

State of Vermont
Department of Health
Vermont Board of Medical Practice
108 Cherry St-PO Box 70
Burlington, VT 05402-0070
HealthVermont.gov

[phone] 802-657-4220
[fax] 802-657-4227

Agency of Human Services

February 25, 2019

To: Senate Government Operations Committee
From: David Herlihy, Executive Director

Re: Proposed Provisions to Allow for Pharmacist Prescribing

1. This is to provide the position of the Board of Medical Practice (the Board) regarding the proposals to allow pharmacist prescribing that are presented in the unnumbered “OPR bill.” **In short, the Board can accept several parts of what is proposed.** However, we want first to share some background information to help you understand the context in which this new authority would be exercised so that you know about some of the risks and potential downsides.

2. *The Retail Pharmacy Environment.* Dr. Bode testified recently about how health outcomes improve when a pharmacist is involved. The Board agrees 100% - having professionals like Dr. Bode practicing within a multi-practitioner health facility and add pharmacological knowledge to the facility staff is nothing but positive. Her pharmacy expertise and the added capacity to work with patients to achieve better medication education, management, and compliance is a great addition to the team. However, the reality is that what is being discussed would, to a great degree, be put in practice in retail pharmacies. And, not just retail pharmacies, but for the most part in large, corporate owned chain pharmacies. As of November 2019, Vermont licensed 141 retail pharmacies.¹ Of those 141 pharmacies, 97, or more than two thirds, are owned by large, national or international chains of pharmacies, grocery stores, and discount stores.

There is nothing inherently wrong with being a part of a large corporation. However, there are indications of problems with the way pharmacy is practiced in the large chains. A January 31, 2020 story in the New York Times describes a worrisome situation in chain retail pharmacies where understaffing and corporate pressures cause problems ranging from deadly medication errors to unnecessary refills being intentionally dispensed to customers. Attachment A or online at: <https://www.nytimes.com/2020/01/31/health/pharmacists-medication-errors.html?smid=ny>. It is understood that those same pharmacies are now filling prescriptions; the point is that if pharmacist prescribing is authorized, corporate managers will be layering on new demands for already overwhelmed pharmacists. Will the duties added to overburdened pharmacists as a result of this proposal exacerbate existing problems, and will there be adequate resources to carry out the new duties in a safe manner?

¹ Statements about numbers of pharmacy licenses and ownership are based on information available on the website of the Office of Professional Regulation.



Once the sale is completed, will there be follow through with any required communication to the customer's primary care provider?

The New York Times article is not the only indicator of the potential problems. The competition among those drug retailers is high, as are revenues and profits. Competition for customers and profits can lead to undesirable practices. A review of the history of some of those corporate chains that operate pharmacies in Vermont shows a record of settlements and penalties totaling many hundreds of millions of dollars for violations of the federal Controlled Substances Act, kickbacks & bribery, and violations of the federal False Claims Act (billing for prescription drugs), among others. Attachment B². This is not intended to paint these companies that run pharmacies in a bad light, or to impugn the credibility of their Vermont employees. It is only to make the point that there is pressure for corporations to make profits and there are many instances in which that pressure has led to bad conduct. Some of the examples provided in Attachment B feature fraudulent billing, schemes to drive use of specific drugs in return for kickbacks from drug manufacturers, selling non-prescription pseudoephedrine (methamphetamine precursor) to drug dealers in violation of controls imposed on the drug, dispensing controlled substances without following rules designed to ensure dispensing for appropriate medical treatment, and dispensing in excess of prescribed amounts. The Committee has heard a lot of advocates portraying this proposal as one of boundless "upsides" that will improve care and provide convenience. However, members of the Committee deserve to be aware of these distinct downsides and risks. The patterns of bad conduct pose health risks to patients who may not receive the medication that is appropriate and intended for them. There is also the risk that the overall cost of healthcare in Vermont may rise if pharmacies are in the position of deciding when patients will be sold prescription drugs and which brands and quantities will be sold without involvement of an independent licensed professional. And we cannot ignore that the fraudulent and criminal schemes cataloged in Attachment B occurred in an environment where they were subject to the "check and balance" of another party prescribing.

3. Recognizing Risks Related to Having the Seller of Prescription Drugs also Be Recommending the Drug.

Federal law includes provisions that reflect the theory that the physicians who recommend drugs and ancillary services to patients should not have a financial interest in the businesses to which they refer patients. The Stark Act prohibits prescribers from having a financial interest in or relationship with businesses to which they might refer patients. 42 U.S.C. § 1395nn. It is widely accepted that the reason for that law is a concern that a relationship between a prescriber and the seller of outpatient drugs could incentivize undesirable behaviors. The same concerns would apply where the prescriber and seller are the same entity, or an employee of the entity selling the drug. Vermont law, too, reflects concern over the potential for conflicts of interest arising from gifts or payments to prescribers. Chapter 91 of Title 18, which is titled *Prescription Drug Cost Containment*, includes extensive limitations on gifts and payments that can be given by pharmaceutical manufacturers to physicians and other prescribers. 18 V.S.A. §§ 4631a & 4632. Many of the provisions apply to pharmacists, who are included in the definition of "healthcare provider." However, in this complex statute, pharmacists are not included in the definition of "healthcare professional" because they are not included under the definition of "regularly practices" in 18 V.S.A. § 4631a(a)(7)(C). To ensure that an unintended gap is not created in the reach of these provisions, if pharmacists are granted prescribing authority, then the Committee should consider amending 18 V.S.A. § 4631a.

² The tables and summaries were taken from the website Good Jobs First, which has information about corporations. The data about violations appears to be reliable. The website includes links to source documents and several of the cited events were verified by directly accessing the court or other authority associated with the information.

4. *Coordination of Care/Vermont's Blueprint for Health and the Patient-Centered Medical Home.* Vermont has made significant efforts to improve population health and population outcomes by creating systems and incentives that put management of care in patient-centered medical homes. In essence, the medical home is a primary care office that acts as the hub for all medical care. Changing Vermont law to allow for prescribing in a pharmacy would promote care being rendered outside the medical home, by a pharmacist who likely does not have access to the patient's history and without the ability to record the encounter or the prescription in the patient's chart. Requiring that pharmacists communicate prescribing information to the individual's healthcare provider is a partial answer, but we all know that will not always happen, and it will come at the price of inefficiency. Pharmacy staff will have to send the information, practice staff will have to receive it, and in the end the information is not going to be as accessible in the patient's chart. That is contrary to the goals for healthcare in Vermont.

5. *The Board Supports Several Specific Provisions in the Draft Bill.* The Board recognizes that for some legend drugs, the risks are reasonably low and capable of being managed through a protocol process. It is also recognized that there are benefits to increasing access to certain products. Accordingly, the Board supports the proposal for the development of protocols that would authorize pharmacists to prescribe, in accordance with protocols: opioid antagonists; epinephrine auto-injectors; tobacco cessation products; tuberculin purified protein derivative products; and hormonal contraceptives, as set forth in proposed 26 V.S.A. § 2023(b)(2)(A)-(E). However, the Board supports inclusion of the substances allowed to be prescribed under a protocol only if approval of protocols is limited to the Commissioner of Health. As noted by the Vermont Medical Society in testimony, the Commissioner of Health has, or has access to, the clinical and public health expertise to ensure protocols are appropriate to protect the people who would receive drugs under the protocols. The Board also supports pharmacists being allowed to prescribe accessory devices and fluoride dietary supplements as provided in proposed 26 V.S.A. § 2012(b)(3)&(4). The Board supports allowing pharmacists to substitute products in the limited circumstances described in proposed 26 V.S.A. § 2023(b)(5), and to write a prescription for an over-the-counter product that does not require a prescription, but that will allow the customer to be reimbursed, as set forth in 26 V.S.A. § 2023(b)(6). The Board does not support the proposals in 26 V.S.A. § 2023 (b)(2)(F) or § (b)(7). As presented those categories are not sufficiently limited to protect patients or provide clear and unambiguous guidance to pharmacists. However, we understand that there may be revised language under discussion that has not yet been shared with the Board.

