. On or about September 27, 2019, in a criminal proceeding entitled *People of the State*  
7 *of California v. Kenneth Amodeo, et al.*, in Riverside County Superior Court, case number  
8 RIF1990023, Respondent was convicted on his plea of guilty to violating Penal Code section 550,  
9 subdivision (a)(6), fraudulent claim for payment of health care benefit, a felony. In exchange for  
10 Respondent Amodeo’s plea, the court dismissed eleven (11) additional counts of fraudulent claim  
11 for payment of health care benefit (Pen. Code, § 550, subdivision (a)(6)) and one count of  
12 solicit/refer business with intent to violate the Insurance Code (Pen. Code, § 549, a felony).

13 b. As a result of the conviction, on September 27, 2019, the court sentenced Respondent  
14 Amodeo to 48 months of formal probation, serve 364 days of county jail with terms and  
15 conditions, including term 17, surrender any and all pharmacist licenses during the 4-year term of  
16 formal probation and submit license to probation within 30 days.

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Commission of Act Involving Moral Turpitude, Dishonesty, Fraud or Deceit)**

19 38. Respondent Amodeo is subject to disciplinary action under code section 4301,  
20 subdivision (f), for unprofessional conduct in that his conduct, as described in paragraph 37  
21 above, involved moral turpitude, dishonesty, fraud and/or deceit.

22 **OTHER MATTERS**

23 39. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit  
24 Number PHY 51257 issued to Talca Pharmaceuticals, Inc. shall be prohibited from serving as a  
25 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
26 five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy  
27 Permit Number PHY 51257 is reinstated if it is revoked.

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1 reinstated if Pharmacy Permit Number PHY 51257 issued to Talca Pharmaceuticals Inc. dba  
2 Talca Pharmaceuticals Inc. is revoked;

3 5. Ordering Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. and Kenneth  
4 Jack Amodeo to pay the Board of Pharmacy the reasonable costs of the investigation and  
5 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

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DATED: October 8, 2019



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

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# Exhibit C

Second Amended Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 SHERONDA L. EDWARDS  
Deputy Attorney General  
4 State Bar No. 225404  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6296  
6 Facsimile: (213) 897-2804  
E-mail: Sheronda.Edwards@doj.ca.gov  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6147

13 **TALCA PHARMACEUTICALS INC. DBA**  
14 **TALCA PHARMACEUTICALS INC.,**  
15 **KENNETH JACK AMODEO**  
768B Calle Plano  
16 Camarillo, CA 93012

**SECOND AMENDED ACCUSATION**

17 Pharmacy Permit No. PHY 51257

18 and

19 **KENNETH JACK AMODEO**  
20 29782 Woodbrook Drive  
21 Agoura Hills, CA 91301

22 Pharmacist License No. RPH 37646

23 Respondents.

24 **PARTIES**

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

27 2. On or about August 21, 2013, the Board of Pharmacy issued Original Permit Number  
28 PHY 51257 to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc., Kenneth Jack

///

1 Amodeo (Respondent Talca). The Original Permit was in full force and effect at all times  
2 relevant to the charges brought herein and will expire on August 1, 2020, unless renewed.

3 3. On or about April 4, 1983, the Board of Pharmacy issued Original Pharmacist  
4 License Number RPH 37646 to Kenneth Jack Amodeo (Respondent Amodeo) to practice  
5 pharmacy in California. The Original Pharmacist License was in full force and effect at all times  
6 relevant to the charges brought here and will expire on February 28, 2021, unless renewed.  
7 Respondent Amodeo has been the Pharmacist-in-Charge of Respondent Talca since August 21,  
8 2013.

9 **JURISDICTION**

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

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

16 6. Section 4300 of the Code provides, in pertinent part, that every license issued by the  
17 Board is subject to discipline, including suspension or revocation.

18 7. Section 118, subdivision (b), of the Code provides:

19 The suspension, expiration, or forfeiture by operation of law of a license issued  
20 by a board in the department or its suspension, forfeiture, or cancellation by order of  
21 the board or by order of a court of law, or its surrender without the written consent of  
22 the board, shall not, during any period in which it may be renewed, restored, reissued,  
23 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
24 proceeding against the licensee upon any ground provided by law or to enter an order  
25 suspending or revoking the license or otherwise taking disciplinary action against the  
26 licensee on any such ground.

