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Nancy E. O'Malley, District Attorney

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Alameda County DA O'Malley Announces \$7.5 Million Settlement with Walgreens

Alameda County District Attorney Nancy E. O'Malley has announced that her office, along with the District Attorney of Santa Clara County, settled a consumer protection action against Walgreen Co. ("Walgreens"). The judgment was filed in Alameda County Superior Court.

As alleged in the complaint, the district attorneys brought this action following the discovery that Walgreens had employed an individual by the name of Kim Thien Le as a pharmacist at multiple bay area pharmacy locations for over a decade, even though she was not licensed by the Board of Pharmacy.

"This case serves as a cautionary tale for every health care provider that hires people into positions requiring a professional license," District Attorney O'Malley says. "The burden is on the company to make sure its employees are properly licensed and to complete a thorough background check. My office will be vigilant in protecting consumers and enforcing licensing laws."

The complaint alleges that Walgreens failed to vet Ms. Le thoroughly when it promoted her to positions requiring a license and failed to make sure that its internal systems were strong enough to prevent an employee from evading them. The

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complaint alleges that Ms. Le performed one or more of the pharmacist-required steps for over 745,000 prescriptions, including over 100,000 prescriptions for controlled substances.

Ms. Le's employment with the company ended in or about October 2017. She has since been criminally charged by the California Attorney General's Office with false personation and related felonies. Ms. Le pleaded not guilty to the charges and her case is pending. (*People v. Kim Thien Le*, Alameda County Docket #19-CR-011517, filed July 25, 2019.)

Once this matter came to light, Walgreens took immediate steps to re-verify the licenses of its pharmacy employees around the country and instituted other remedial measures.

The civil judgment requires Walgreens to ensure licensure compliance by implementing a verification program, posting proof of licensure, conducting annual audits, and submitting an annual compliance report. The judgment also requires Walgreens to pay approximately \$7.5 million in penalties, costs and remedial payments.

Posted on Feb 3, 2020

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