5. The Board appreciates the opportunity to participate in this process and is pleased to offer its support, subject to the qualifications stated herein, for allowing pharmacists some limited prescribing authority.

Attachment A

New York Times, *How Chaos at Chain Pharmacies Is Putting Patients at Risk*,
January 31, 2020

Online at: <https://www.nytimes.com/2020/01/31/health/pharmacists-medication-errors.html>



How Chaos at Chain Pharmacies Is Putting Patients at Risk

Pharmacists across the U.S. warn that the push to do more with less has made medication errors more likely. “I am a danger to the public,” one wrote to a regulator.

By Ellen Gabler

Jan. 31, 2020

For Alyssa Watrous, the medication mix-up meant a pounding headache, nausea and dizziness. In September, Ms. Watrous, a 17-year-old from Connecticut, was about to take another asthma pill when she realized CVS had mistakenly given her blood pressure medication intended for someone else.

Edward Walker, 38, landed in an emergency room, his eyes swollen and burning after he put drops in them for five days in November 2018 to treat a mild irritation. A Walgreens in Illinois had accidentally supplied him with ear drops — not eye drops.

For Mary Scheuerman, 85, the error was discovered only when she was dying in a Florida hospital in December 2018. A Publix pharmacy had dispensed a powerful chemotherapy drug instead of the antidepressant her doctor had prescribed. She died about two weeks later.

The people least surprised by such mistakes are pharmacists working in some of the nation's biggest retail chains.

In letters to state regulatory boards and in interviews with The New York Times, many pharmacists at companies like CVS, Rite Aid and Walgreens described understaffed and chaotic workplaces where they said it had become difficult to perform their jobs safely, putting the public at risk of medication errors.

They struggle to fill prescriptions, give flu shots, tend the drive-through, answer phones, work the register, counsel patients and call doctors and insurance companies, they said — all the while racing to meet corporate performance metrics that they characterized as unreasonable and unsafe in an industry squeezed to do more with less.

“I am a danger to the public working for CVS,” one pharmacist wrote in an anonymous letter to the Texas State Board of Pharmacy in April.

“The amount of busywork we must do while verifying prescriptions is absolutely dangerous,” another wrote to the Pennsylvania board in February. “Mistakes are going to be made and the patients are going to be the ones suffering.”

[Read how you can protect yourself against medication errors.]

State boards and associations in at least two dozen states have heard from distraught pharmacists, interviews and records show, while some doctors complain that pharmacies bombard them with requests for refills that patients have not asked for and should not receive. Such refills are closely tracked by pharmacy chains and can factor into employee bonuses.

Michael Jackson, chief executive of the Florida Pharmacy Association, said the number of complaints from members related to staffing cuts and worries about patient safety had become “overwhelming” in the past year.



CVS Health ranks eighth on the Fortune 500 list and has nearly 10,000 pharmacies across the United States. Jeena Moon for The New York Times

The American Psychiatric Association is particularly concerned about CVS, America’s eighth-largest company, which it says routinely ignores doctors’ explicit instructions to dispense limited amounts of medication to mental health patients. The pharmacy’s practice of providing three-month supplies may inadvertently lead more patients to attempt suicide by overdosing, the association said.

“Clearly it is financially in their best interest to dispense as many pills as they can get paid for,” said Dr. Bruce Schwartz, a psychiatrist in New York and the group’s president.

A spokesman for CVS said it had created a system to address the issue, but Dr. Schwartz said complaints persisted.

Regulating the chains — five rank among the nation’s 100 largest companies — has proved difficult for state pharmacy boards, which oversee the industry but sometimes allow company representatives to hold seats. Florida’s nine-member board, for instance, includes a lawyer for CVS and a director of pharmacy affairs at Walgreens.

Aside from creating potential conflicts of interest, the industry presence can stifle complaints. “We are afraid to speak up and lose our jobs,” one pharmacist wrote anonymously last year in response to a survey by the Missouri Board of Pharmacy. “PLEASE HELP.”

Officials from several state boards told The Times they had limited authority to dictate how companies ran their businesses. Efforts by legislatures in California and elsewhere have been unsuccessful in substantially changing how pharmacies operate.

A majority of state boards do not require pharmacies to report errors, let alone conduct thorough investigations when they occur. Most investigations focus on pharmacists, not the conditions in their workplaces.

In public meetings, boards in at least two states have instructed pharmacists to quit or speak up if they believe conditions are unsafe. But pharmacists said they feared retaliation, knowing they could easily be replaced.

The industry has been squeezed amid declining drug reimbursement rates and cost pressures from administrators of prescription drug plans. Consolidation, meanwhile, has left only a few major players. About 70 percent of prescriptions nationwide are dispensed by chain drugstores, supermarkets or retailers like Walmart, according to a 2019 Drug Channels Institute report.

CVS garners a quarter of the country’s total prescription revenue and dispenses more than a billion prescriptions a year. Walgreens captures almost 20 percent. Walmart, Kroger and Rite Aid fall next in line among brick-and-mortar stores.

In statements, the pharmacy chains said patient safety was of utmost concern, with staffing carefully set to ensure accurate dispensing. Investment in technology such as e-prescribing has increased safety and efficiency, the companies said. They denied that pharmacists were under extreme pressure or faced reprisals.

“When a pharmacist has a legitimate concern about working conditions, we make every effort to address that concern in good faith,” CVS said in a statement. Walgreens cited its confidential employee hotline and said it made “clear to all pharmacists that they should never work beyond what they believe is advisable.”

Errors, the companies said, were regrettable but rare; they declined to provide data about mistakes.

The National Association of Chain Drug Stores, a trade group, said that “pharmacies consider even one prescription error to be one too many” and “seek continuous improvement.” The organization said it was wrong to “assume cause-effect relationships” between errors and pharmacists’ workload.

The specifics and severity of errors are nearly impossible to tally. Aside from lax reporting requirements, many mistakes never become public because companies settle with victims or their families, often requiring a confidentiality agreement. A CVS form for staff members to report errors asks whether the patient is a “media threat,” according to a photo provided to The Times. CVS said in a statement it would not provide details on what it called its “escalation process.”

The last comprehensive study of medication errors was over a decade ago: The Institute of Medicine estimated in 2006 that such mistakes harmed at least 1.5 million Americans each year.

Jonathan Lewis said he waited on hold with CVS for 40 minutes last summer, after discovering his antidepressant prescription had been refilled with another drug.

Mr. Lewis, 47, suspected something was wrong when he felt short of breath and extremely dizzy. Looking closely at the medication — and turning to Google — he figured out it was estrogen, not an antidepressant, which patients should not abruptly quit.

“It was very apparent they were very understaffed,” Mr. Lewis said, recalling long lines inside the Las Vegas store and at the drive-through when he picked up the prescription.

Pharmacists have written to state regulatory boards about their safety concerns.

“My fellow pharmacists and pharmacy technicians are at our breaking point. Chain pharmacy practices are preventing us from taking care of our patients and putting them at risk of dangerous medication errors.”

New Jersey pharmacist

Too Much, Too Fast

The day before Wesley Hickman quit his job as a pharmacist at CVS, he worked a 13-hour shift with no breaks for lunch or dinner, he said.

As the only pharmacist on duty that day at the Leland, N.C., store, Dr. Hickman filled 552 prescriptions — about one every minute and 25 seconds — while counseling patients, giving shots, making calls and staffing the drive-through, he said. Partway through his shift the next day, in December 2018, he called his manager.