27 8. Section 4300.1 of the Code provides:

28 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
by operation of law or by order or decision of the board or a court of law, the  
placement of a license on a retired status, or the voluntary surrender of a license by a  
licensee shall not deprive the board of jurisdiction to commence or proceed with any

1 investigation of, or action or disciplinary proceeding against, the licensee or to render  
2 a decision suspending or revoking the license.

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4 9. Section 482 of the Code states:

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7 (a) Considering the denial of a license by the board under Section 480; or

8 (b) Considering suspension or revocation of a license under Section 490.

9 Each board shall take into account all competent evidence of rehabilitation  
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11 10. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
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15 11. Section 493 of the Code states:

16 Notwithstanding any other provision of law, in a proceeding conducted by a  
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18 suspend or revoke a license or otherwise take disciplinary action against a person who  
19 holds a license, upon the ground that the applicant or the licensee has been convicted  
20 of a crime substantially related to the qualifications, functions, and duties of the  
21 licensee in question, the record of conviction of the crime shall be conclusive  
22 evidence of the fact that the conviction occurred, but only of that fact, and the board  
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26 As used in this section, "license" includes "certificate," "permit," "authority,"  
27 and "registration."

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open to inspection by authorized officers of the law, and shall be preserved for at  
least three years from the date of making. A current inventory shall be kept by every  
manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,  
dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or  
establishment holding a currently valid and unrevoked certificate, license, permit,  
registration, or exemption under Division 2 (commencing with Section 1200) of the  
Health and Safety Code or under Part 4 (commencing with Section 16000) of

///

1 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
2 drugs or dangerous devices.

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

7 13. Section 4105 of the Code provides:

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9 dangerous drugs and dangerous devices by any entity licensed by the board shall be  
10 retained on the licensed premises in a readily retrievable form.

11 (b) The licensee may remove the original records or documentation from the  
12 licensed premises on a temporary basis for license-related purposes. However, a  
13 duplicate set of those records or other documentation shall be retained on the licensed  
14 premises.

15 (c) The records required by this section shall be retained on the licensed  
16 premises for a period of three years from the date of making.

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18 that the pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge  
19 is not on duty, shall, at all times during which the licensed premises are open for  
20 business, be able to produce a hardcopy and electronic copy of all records of  
21 acquisition or disposition or other drug or dispensing-related records maintained  
22 electronically.

23 ...

24 (f) When requested by an authorized officer of the law or by an authorized  
25 representative of the board, the owner, corporate officer, or manager of an entity  
26 licensed by the board shall provide the board with the requested records within three  
27 business days of the time the request was made. The entity may request in writing an  
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The board shall take action against any holder of a license who is guilty of  
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not limited to, any of the following:

(a) Procurement of a license by fraud or misrepresentation.

1           ...

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

5           ...

6           (g) Knowingly making or signing any certificate or other document that falsely  
7           represents the existence or nonexistence of a state of facts.

8           (l) The conviction of a crime substantially related to the qualifications,  
9           functions, and duties of a licensee under this chapter. The record of conviction of a  
10          violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
11          States Code regulating controlled substances or of a violation of the statutes of this  
12          state regulating controlled substances or dangerous drugs shall be conclusive evidence  
13          of unprofessional conduct. In all other cases, the record of conviction shall be  
14          conclusive evidence only of the fact that the conviction occurred. The board may  
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22          conviction has been affirmed on appeal or when an order granting probation is made  
23          suspending the imposition of sentence, irrespective of a subsequent order under  
24          Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
25          guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
26          dismissing the accusation, information, or indictment. . . .

27          ...

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

33          ...

34          (q) Engaging in any conduct that subverts or attempts to subvert an  
35          investigation of the board. . . .