“I said, ‘I am not going to work in a situation that is unsafe.’ I shut the door and left,” said Dr. Hickman, who now runs an independent pharmacy.

Dr. Hickman felt that the multitude of required tasks distracted from his most important jobs: filling prescriptions accurately and counseling patients. He had begged his district manager to schedule more pharmacists, but the request was denied, he said.

CVS said it could not comment on the “individual concerns” of a former employee.

With nearly 10,000 pharmacies across the country, CVS is the largest chain and among the most aggressive in imposing performance metrics, pharmacists said. Both CVS and Walgreens tie bonuses to achieving them, according to company documents.

Nearly everything is tracked and scrutinized: phone calls to patients, the time it takes to fill a prescription, the number of immunizations given, the number of customers signing up for 90-day supplies of medication, to name a few.

The fact that tasks are being tracked is not the problem, pharmacists say, as customers can benefit from services like reminders for flu shots and refills. The issue is that employees are heavily evaluated on hitting targets, they say, including in areas they cannot control.

In Missouri, dozens of pharmacists said in a recent survey by the state board that the focus on metrics was a threat to patient safety and their own job security.

“Metrics put unnecessary pressure on pharmacy staff to fill prescriptions as fast as possible, resulting in errors,” one pharmacist wrote.

Of the nearly 1,000 pharmacists who took the survey, 60 percent said they “agree” or “strongly agree” that they “feel pressured or intimidated to meet standards or metrics that may interfere with safe patient care.” About 60 percent of respondents worked for retail chains, as opposed to hospitals or independent pharmacies.

Surveys in Maryland and Tennessee revealed similar concerns.

The specific goals are not made public, and can vary by store, but internal CVS documents reviewed by The Times show what was expected in some locations last year.

Staff members were supposed to persuade 65 percent of patients picking up prescriptions to sign up for automatic refills, 55 percent to switch to 90-day supplies from 30-day, and 75 percent to have the pharmacy contact their doctor with a “proactive refill request” if a prescription was expiring or had no refills, the documents show.

Pharmacy staff members are also expected to call dozens of patients each day, based on a computer-generated list. They are assessed on the number of patients they reach, and the number who agree to their requests.

Representatives from CVS and Walgreens said metrics were meant to provide better patient care, not penalize pharmacists. Some are related to reimbursements to pharmacies by insurance companies and the government. CVS said it had halved its number of metrics over the past 18 months.

But dozens of pharmacists described the emphasis on metrics as burdensome, and said they faced backlash for failing to meet the goals or suggesting they were unrealistic or unsafe.

“Any dissent perceived by corporate is met with a target placed on one’s back,” an unnamed pharmacist wrote to the South Carolina board last year.

In comments to state boards and interviews with The Times, pharmacists explained how staffing cuts had led to longer shifts, often with no break to use the restroom or eat.

“I certainly make more mistakes,” another South Carolina pharmacist wrote to the board. “I had two misfills in three years with the previous staffing and now I make 10-12 per year (that are caught).”

Much of the blame for understaffing has been directed at pressure from companies that manage drug plans for health insurers and Medicare.

Acting as middlemen between drug manufacturers, insurers and pharmacies, the companies — known as pharmacy benefit managers, or P.B.M.s — negotiate prices and channel to pharmacies the more than \$300 billion spent on outpatient prescription drugs in the United States annually.

The benefit managers charge fees to pharmacies, and have been widely criticized for a lack of transparency and applying fees inconsistently. In a letter to the Department of Health and Human Services in September, a bipartisan group of senators noted an “extraordinary 45,000 percent increase” in fees paid by pharmacies from 2010 to 2017.

While benefit managers have caused economic upheaval in the industry, some pharmacy chains are players in that market too: CVS Health owns CVS Caremark, the largest benefit manager; Walgreens Boots Alliance has a partnership with Prime Therapeutics; Rite Aid owns a P.B.M., too.

The Pharmaceutical Care Management Association, the trade group representing benefit managers, contends that they make prescriptions more affordable, and pushes back against the notion that P.B.M.s are responsible for pressures on pharmacies, instead of a competitive market.

Pharmacists have written to state regulatory boards about their safety concerns.

“I am expected to make 50-100 phone calls in addition to answering phone calls, consultations, vaccinations and prescription verification. This has resulted in dispensing errors. A member of our staff misfilled a narcotic prescription for immediate release rather than extended release which resulted luckily in only patient fatigue, but it could have easily been deadly.”

South Carolina pharmacist

Falling Through the Cracks

Dr. Mark Lopatin, a rheumatologist in Pennsylvania, says he is inundated with refill requests for almost every prescription he writes. At times Dr. Lopatin prescribes drugs intended only for a brief treatment — a steroid to treat a flare-up of arthritis, for instance.

But within days or weeks, he said, the pharmacy sends a refill request even though the prescription did not call for one. Each time, his office looks at the patient's chart to confirm the request is warranted. About half are not, he said.

Aside from creating unnecessary work, Dr. Lopatin believes, the flood of requests poses a safety issue. "When you are bombarded with refill after refill, it's easy for things to fall through the cracks, despite your best efforts," he said.

Pharmacists told The Times that many unwanted refill requests were generated by automated systems designed in part to increase sales. Others were the result of phone calls from pharmacists, who said they faced pressure to reach quotas.

In February, a CVS pharmacist wrote to the South Carolina board that cold calls to doctors should stop, explaining that a call was considered "successful" only if the doctor agreed to the refill.

"What this means is that we are overwhelming doctor's office staff with constant calls, and patients are often kept on medication that is unneeded for extended periods of time," the pharmacist wrote.

CVS says outreach to patients and doctors can help patients stay up-to-date on their medications, and lead to lower costs and better health.

Dr. Rachel Poliquin, a psychiatrist in North Carolina who says she constantly gets refill requests, estimates that about 90 percent of her patients say they never asked their pharmacy to contact her.

While Dr. Poliquin has a policy that patients must contact her directly for more medication, she worries about clinics where prescriptions may get rubber-stamped in a flurry of requests. Then patients — especially those who are elderly or mentally ill — may continue taking medication unnecessarily, she said.

The American Psychiatric Association has been trying to tackle a related problem after hearing from members that CVS was giving patients larger supplies of medication than doctors had directed.

While it is common for pharmacies to dispense 90 days' worth of maintenance medications — to treat chronic conditions like high blood pressure or diabetes — doctors say it is inappropriate for other drugs.

For example, patients with bipolar disorder are often prescribed lithium, a potentially lethal drug if taken in excess. It is common for psychiatrists to start a patient on a low dose or to limit the number of pills dispensed at once, especially if the person is considered a suicide risk.

But increasingly, the psychiatric association has heard from members that smaller quantities specified on prescriptions are being ignored, particularly by CVS, according to Dr. Schwartz, the group's president.

CVS has created a system where doctors can register and request that 90-day supplies not be dispensed to their patients. But doctors report that the registry has not solved the problem, Dr. Schwartz said. In a statement, CVS said it continued to "refine and enhance" the program.

Dr. Charles Denby, a psychiatrist in Rhode Island, became so concerned by the practice that he started stamping prescriptions, "AT MONTHLY INTERVALS ONLY." Despite those explicit instructions, Dr. Denby said, he received faxes from CVS saying his patients had asked for — and been given — 90-day supplies.

Dr. Denby, who retired in December, said it was a "baldfaced lie" that the patients had asked for the medication, providing statements from patients saying as much.

"I am disgusted with this," said Dr. Denby, who worries that patients may attempt suicide with excess medication. "There are going to be people dead only because they have enough medication to do the deed with."

'We Already Have Systems in Place'

Alton James never learned how the mistake came about that he says killed his 85-year-old mother, Mary Scheuerman, in 2018.

He knows he picked up her prescription at the pharmacy in a Publix supermarket in Lakeland, Fla. He knows he gave her a pill each morning. He knows that after six days, she turned pale, her blood pressure dropped and she was rushed to the hospital.

Mary Scheuerman died in December 2018 after taking a powerful chemotherapy drug mistakenly

dispensed by a Publix pharmacy. Her son said she was supposed to have received an antidepressant.

Mr. James remembers a doctor telling him his mother's blood had a toxic level of methotrexate, a drug often used to treat cancer. But Mrs. Scheuerman didn't have cancer. She was supposed to be taking an antidepressant. Mr. James said a pharmacy employee later confirmed that someone had mistakenly dispensed methotrexate.

Five days after entering the hospital, Mrs. Scheuerman died, with organ failure listed as the lead cause, according to medical records cited by Mr. James.

The Institute for Safe Medication Practices has warned about methotrexate, listing it as a "high-alert medication" that can be deadly when taken incorrectly. Mr. James reported the pharmacy's error to the group, writing that he wanted to raise awareness about the drug and push Publix, one of the country's largest supermarket chains, to "clean up" its pharmacy division, according to a copy of his report provided to The Times.

Trexall, a brand name for the drug methotrexate, can be used to treat cancer.

The company acknowledged the mistake and offered a settlement, Mr. James wrote, but would not discuss how to avoid future errors, saying, “We already have systems in place.”

Last September, Mr. James told The Times that Publix wanted him to sign a settlement agreement that would prevent him from speaking further about his mother’s death. Mr. James has since declined to comment, saying that the matter was “amicably resolved.”

A spokeswoman for Publix said privacy laws prevented the company from commenting on specific patients.

It can be difficult for patients and their families to decide whether to accept a

settlement.

Last summer, CVS offered to compensate Kelsey and Donovan Sullivan after a pediatrician discovered the reflux medication they had been giving their 4-month-old for two months was actually a steroid. To be safely weaned, the baby had to keep taking it for two weeks after the error was discovered.

“It was like he was coming out of a fog,” Mrs. Sullivan recalled.

The couple, from Minnesota, are still considering a settlement but haven’t agreed to anything because they don’t know what long-term consequences their son might face.

The kinds of errors and how they occur vary considerably.

The paper stapled to a CVS bag containing medication for Ms. Watrous, the Connecticut teenager with asthma, listed her correct name and medication, but the bottle inside had someone else’s name.

Directions on the prescription for Mr. Walker, the Illinois man who got ear drops instead of eye drops from Walgreens, were clear: “Instill 1 drop in both eyes every 6 hours.” He later saw the box: “For use in ears only.”

In September, Stefanie Davis, 31, got the right medicine, Adderall, but the wrong dose. She pulled over on the interstate after feeling short of breath and dizzy with blurred vision. The pills, dispensed by a Walgreens in Sun City Center, Fla., were each 30 milligrams instead of her usual 20. She is fighting with Walgreens to cover a \$900 bill for her visit to an emergency room.

Fixes That Fall Short

State boards and legislatures have wrestled with how to regulate the industry. Some states have adopted laws, for instance introducing mandatory lunch breaks or limiting the number of technicians a pharmacist can supervise.

But the laws aren’t always followed, can be difficult to enforce or can fail to address broader problems.

The National Association of Chain Drug Stores says some state boards are blocking meaningful change. The group, for instance, wants to free up pharmacists from some tasks by allowing technicians, who have less training, to do more.

It also supports efforts to change the insurance reimbursement model for pharmacies. Health care services provided by pharmacists to patients, such as prescribing birth control, are not consistently covered by insurers or allowed in all states. But it has been difficult to find consensus to change federal and state regulations.

While those debates continue, some state boards are trying to hold companies more accountable.

Often when an error is reported to a board, action is taken against the pharmacist, an obvious target. It is less common for a company to be scrutinized.

The South Carolina board discussed in November how to more thoroughly investigate conditions after a mistake. It also published a statement discouraging quotas and encouraging “employers to value patient safety over operational efficiency and financial targets.”

California passed a law saying no pharmacist could be required to work alone, but it has been largely ignored since taking effect last year, according to leaders of a pharmacists’ union. The state board is trying to clarify the law’s requirements.

In Illinois, a new law requires breaks for pharmacists and potential penalties for companies that do not provide a safe working environment. The law was in response to a 2016 Chicago Tribune investigation revealing that pharmacies failed to warn patients about dangerous drug combinations.

Some states are trying to make changes behind closed doors. After seeing results of its survey last year, the Missouri board invited companies to private meetings early this year to answer questions about errors, staffing and patient safety.

CVS and Walgreens said they would attend.

Research was contributed by Susan C. Beachy, Jack Begg, Alain Delaquérière and Sheelagh McNeill.

ATTACHMENT

B

SAMPLE OF DOCUMENTED VIOLATIONS

CERBERUS CAPITAL MANAGEMENT

PARENT COMPANY OF ALBERTSONS, WHICH IS
PARENT COMPANY OF SHAWS

5 LICENSED PHARMACIES IN VERMONT


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Violation Tracker Parent Company Summary

Parent Company Name: Cerberus Capital Management

Ownership Structure: privately held

Headquartered In: New York

Major Industry: private equity (including portfolio companies)

Specific Industry: private equity (including portfolio companies)

Penalty total since 2000: \$661,598,505

Number of records: 198

Top 10 Primary Offense Types	Penalty Total	Number of Records
fraud	\$337,600,000	1
wage and hour violation	\$103,494,221	42
Foreign Corrupt Practices Act	\$87,400,000	1
employment discrimination	\$30,592,974	9
False Claims Act and related	\$7,700,000	1
benefit plan administrator violation	\$6,250,000	1
Controlled Substances Act violation	\$3,000,000	1
environmental violation	\$2,375,086	21
workplace safety or health violation	\$1,699,693	97
labor relations violation	\$800,537	18

Notes:

Parent-subsidary linkages are based on relationships current as of the latest revision listed in the [Update Log](#), which may vary from what was the case when a violation occurred. The penalty totals are adjusted to account for the fact that the individual entries below may include both agency records and settlement announcements for the same case; or else a penalty covering multiple locations may be listed in the individual records for each of the facilities. The totals are also adjusted to reflect cases in which federal and state agencies cooperated and issued separate announcements of the outcome. Duplicate or overlapping penalty amounts are marked with an asterisk in the list below.

Associated Names:

ACME MARKET; ACME MARKETS DBA ACME MARKET STORE 7908; ALBERTSON'S INC/A EXPRESS; Albertsons; ALBERTSONS 913; ALBERTSONS DISTRIBUTION CENTER; ALBERTSONS FORT WORTH DISTRIBUTION CENTER; ALBERTSONS MARKET; Avon; AVON PROD DOM; BAWAG PSK; BLUELINK; BLUELINK HOLDING; BUSHMASTER FIREARMS; BUSHMASTER FIREARMS INTL; CERBERUS CAPITAL MGT; CTA ACOUSTICS; DOMINICKS FINER FOODS; DOMINICKS FINER FOODS 4161; DYNACORP; GROCERYWORKS COM OPERATING; H AND R 1871; JEWEL FOOD; JEWEL OSCO; MARLIN FIREARMS; NEW ALBERT [...]

Links:

For more details on misconduct by this company, see its entry in the Project On Government Oversight's [Federal Contractor Misconduct Database](#).

For a summary of this company's federal contracts, see its page on [Fedspending](#).

Subsidy Tracker data on financial assistance to this company by federal, state and local government agencies can be found [here](#).

Individual Penalty Records:

Click on the company or penalty amount for more information on each case.