36          15. Section 4307 of the Code states:

37               (a) Any person who has been denied a license or whose license has been  
38               revoked or is under suspension, or who has failed to renew his or her license while it  
39               was under suspension, or who has been a manager, administrator, owner, member,  
40               officer, director, associate, partner, or any other person with management or control  
41               of any partnership, corporation, trust, firm, or association whose application for a  
42               license has been denied or revoked, is under suspension or has been placed on  
43               probation, and while acting as the manager, administrator, owner, member, officer,  
44               director, associate, partner, or any other person with management or control had  
45               knowledge of or knowingly participated in any conduct for which the license was

1 denied, revoked, suspended, or placed on probation, shall be prohibited from serving  
2 as a manager, administrator, owner, member, officer, director, associate, partner, or  
3 in any other position with management or control of a licensee. . . .

4 **REGULATORY PROVISIONS**

5 16. California Code of Regulations, title 16, section 1711, subdivision (d), provides:

6 Each pharmacy shall use the findings of its quality assurance program to  
7 develop pharmacy systems and workflow processes designed to prevent medication  
8 errors. An investigation of each medication error shall commence as soon as is  
9 reasonably possible, but no later than 2 business days from the date the medication  
10 error is discovered. All medication errors discovered shall be subject to a quality  
11 assurance review.

12 17. California Code of Regulations, title 16, section 1735.2, in pertinent part, provides:

13 (e) A drug preparation shall not be compounded until the pharmacy has first  
14 prepared a written master formula document that includes at least the following  
15 elements:

16 . . .

17 (2) Equipment to be used.

18 (3) The maximum allowable beyond use date for the preparation, and the  
19 rationale or reference source justifying its determination.

20 . . .

21 (5) Specific and essential compounding steps used to prepare the drug.

22 (6) Quality reviews required at each step in preparation of the drug.

23 (7) Post-compounding process or procedures required, if any.

24 . . .

25 18. California Code of Regulations, title 16, section 1735.3, in pertinent part, provides:

26 (a) For each compounded drug preparation, pharmacy records shall include:

27 (1) The master formula document.

28 (2) A compounding log consisting of a single document containing all of the  
following:

. . .

(D) The identity of the pharmacist reviewing the final drug preparation.

(E) The quantity of each ingredient used in compounding the drug  
preparation.

. . .

(J) Documentation of quality reviews and required post-compounding  
process and procedures.

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19. California Code of Regulations, title 16, section 1735.7, subdivision (a), provides:

A pharmacy engaged in compounding shall maintain documentation demonstrating that personnel involved in compounding have the skills and training required to properly and accurately perform their assigned responsibilities and documentation demonstrating that all personnel involved in compounding are trained in all aspects of policies and procedures. This training shall include but is not limited to support personnel (e.g. institutional environmental services, housekeeping), maintenance staff, supervising pharmacist and all others whose jobs are related to the compounding process.

20. California Code of Regulations, title 16, section 1761, subdivision (a), provides:

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

21. California Code of Regulations, title 16, section 1769, subdivision (b) states:

When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

- (1) Nature and severity of the act(s) or offense(s).
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offense(s).
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) Evidence, if any, of rehabilitation submitted by the licensee.

22. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.

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1 **COST RECOVERY**

2 23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licentiate found to have committed a violation or violations  
4 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
6 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
7 may be included in a stipulated settlement.

8 **STATEMENT OF FACTS**

9 24. On February 20, 2015, the Board of Pharmacy received a consumer complaint from a  
10 third party administrator for an insurance company. During a Board inspection of the pharmacy,  
11 the inspector discovered 55 boxes of “returned/refused/undeliverable” patient prescriptions and  
12 suspected insurance billing fraud. Respondents failed to produce sufficient patient profile and  
13 billing information for the prescriptions.

14 **A. Board Inspection on May 21, 2015**

15 25. On May 21, 2015, a Board inspector arrived at Respondent Talca’s facility to  
16 conduct a routine inspection.

17 26. Respondent Amodeo informed the inspector that the pharmacy ceased filling and  
18 dispensing prescriptions on February 3, 2015. Respondent Talca’s City of Camarillo Business  
19 Tax Certification listed Respondent Talca as a Wholesale Distributor as its business type.

20 27. Respondent Amodeo told the inspector that the pharmacy was a closed door mail  
21 order pharmacy servicing only patients of workers’ compensation clinics, and dispensed products  
22 manufactured by Fusion Pharmaceuticals located next door.

23 28. Respondent Amodeo told the inspector that prescriptions are received by fax or  
24 email from the clinics and are filled for only the items the pharmacy has available.