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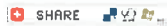
Company	Primary Offense Type	Year	Agency	Penalty Amount
BAWAG P S K	fraud	2006	USAO	\$337,500,000
Avon Products	Foreign Corrupt Practices Act	2014	SEC	\$67,400,000
Albertson's	wage and hour violation	2007	private lawsuit-federal	\$53,300,000
Albertson's	wage and hour violation	2008	private lawsuit-state	\$15,000,000
Vons Companies and Safeway	wage and hour violation	2005	private lawsuit-federal	\$14,000,000
Dominick's Finer Foods	employment discrimination	2000	private lawsuit-federal	\$9,775,000
Albertsons, LLC	employment discrimination	2009	EEOC	\$8,900,000
DynCorp International LLC	False Claims Act and related	2011	DOJ_CIVIL	\$7,700,000
Albertson's	wage and hour violation	2008	private lawsuit-federal	\$6,637,500
Avon Products, Inc.	benefit plan administrator violation	2017	private lawsuit-federal	\$6,250,000
Vons	employment discrimination	2000	private lawsuit-state	\$5,217,000
Albertson's	wage and hour violation	2005	private lawsuit-federal	\$4,500,000
Vons	employment discrimination	2007	private lawsuit-state	\$3,043,974
Safeway division of Albertson's Companies	Controlled Substances Act violation	2017	DEA	\$3,000,000
Sav-On Drugs	employment discrimination	2002	private lawsuit-state	\$3,000,000
Albertson's	wage and hour violation	2006	private lawsuit-federal	\$2,350,000
Safeway	wage and hour violation	2008	private lawsuit-federal	\$2,100,000
Avon Products	wage and hour violation	2017	private lawsuit-federal	\$1,800,000
Albertson's	wage and hour violation	2017	private lawsuit-federal	\$1,600,000
Dominick's Finer Foods	wage and hour violation	2013	private lawsuit-federal	\$924,207
DynCorp International, LLC	wage and hour violation	2013	WHD	\$699,481
Safeway Inc.	environmental violation	2007	EPA	\$675,000
Safeway	environmental violation	2013	EPA	\$600,000
Jewel-Osco	employment discrimination	2015	EEOC	\$400,000
Safeway	environmental violation	2013	EPA	(*) \$338,695
BlueLinx Holdings Inc.	investor protection violation	2016	SEC	\$265,000
Safeway, Inc.	tobacco litigation	2004	CA-AG	\$245,000
Albertson's Inc	environmental violation	2007	EPA	\$240,700
Jewel Food Stores, Inc.	labor relations violation	2010	NLRB	\$228,000
DynCorp International, LLC	employment discrimination	2012	EEOC	\$155,000
SHAWS DISTRIBUTION CENTER #32711	workplace safety or health violation	2017	OSHA	\$125,465
H & R 1871, LLC	excise tax violation	2009	ATTTB	\$125,000
SAFEWAY	environmental violation	2013	EPA	\$121,093
MARLIN FIREARMS COMPANY	environmental violation	2000	EPA	\$107,500
Jewel Food Stores, Inc.	environmental violation	2005	EPA	\$100,000
Jewel Food Stores	environmental violation	2005	EPA	\$100,000
DynCorp International, LLC	wage and hour violation	2005	WHD	\$99,240
Safeway (National Case)	environmental violation	2013	EPA	\$95,599
Safeway, Inc.	labor relations violation	2004	NLRB	\$91,937
REMINGTON ARMS CO., INC.	workplace safety or health violation	2011	OSHA	\$86,800
CTA ACOUSTICS INC	workplace safety or health violation	2017	OSHA	\$86,650

Company	Primary Offense Type	Year	Agency	Penalty Amount
Dominick's Finer Foods LLC	environmental violation	2004	EPA	\$65,000
DOMINICK'S FINER FOODS, INC.	environmental violation	2004	EPA	(*) \$85,000
Safeway, Inc.	employment discrimination	2019	EEOC	\$75,000
DYNCORP	labor relations violation	2001	NLRB	\$68,032
Avon	consumer protection violation	2010	NY-AG	\$68,000
Albertsons	wage and hour violation	2004	WHD	\$61,050
Safeway, Inc.	labor relations violation	2008	NLRB	\$59,138
SAFEWAY, INC.	workplace safety or health violation	2010	OSHA	\$58,920
Safeway, Inc.	HHS civil monetary penalties	2012	HHSOIG	\$56,994
REMINGTON ARMS COMPANY, LLC	environmental violation	2017	EPA	\$55,000
Albertson's, LLC	labor relations violation	2015	NLRB	\$54,228
REMINGTON ARMS COMPANY, LLC	environmental violation	2013	EPA	\$53,892
Safeway, Inc.	labor relations violation	2006	NLRB	\$50,000
SAFEWAY INC.	workplace safety or health violation	2017	OSHA	\$50,000
DOMINICK'S FINER FOODS, INC. #4161	workplace safety or health violation	2002	OSHA	\$49,500
DynCorp International	labor relations violation	2005	NLRB	\$49,000
SAFEWAY INC	environmental violation	2013	EPA	\$42,792
SAFEWAY, INC.	workplace safety or health violation	2010	OSHA	\$40,500
JEWEL FOOD STORES, INC.	workplace safety or health violation	2011	OSHA	\$37,500
Albertsons	labor relations violation	2001	NLRB	\$36,313
Safeway, Inc.	wage and hour violation	2008	WHD	\$33,660
Albertsons	wage and hour violation	2004	WHD	\$33,660
REMINGTON ARMS CO., INC.	workplace safety or health violation	2011	OSHA	\$33,200
THE MARLIN FIREARMS COMPANY	workplace safety or health violation	2009	OSHA	\$32,850
SAFEWAY INC - SAN LEANDRO MILK PLANT	workplace safety or health violation	2002	OSHA	\$32,690
DynCorp International, LLC	wage and hour violation	2005	WHD	\$30,725
DynCorp International, LLC	wage and hour violation	2013	WHD	\$30,522
ALBERTSON'S LLC	workplace safety or health violation	2017	OSHA	\$30,510
SAFEWAY INC - SAN LEANDRO MILK PLANT	workplace safety or health violation	2003	OSHA	\$30,325
DynCorp International, LLC	wage and hour violation	2003	WHD	\$29,715
CTA ACOUSTICS INC	workplace safety or health violation	2003	OSHA	\$28,000
BLUELIX CORPORATION	workplace safety or health violation	2016	OSHA	\$28,000
Safeway, Inc.	employment discrimination	2016	EEOC	\$27,000
SAFEWAY, INC. STORE #3127	workplace safety or health violation	2013	OSHA	\$26,500
SAFEWAY, INC	environmental violation	2004	EPA	\$26,310
Marlin Firearms Company	excise tax violation	2009	ATTTB	\$26,000
Safeway, Inc.	wage and hour violation	2008	WHD	\$25,740
ACME MARKETS	workplace safety or health violation	2016	OSHA	\$25,656
Remington Arms Company, Inc.	labor relations violation	2005	NLRB	\$25,000
DYNCORP INTERNATIONAL	workplace safety or health violation	2008	OSHA	\$24,750
ALBERTSON'S LLC	workplace safety or health violation	2018	OSHA	\$24,750
ALBERTSON'S DISTRIBUTION CENTER	workplace safety or health violation	2001	OSHA	\$23,585
ALBERTSON'S INCIA EXPRESS	environmental violation	2008	EPA	\$23,000
DynCorp International	labor relations violation	2008	NLRB	\$22,000

Company	Primary Offense Type	Year	Agency	Penalty Amount
Safeway, Inc.	labor relations violation	2005	NLRB	\$21,570
ALBERTSONS LLC	workplace safety or health violation	2011	OSHA	\$21,500
CTA ACOUSTICS INC	workplace safety or health violation	2003	OSHA	\$21,000
VONS #2264	workplace safety or health violation	2014	OSHA	\$21,000
SAFEWAY, INC.	workplace safety or health violation	2008	OSHA	\$20,250
ALBERTSON'S #4231	environmental violation	2002	EPA	\$19,800
Safeway	labor relations violation	2000	NLRB	\$19,700
Dyncorp International, LLC	wage and hour violation	2012	WHD	\$18,561
SAFEWAY INC	workplace safety or health violation	2003	OSHA	\$18,275
BUSHMASTER FIREARMS, INC.	workplace safety or health violation	2004	OSHA	\$18,275
VONS BAKERY	workplace safety or health violation	2005	OSHA	\$18,150
ALBERTSONS	workplace safety or health violation	2004	OSHA	\$18,000
ALBERTSON'S MARKET	workplace safety or health violation	2001	OSHA	\$18,000
VONS A SAFEWAY CO. CENTRAL BAKERY DIVISION	workplace safety or health violation	2002	OSHA	\$18,000
ALBERTSON'S, INC.	workplace safety or health violation	2007	OSHA	\$18,000
BUSHMASTER FIREARMS INTERNATIONAL LLC	workplace safety or health violation	2010	OSHA	\$18,000

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SAMPLE OF DOCUMENTED VIOLATIONS

CVS HEALTH

8 LICENSED PHARMACIES IN VERMONT



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Violation Tracker Parent Company Summary

Parent Company Name: CVS Health

Ownership Structure: publicly traded (ticker symbol CVS)

Headquartered In: Rhode Island

Major Industry: retailing

Specific Industry: retail-pharmacies

Penalty total since 2000: \$986,212,222

Number of records: 220

Top 10 Primary Offense Types	Penalty Total	Number of Records
False Claims Act and related	\$581,764,666	31
Controlled Substances Act violation	\$183,892,600	14
wage and hour violation	\$92,919,711	52
consumer protection violation	\$41,924,652	26
kickbacks and bribery	\$41,300,000	4
accounting fraud or deficiencies	\$20,000,000	1
benefit plan administrator violation	\$6,600,000	2
privacy violation	\$5,125,211	6
price-fixing or anti-competitive practices	\$3,360,000	2
Medicare Parts C and D Enforcement Action	\$2,387,130	10

Notes:

Parent-subsidiary linkages are based on relationships current as of the latest revision listed in the [Update Log](#), which may vary from what was the case when a violation occurred. The penalty totals are adjusted to account for the fact that the individual entries below may include both agency records and settlement announcements for the same case; or else a penalty covering multiple locations may be listed in the individual records for each of the facilities. The totals are also adjusted to reflect cases in which federal and state agencies cooperated and issued separate announcements of the outcome. Duplicate or overlapping penalty amounts are marked with an asterisk in the list below.

Associated Names:

ADVANCEPCS; Aetna; Aetna Health Inc.; Aetna Health Insurance Co.; Aetna Life Insurance Co.; Aetna US Healthcare; Aetna/U.S. HealthCare, Inc./Prudential Health Plan; Caremark; CAREMARK CVS; COVENTRY HEALTH AND LIFE INSURANCE; COVENTRY HEALTH CARE; COVENTRY HEALTHCARE; COVENTRY SUMMIT HEALTH PLAN; CVS; CVS / PHARMACY; CVS Pharmacies, Inc.; CVS PHARMACY 8853; CVS PHARMACY AND CVS ALBANY; CVS Pharmacy Stores; CVS STORE NO 0586; CVS VIRGINIA DISTRIBUTION; CVS/Caremark Corporation; FIRST HEALTH GROUP; [...]

Links:

Subsidy Tracker data on financial assistance to this company by federal, state and local government agencies can be found [here](#).

Individual Penalty Records:

Click on the company or penalty amount for more information on each case.

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Company	Primary Offense Type	Year	Agency	Penalty Amount
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Company	Primary Offense Type	Year	Agency	Penalty Amount
AdvancePCS	False Claims Act and related	2005	USAO	\$137,500,000
Omnicare Inc.	False Claims Act and related	2014	DOJ_CIVIL	\$124,240,000
Omnicare Inc.	False Claims Act and related	2009	DOJ_CIVIL	\$98,000,000
CVS Pharmacy, Inc.	Controlled Substances Act violation	2010	DEA	\$77,600,000
Omnicare, Inc.	Controlled Substances Act violation	2012	DEA	\$50,000,000
Omnicare Inc.	False Claims Act and related	2006	USAO	\$49,500,000
Caremark	kickbacks and bribery	2008	MULTI-AG	\$41,000,000
Omnicare Inc.	False Claims Act and related	2009	MULTI-AG	(*) \$38,100,000
CVS Caremark Corp.	False Claims Act and related	2008	DOJ_CIVIL	\$36,700,000
CVS Caremark	wage and hour violation	2012	private lawsuit-federal	\$34,000,000
Omnicare Inc.	False Claims Act and related	2016	DOJ_CIVIL	\$28,125,000
Omnicare Inc.	kickbacks and bribery	2016	MULTI-AG	(*) \$28,125,000
Omnicare Inc.	False Claims Act and related	2017	MULTI-AG	\$23,000,000
CVS Health	Controlled Substances Act violation	2015	USAO	\$22,000,000
Omnicare Inc.	False Claims Act and related	2010	MULTI-AG	\$21,050,000
CVS Caremark Corp.	accounting fraud or deficiencies	2014	SEC	\$20,000,000
Aetna	consumer protection violation	2009	NY-AG	\$20,000,000
Omnicare Inc.	False Claims Act and related	2006	MULTI-AG	(*) \$19,858,782
CVS Pharmacy Inc.	False Claims Act and related	2011	DOJ_CIVIL	\$17,500,000
CVS Caremark Corp.	False Claims Act and related	2008	MULTI-AG	(*) \$15,600,000
Caremark CVS	wage and hour violation	2016	private lawsuit-state	\$12,750,000
CVS Pharmacy, Inc.	Controlled Substances Act violation	2013	DEA	\$11,000,000
Longs Drug	wage and hour violation	2004	private lawsuit-state	\$11,000,000
CVS Caremark	wage and hour violation	2012	private lawsuit-state	\$10,000,000
CVS Pharmacy, Inc.	False Claims Act and related	2011	MULTI-AG	(*) \$9,506,384
Omnicare Inc.	False Claims Act and related	2014	MULTI-AG	(*) \$8,240,000
Omnicare Inc.	False Claims Act and related	2017	USAO	\$8,000,000
CVS Pharmacy Inc.	Controlled Substances Act violation	2016	USAO	\$8,000,000
CVS Pharmacy	wage and hour violation	2016	private lawsuit-state	\$7,460,000
Caremark L L C.	False Claims Act and related	2014	DOJ_CIVIL	\$6,000,000
Omnicare, Inc.	False Claims Act and related	2005	NY-AG	\$5,750,000
RxAmerica LLC	False Claims Act and related	2012	DOJ_CIVIL	\$5,250,000
Aetna	consumer protection violation	2009	NY-AG	\$5,100,000
CVS Caremark	consumer protection violation	2012	FTC	\$5,000,000
CVS Pharmacy Inc.	Controlled Substances Act violation	2017	USAO	\$5,000,000
Caremark LLC	False Claims Act and related	2013	DOJ_CIVIL	\$4,250,000
Omnicare Inc.	False Claims Act and related	2014	DOJ_CIVIL	\$4,190,000
Omnicare	kickbacks and bribery	2014	MULTI-AG	(*) \$4,190,000
CVS Corporation	False Claims Act and related	2001	DOJ_CIVIL	\$4,000,000
CVS Corporation	False Claims Act and related	2001	MULTI-AG	(*) \$4,000,000
Coventry Health Care Inc.	benefit plan administrator violation	2014	private lawsuit-federal	\$3,600,000
CVS Pharmacy Inc.	Controlled Substances Act violation	2016	USAO	\$3,500,000
Coventry Health Care Inc.	price-fixing or anti-competitive practices	2012	USAO	\$3,000,000
CVS Pharmacy	wage and hour violation	2017	private lawsuit-federal	\$3,000,000