25 29. The inspector observed approximately 55 boxes of “returned/refused/undeliverable”  
26 mailing boxes stacked in the pharmacy area. Respondent Amodeo stated the items in the boxes  
27 were “reversed/returned” in their system but they did not handle any of the billing. Respondent  
28 Amodeo stated they had not destroyed the items because they did not have a reverse distributor.

1           30. The inspector requested a printed patient profile report on one of the patient's  
2 prescriptions located in the boxes of the "returned/refused/undeliverable" items. The technician  
3 stated she could not print a report from her computer and claimed both her and Respondent  
4 Amodeo were currently "locked out" of the main prescription processing computer.

5           31. On May 21, 2015 and June 3, 2015, the inspector requested patient records be  
6 produced.

7           32. On June 4, 2015, the inspector received an email from Respondent Talca and  
8 Respondent Amodeo's counsel of a report of all of the prescriptions Respondent Talca filled  
9 from 1/01/2014 to 5/21/2015, but the patient names and other personal identifiable information  
10 were redacted from the report.

11           **B. Board Inspection on August 20, 2015**

12           33. On August 20, 2015, the inspector conducted a second inspection of Respondent  
13 Talca's facility to acquire the patient names and insurance information for a select group of  
14 prescriptions.

15           34. On August 23, 2015 and September 14, 2015, the inspector received emails from  
16 Respondent Talca's counsel declining to produce the requested patient and insurance  
17 information. Respondent Talca's counsel stated the patient information falls under "Protected  
18 Health Information" and insisted upon a subpoena or warrant before disclosing patient profile  
19 information.

20           35. On September 8, 2015, the inspector sent a letter to Respondent Talca and  
21 Respondent Amodeo requesting the previously requested information and cited to Business and  
22 Professions Code sections 4081(a) and 4105(d)(1) and (f).

23           36. On September 14, 2015, the inspector received an emailed letter from Respondent  
24 Talca and Respondent Amodeo's counsel that states "the request for patient information falls  
25 under 'Protected Health Information' and insists upon receiving a subpoena or warrant before  
26 disclosing patient profile information." Respondent Talca and Respondent Amodeo denied  
27 billing insurance carriers or possessing patient insurance information. However, Respondent

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1 Talca and Respondent Amodeo claimed that it voided prescriptions, but were unable to pull the  
2 date the prescriptions were voided.

3 37. On September 18, 2015, the Board’s attorney sent Respondent Talca and Respondent  
4 Amodeo’s counsel a letter titled “Talca Pharmaceuticals, Inc.’s Duty to Cooperate,” which  
5 renewed the Board’s request submitted on September 8, 2015, for patient profiles, a report  
6 showing the dates prescriptions were voided, and insurance billing information. In a letter dated  
7 September 25, 2015, Respondent Talca and Respondent Amodeo’s counsel claimed the Board  
8 required warrants or waivers for any medical information. In a letter on October 7, 2015,  
9 Respondent Talca and Respondent Amodeo’s counsel claimed the Board required a “proper  
10 investigative demand statement” for the documents. The requested documents were not  
11 provided.

12 **C. Board Inspection on November 5, 2015**

13 38. On November 5, 2015, the inspector conducted a third inspection of Respondent  
14 Talca’s facility to review the pharmacy computer records for several patients based on the  
15 prescription numbers previously provided. The inspector requested the insurance information  
16 associated with each prescription number. Respondent Amodeo stated they did not have the  
17 patient’s insurance information and claimed that Respondent Talca and Respondent Amodeo do  
18 not bill any insurance and therefore there was no reason to enter the information into the system.

19 **D. Board Inspection on January 17, 2018**

20 39. On January 17, 2018, law enforcement officers from the Riverside County District  
21 Attorney’s Office, with the assistance of a Board of Pharmacy inspector, executed a search  
22 warrant at the business addresses of California Pharmaceuticals LLC (WLS7048 and  
23 WLS7179)<sup>1</sup>, and Respondent Talca. The inspector obtained business records from these entities  
24 and, in relevant part, conducted interviews of Respondent Talca’s Pharmacist-in-Charge,  
25 Kenneth Jack Amodeo and a pharmacist technician.