Company	Primary Offense Type	Year	Agency	Penalty Amount
Coventry Health Care	wage and hour violation	2014	private lawsuit-federal	\$3,000,000
CVS Corporation	benefit plan administrator violation	2005	private lawsuit-federal	\$3,000,000
CVS Pharmacy	wage and hour violation	2014	private lawsuit-state	\$2,800,000
CVS Pharmacy, Inc.	consumer protection violation	2009	FTC	\$2,780,000
CVS Pharmacy, Inc.	False Claims Act and related	2010	MA-AG	\$2,650,000
CVS Pharmacy	wage and hour violation	2016	private lawsuit-federal	\$2,350,800
CVS Caremark Corp.	privacy violation	2009	HHSOCR	\$2,250,000
Omnicare Inc.	False Claims Act and related	2016	USAO	\$2,240,000
CVS Pharmacy Stores	consumer protection violation	2010	IN-AG	\$1,950,000
Caremark LLC	False Claims Act and related	2013	MULTI-AG	(*) \$1,940,000
CVS Pharmacy, Inc.	Controlled Substances Act violation	2014	USAO	\$1,912,500
CVS Pharmacy, Inc.	Controlled Substances Act violation	2018	USAO	\$1,500,000
Caremark LLC	wage and hour violation	2016	private lawsuit-federal	\$1,470,000
Omnicare, Inc.	employment screening violation	2019	private lawsuit-federal	\$1,300,000
CVS Caremark	employment discrimination	2015	private lawsuit-federal	\$1,230,766
CVS Pharmacy, Inc.	HHS civil monetary penalties	2014	HHSOIG	\$1,216,147
Aetna Inc.	wage and hour violation	2012	private lawsuit-federal	\$1,168,499
Aetna Inc.	privacy violation	2018	NY-AG	\$1,150,000
CVS Pharmacies, Inc.	consumer protection violation	2003	MULTI-AG	\$1,100,000
Omnicare of Maine	False Claims Act and related	2004	ME-AG	\$1,080,000
Aetna Life Insurance Co.	consumer protection violation	2012	MA-AG	\$1,055,000
Aetna Inc.	Medicare Parts C and D Enforcement Action	2015	CMS	\$1,000,000
CVS Pharmacy, Inc.	Controlled Substances Act violation	2018	USAO	\$1,000,000
CVS Pharmacy	consumer protection violation	2009	CA-AG	\$975,000
CVS Pharmacy and CVS Albany	False Claims Act and related	2011	USAO	\$969,230
Aetna Inc.	privacy violation	2019	CA-AG	\$935,000
CVS Pharmacy	wage and hour violation	2015	private lawsuit-federal	\$900,000
CVS Caremark	wage and hour violation	2015	private lawsuit-federal	\$900,000
CVS Corp.	False Claims Act and related	2005	MA-AG	\$895,000
CVS Pharmacy, Inc.	consumer protection violation	2009	NY-AG	\$875,000
CVS Pharmacy, Inc.	Controlled Substances Act violation	2016	MA-AG	\$795,000
CVS-Caremark	consumer protection violation	2013	NJ-AG	\$650,000
CVS Pharmacy Inc.	Controlled Substances Act violation	2016	USAO	\$600,000
SilverScript Insurance Company	Medicare Parts C and D Enforcement Action	2015	CMS	\$594,100
Aetna Inc.	wage and hour violation	2004	WHD	\$567,403
CVS Pharmacy, Inc.	Controlled Substances Act violation	2019	DEA	\$535,000
CVS Pharmacy Inc.	consumer protection violation	2015	NJ-AG	\$504,885
CVS Health Corp.	Controlled Substances Act violation	2015	USAO	\$450,000
Pennsylvania CVS Pharmacy, L.L.C.	consumer protection violation	2016	PA-AG	\$450,000
Aetna, Inc.	Medicare Parts C and D Enforcement Action	2014	CMS	\$407,800
CVS Pharmacy	wage and hour violation	2016	private lawsuit-federal	\$400,000
Hook-SupeRx	False Claims Act and related	2013	IN-AG	\$400,000
Aetna, Inc.	privacy violation	2018	NJ-AG	\$365,211
CVS/Caremark Corporation	False Claims Act and related	2008	NJ-AG	\$350,879

Company	Primary Offense Type	Year	Agency	Penalty Amount
CVS Corp.	price-fixing or anti-competitive practices	2005	DC-AG	\$350,000
CVS	consumer protection violation	2003	MA-AG	\$300,000
Omnicare, Inc.	kickbacks and bribery	2010	OR-AG	\$300,000
Omnicare Inc.	environmental violation	2014	NH-AG	\$298,100
Omnicare of Northern Illinois	employment discrimination	2018	OFCCP	\$270,720
CVS Pharmacy Inc.	child labor or youth employment violation	2007	WHD	\$264,749
CVS Pharmacy	tobacco litigation	2006	MULTI-AG	\$250,000
CVS Pharmacy	consumer protection violation	2010	PA-AG	\$250,000
CVS Pharmacy, Inc.	privacy violation	2013	MD-AG	\$250,000
Omnicare, Inc.	environmental violation	2016	EPA	\$245,479
CVS	Americans with Disabilities Act	2004	MA-AG	\$200,000
Aetna Inc.	wage and hour violation	2003	WHD	\$199,752
Aetna Inc	wage and hour violation	2003	WHD	\$196,875

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Violation Tracker Individual Record

Company: CVS Health

Current Parent Company: [CVS Health](#)

Penalty: \$22,000,000

Year: 2015

Date: May 13, 2015

Primary Offense: Controlled Substances Act violation

Violation Description:

CVS Health agreed to pay \$22 million to resolve allegations that two of its retail stores in the City of Sanford distributed controlled substances based on prescriptions that had not been issued for legitimate medical purposes by a health care provider acting in the usual course of professional practice. CVS acknowledged that its retail pharmacies had a responsibility to dispense only those prescriptions that were issued based on legitimate medical need. CVS further acknowledged that certain of its retail stores dispensed certain controlled substances in a manner not fully consistent with their compliance obligations under the Controlled Substances Act and the related regulations.

Level of Government: federal

Action Type: agency action

Agency: U.S. Attorney-Middle District of Florida

Civil or Criminal Case: civil

Facility State: Florida

Facility City: Sanford

HQ Country of Parent: USA

HQ State of Parent: Rhode Island

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://www.justice.gov/usao-mdfl/pr/united-states-reaches-22-million-se...> (archived copy)

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsiary relationship is current as of the most recent revision listed in the [Update Log](#).



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Violation Tracker Individual Record

Company: Omnicare

Current Parent Company: [CVS Health](#)

Penalty: \$4,190,000

Year: 2014

Date: February 28, 2014

Primary Offense: kickbacks and bribery

Violation Description:

Omnicare agreed to pay \$4.19 million to settle multistate litigation alleging that it demanded price concessions - or kickbacks - from drug manufacturer Amgen to switch long-term care patients suffering from chronic kidney disease, among other ailments, to a drug manufactured by Amgen. The settlement also involved the federal government, which issued its own announcement; see the Violation Tracker entry at <https://violationtracker.goodjobsfirst.org/violation-tracker/-omnicare-1...>

Level of Government: state

Action Type: agency action

Agency: Multistate Attorneys General Case

Civil or Criminal Case: civil

Private Lawsuit Resolution Type: settlement

HQ Country of Parent: USA

HQ State of Parent: Rhode Island

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://ag.ny.gov/press-release/ag-schneiderman-announces-42m-settlement...>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



Note: our penalty amounts include not only fines and monetary settlements but also costs such as supplementary environmental projects or consumer relief that companies are often compelled to undertake as part of settlements. If the settlement includes fines paid to state governments, those are included as well.