26 <sup>1</sup> On October 8, 2019, the Board of Pharmacy filed Accusation 6601 against Spider LLC dba  
27 California Pharmaceuticals LLC, Edgar Gonzalez Lozano, Matthew D. Rifta, Wholesale Permit Nos. WLS  
28 7048 and WLS 7179, and Brianna Courtney Bertrand, Certificate No. EXC 23938, Original Pharmacy  
Technician Registration No. TCH 146875.



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(September 27, 2019 Criminal Conviction – Fraudulent Benefits Claim)**

3 43. Respondent Amodeo is subject to disciplinary action under code sections 490 and  
4 4301, subdivision (l), of the Code in that he was convicted of a crime that is substantially related  
5 to the qualifications, duties, and functions of a pharmacist. The circumstances are as follows:

6 a. On or about September 27, 2019, in a criminal proceeding entitled *People of the*  
7 *State of California v. Kenneth Amodeo, et al.*, in Riverside County Superior Court, case number  
8 RIF1990023, Respondent was convicted on his plea of guilty to violating Penal Code section  
9 550, subdivision (a)(6), fraudulent claim for payment of health care benefit, a felony. In  
10 exchange for Respondent Amodeo’s plea, the court dismissed eleven (11) additional counts of  
11 fraudulent claim for payment of health care benefit (Pen. Code, § 550, subdivision (a)(6)) and  
12 one count of solicit/refer business with intent to violate the Insurance Code (Pen. Code, § 549, a  
13 felony).

14 b. As a result of the conviction, on September 27, 2019, the court sentenced  
15 Respondent Amodeo to 48 months of formal probation, serve 364 days of county jail with terms  
16 and conditions, including term 17, surrender any and all pharmacist licenses during the 4-year  
17 term of formal probation and submit license to probation within 30 days.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Commission of Act Involving Moral Turpitude, Dishonesty, Fraud or Deceit)**

20 44. Respondent Amodeo is subject to disciplinary action under code section 4301,  
21 subdivision (f), for unprofessional conduct in that his conduct, as described in paragraph 43  
22 above, involved moral turpitude, dishonesty, fraud and/or deceit.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(Procurement of a License by Fraud)**

25 45. Respondent Talca is subject to disciplinary action under code section 4301,  
26 subdivisions (a) and (f), in that on or about November 20, 2012, Respondent Talca submitted  
27 false and misleading information in its application for a pharmacy permit to the Board. The  
28 application provides that it was a new pharmacy when in fact Golden State Pharmaceuticals

1 (PHY 48647) was previously licensed at the same location, 768B Calle Plano, Camarillo, CA  
2 93012. From about January 2009 to June 16, 2010, Respondent Amodeo was the Pharmacist-in-  
3 Charge of Golden State Pharmaceuticals.

#### 4 **SIXTH CAUSE FOR DISCIPLINE**

##### 5 **(Signing of Document Falsely Representing Existence or Nonexistence of Facts)**

6 46. Respondent Talca is subject to disciplinary action under code section 4301,  
7 subdivision (g), for unprofessional conduct for knowingly making or signing any certificate or  
8 other document that falsely represents the existence or nonexistence of a state of facts.  
9 Specifically, on January 17, 2018, Respondent Talca failed to produce evidence of reversed  
10 billings for 42 prescriptions that the U.S. Postal Service returned to Respondent Talca as  
11 undeliverable. "Medication Return Forms" of the 42 prescriptions provide that the action taken  
12 was "return to stock" but no record of reversed billings was processed.

#### 13 **SEVENTH CAUSE FOR DISCIPLINE**

##### 14 **(Failure to Maintain Records of Acquisition of Dangerous Drugs)**

15 47. Respondent Talca is subject to disciplinary action under code section 4105,  
16 subdivisions (a) and (c), in that Respondent Talca failed to produce records of acquisition of the  
17 four drug products totaling 1,430 items received from Fusion Pharmaceuticals, Inc. as required.

#### 18 **EIGHTH CAUSE FOR DISCIPLINE**

##### 19 **(Filling of Erroneous or Uncertain Prescriptions)**

20 48. Respondent Talca is subject to disciplinary action under section 4301, subdivision  
21 (o), in conjunction with California Code of Regulations, title 16, section 1761, subdivision (a),  
22 on the grounds of unprofessional conduct, in that based on a Board inspection on January 18,  
23 2018, Respondent Talca failed to validate questionable prescriptions described as follows:

- 24 a. According to Respondent Talca's dispensing records for September 22, 2015, Dr.  
25 D.R.J. wrote 20 prescriptions. However, in February 2015, Dr. D.R.J. was  
26 criminally charged in *The People of the State of California v. Munir Uwayda, et*  
27 *al.*, Los Angeles County Superior Court, Case No. BA425397, with fraudulent  
28 claims billings through US Health & Orthopedic Medical Clinic, Fusion  
Pharmaceuticals, and Golden State Pharmaceuticals. Respondent Amodeo had  
prior knowledge, as he was Golden State Pharmaceuticals' pharmacist-in-charge  
at the time.

- 1 b. Ninety-six (96) prescription documents consisting of 154 prescriptions bear an  
2 identical “electronic signature” for all four prescribers: Dr. D.R.J., Dr. G.G, Dr.  
3 E.M., and Dr. M.P.
- 4 c. The dates of all 154 prescriptions were over a month old before Respondent Talca  
5 filled them.
- 6 d. Many of the 96 prescription documents omitted information pertaining to billing,  
7 cost, pharmacist license, prescriber license, and refill.
- 8 e. On October 6, 2015, Dr. G.G. wrote RX #6004100 and RX #6004101 from the  
9 Blue Oaks Medical Group located in Rancho Cucamonga, San Bernardino  
10 County, and also RX #6004104 and RX #6004105 from the Los Angeles office,  
11 Los Angeles County.
- 12 f. On February 8, 2016, Dr. G.G. wrote RX #100002, RX #100003, and RX  
13 #100004 from offices located in Rancho Cucamonga, Bakersfield, and Santa Ana.  
14 These locations are many miles apart in different counties: San Bernardino, Kern,  
15 and Orange.
- 16 g. Prescriptions were typed and received in email batches and not received directly  
17 from the prescriber or clinic.
- 18 h. The U.S. Postal Office returned as non-deliverable, “no such person” to  
19 Respondent Talca prescriptions: RX #101362 and RX #101363 filled on  
20 November 23, 2016 for patient J.C.; however, on March 20, 2017, without  
21 verifying the prescription was for a valid patient, by mail, Respondent Talca filled  
22 RX #101419 for patient J.C.

### **NINTH CAUSE FOR DISCIPLINE**

#### **(Failure of Training of Compounding Staff)**

19 49. Respondent Talca is subject to disciplinary action under section 4301, subdivision  
20 (o), in conjunction with California Code of Regulations, title 16, section 1735.7, subdivision (a),  
21 on the grounds of unprofessional conduct, in that Respondent Talca failed to retain all records of  
22 dangerous drugs or dangerous devices. Specifically, based on a Board inspection on January 17,  
23 2018, Respondent Talca failed to maintain documentation demonstrating that personnel involved  
24 in compounding had the skills and training required to properly and accurately perform their  
25 assigned responsibilities and documentation demonstrating that all personnel involved in  
26 compounding were trained in all aspects of the pharmacy’s policies and procedures.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Compounding Limitations and Requirements)**

3 50. Respondent Talca is subject to disciplinary action under section 4301, subdivision  
4 (o), in conjunction with California Code of Regulations, title 16, section 1735.2, in that  
5 Respondent Talca failed to comply with Regulation 1735.2 in the following material respects:

- 6 a. **Subdivision (e)(2):** Respondent Talca’s compounded master formulas and logs  
7 failed to mention all the equipment used as part of its master formula record.  
8 There were no records of equipment calibration or certification on the  
9 compounding log nor any documentation of the type of storage containers to be  
10 used for the final product or the compounding garb to be used as indicated on the  
11 master formula record.
- 12 b. **Subdivision (e)(3):** Respondent Talca’s compounding master formulas and logs  
13 showing a beyond use date of 60 days failed to explain how the beyond use date  
14 was determined or the references used to make the determination.
- 15 c. **Subdivision (e)(5):** Respondent Talca’s compounding master formulas and logs  
16 failed to identify specific and essential compounding steps to prepare the drug.  
17 Also, the documents did not indicate steps to measure the active ingredients or the  
18 equipment to use and failed to identify the appropriate apparel to use when  
19 compounding.
- 20 d. **Subdivision (e)(6):** Respondent Talca’s compounding master formulas and logs  
21 failed to provide the quality review required at each step and the steps listed were  
22 not specific to the observations documented. The records included information for  
23 pH reference data, but no specifics as to the correct pH range and no  
24 documentation on all the records reviewed for the observation.
- 25 e. **Subdivision (e)(7):** Respondent Talca’s compounding master formulas and logs  
26 of post-compounding processes failed to specify the results or outcomes observed  
27 from samples kept, the period of storage of the samples or the storage conditions.
- 28 f. **Subdivision (a)(1)(2)(D):** Respondent Talca’s compounding master formula and  
log dated July 18, 2016 failed to provide the identity and signature of the  
pharmacist reviewing the final drug preparation. Thus, no final quality assurance  
of the compounds was conducted prior to dispensing medications to 13 patients.
- g. **Subdivision (a)(1)(2)(E):** Respondent Talca’s compounding master formulas and  
logs failed to record the actual measured quantity of the ingredients used in the  
compounded preparation.
- h. **Subdivision (a)(1)(2)(J):** Respondent Talca’s compounding master formula and  
log dated June 1, 2016 failed to provide documentation of quality reviews and  
required post-compounding processes and procedures. Also, seven records

1 showed samples were kept for observation but failed to specify the outcome of the  
2 observation, correct range of pH reference data, and quality assurance information  
3 for the final compounded preparation.

3 **OTHER MATTERS**

4 51. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit  
5 Number PHY 51257 issued to Talca Pharmaceuticals, Inc. shall be prohibited from serving as a  
6 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
7 five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy  
8 Permit Number PHY 51257 is reinstated if it is revoked.

9 52. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Permit  
10 Number PHY 51257 issued to Talca Pharmaceuticals, Inc. while Farihan Uwaydah was the  
11 owner and Yolanda Perez an officer and had knowledge of or knowingly participated in any  
12 conduct for which the licensee was disciplined, Farihan Uwaydah and Yolanda Perez shall be  
13 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
14 or partner of a licensee for five years if Pharmacy Permit Number PHY 51257 is placed on  
15 probation or until Pharmacy Permit Number PHY 51257 is reinstated if it is revoked.

16 **DISCIPLINE CONSIDERATIONS**

17 53. To determine the degree of discipline, if any, to be imposed on Respondent Amodeo,  
18 Complainant alleges that on or about October 9, 2015, in a prior action, the Board of Pharmacy  
19 issued by Stipulation a Letter of Public Reproval, Case No. 4801, to Respondent Amodeo and  
20 Golden State Pharmaceuticals for violating sections 4081, 4033, 4059(a), and 4060, and  
21 California Code of Regulations, title 16, section 1761(a), effective November 9, 2015.

22 54. On August 19, 2015, *In the Matter of the Accusation Against: Golden State*  
23 *Pharmaceuticals*, Case No. 4801, the Board issued a Decision and Order, revoking its pharmacy  
24 permit, effective September 18, 2015. From about June 2009 to June 16, 2010, Respondent  
25 Amodeo was the Pharmacist-in-Charge of Golden State Pharmaceuticals.

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**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 Original Permit Number PHY 51257, issued to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc., Kenneth Jack Amodeo;
2. Revoking or suspending Original Pharmacist Number RPH 37646, issued to Kenneth Jack Amodeo;
3. Prohibiting Talca Pharmaceuticals Inc. from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy Permit Number PHY 51257 is reinstated if Pharmacy Permit Number PHY 51257 issued to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. is revoked;
4. Prohibiting Kenneth Jack Amodeo from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51257 is placed on probation or until Pharmacy Permit Number PHY 51257 is reinstated if Pharmacy Permit Number PHY 51257 issued to Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. is revoked;
5. Ordering Talca Pharmaceuticals Inc. dba Talca Pharmaceuticals Inc. and Kenneth Jack Amodeo 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,
6. Taking such other and further action as deemed necessary and proper.

DATED: May 6, 2020 \_\_\_\_\_



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

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