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Violation Tracker Individual Record

Company: Caremark

Current Parent Company: [CVS Health](#)

Penalty: \$41,000,000

Year: 2008

Date: February 14, 2008

Primary Offense: kickbacks and bribery

Violation Description:

Pharmacy benefit manager Caremark agreed to pay \$38.5 million for costs of litigation and programs to benefit patients to settle multistate litigation alleging that it tricked doctors into switching patients to different brand name medications in order to receive secret rebates from drug manufacturers. Caremark also agreed to pay up to an additional \$2.5 million in reimbursements to patients who paid extra because they were switched from one cholesterol-controlling drug to another.

Level of Government: state

Action Type: agency action

Agency: Multistate Attorneys General Case

Civil or Criminal Case: civil

Private Lawsuit Resolution Type: settlement

HQ Country of Parent: USA

HQ State of Parent: Rhode Island

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://www.oag.ca.gov/news/press-releases/brown-settles-lawsuit-against...>

Link to Archived Court Document:

[Link](#)

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



Note: our penalty amounts include not only fines and monetary settlements but also costs such as supplementary environmental projects or consumer relief that companies are often compelled to undertake as part of settlements. If the settlement includes fines paid to state governments, those are included as well.

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Violation Tracker Individual Record

Company: Omnicare Inc.

Current Parent Company: [CVS Health](#)

Penalty: \$28,125,000

Year: 2016

Date: October 17, 2016

Primary Offense: kickbacks and bribery

Violation Description:

Omnicare agreed to pay \$28.125 million to settle multistate litigation alleging that it conspired with drug manufacturer Abbott Laboratories to increase overall utilization of the drug Depakote through the use of various disguised kickback arrangements. Also involved in the settlement was the federal government, which issued its own announcement; see the Violation Tracker entry at <https://violationtracker.goodjobsfirst.org/violation-tracker/-omnicare-l...>

Level of Government: state

Action Type: agency action

Agency: Multistate Attorneys General Case

Civil or Criminal Case: civil

Private Lawsuit Resolution Type: settlement

HQ Country of Parent: USA

HQ State of Parent: Rhode Island

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://ag.ny.gov/press-release/ag-schneiderman-announces-28125m-nationa...>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



Note: our penalty amounts include not only fines and monetary settlements but also costs such as supplementary environmental projects or consumer relief that companies are often compelled to undertake as part of settlements. If the settlement includes fines paid to state governments, those are included as well.

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SAMPLE OF DOCUMENTED VIOLATIONS

RITE AID

18 LICENSED PHARMACIES IN VERMONT



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Violation Tracker Parent Company Summary

Parent Company Name: Rite Aid

Ownership Structure: publicly traded (ticker symbol RAD)

Headquartered in: Pennsylvania

Major Industry: retailing

Specific Industry: retail-pharmacies

Penalty total since 2000: \$196,167,261

Number of records: 90

Top 10 Primary Offense Types	Penalty Total	Number of Records
wage and hour violation	\$78,007,420	13
benefit plan administrator violation	\$67,820,002	3
False Claims Act and related	\$21,764,999	9
Controlled Substances Act violation	\$15,311,200	6
consumer protection violation	\$7,740,000	7
Medicare Parts C and D Enforcement Action	\$2,596,700	1
privacy violation	\$1,000,000	1
workplace safety or health violation	\$744,660	35
labor relations violation	\$650,780	11
tobacco litigation	\$250,000	1

Notes:

Parent-subsidiary linkages are based on relationships current as of the latest revision listed in the [Update Log](#), which may vary from what was the case when a violation occurred. The penalty totals are adjusted to account for the fact that the individual entries below may include both agency records and settlement announcements for the same case; or else a penalty covering multiple locations may be listed in the individual records for each of the facilities. The totals are also adjusted to reflect cases in which federal and state agencies cooperated and issued separate announcements of the outcome. Duplicate or overlapping penalty amounts are marked with an asterisk in the list below.

Associated Names:

ECKERD; ENVISION PHARMACEUTICAL SVC; HUNTER LANE; RITE AID; RITE AID CASH BALANCE; Rite Aid of Delaware, Inc.; Rite Aid of Florida Inc.; Rite Aid of Maryland, Inc.; Rite Aid of Massachusetts, Inc.; RITE AID OF MICHIGAN; RITE AID OF NEW YORK ROME DISTRIBUTION CENTER; RITE AID OF NEW YORK STORE 04618; RITE AID OF NY T / A RITE AID PHARMACY 3359; RITE AID STORE 4121 DEPOT; THRIFTY PAYLESS

Links:

Subsidy Tracker data on financial assistance to this company by federal, state and local government agencies can be found [here](#).

Individual Penalty Records:

Click on the company or penalty amount for more information on each case.

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Company	Primary Offense Type	Year	Agency	Penalty Amount
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Company	Primary Offense Type	Year	Agency	Penalty Amount
Rite Aid Corporation	benefit plan administrator violation	2003	private lawsuit-federal	\$67,760,000
Rite Aid	wage and hour violation	2001	private lawsuit-state	\$25,000,000
Rite Aid	wage and hour violation	2013	private lawsuit-federal	\$20,900,000
Rite Aid	wage and hour violation	2016	private lawsuit-state	\$9,000,000
Eckerd	wage and hour violation	2001	private lawsuit-federal	\$8,000,000
Rite Aid Corporation	False Claims Act and related	2004	DOJ_CIVIL	\$7,000,000
Rite Aid	wage and hour violation	2009	private lawsuit-federal	\$6,900,000
Eckerd Corporation	False Claims Act and related	2002	DOJ_CIVIL	\$5,866,751
Rite Aid	wage and hour violation	2017	private lawsuit-federal	\$5,500,000
Rite Aid Corporation	Controlled Substances Act violation	2009	DOJ_CIVIL	\$5,000,000
Rite Aid Corporation	Controlled Substances Act violation	2009	DEA	\$5,000,000
Rite Aid	consumer protection violation	2016	WV-AG	\$4,900,000
Rite Aid Corporation	Controlled Substances Act violation	2018	USAO	\$4,000,000
Eckerd Corporation	False Claims Act and related	2002	MULTI-AG	\$3,133,248
Rite Aid Corporation	False Claims Act and related	2014	DOJ_CIVIL	\$2,990,000
Envision Pharmaceutical Services	Medicare Parts C and D Enforcement Action	2015	CMS	\$2,596,700
Rite Aid Corp.	False Claims Act and related	2011	MA-AG	\$2,100,000
Rite Aid	wage and hour violation	2006	private lawsuit-federal	\$1,750,000
Rite Aid Corporation	False Claims Act and related	2004	MULTI-AG	(*) \$1,400,000
Rite Aid	consumer protection violation	2008	NY-AG	\$1,300,000
Rite Aid Corporation	privacy violation	2010	HHSOCR	\$1,000,000
Thrifty Payless Inc.	wage and hour violation	2017	private lawsuit-state	\$900,000
Rite Aid Corporation	Controlled Substances Act violation	2017	DEA	\$834,200
Rite Aid Corporation	consumer protection violation	2009	FTC	\$500,000
Rite Aid of Florida Inc.	consumer protection violation	2000	FL-AG	\$500,000
Rite Aid Corporation	consumer protection violation	2008	NJ-AG	\$475,000
Rite Aid of Delaware, Inc.	False Claims Act and related	2009	DE-AG	\$455,000
Rite Aid Corporation	labor relations violation	2011	NLRB	\$343,142
Rite Aid	Controlled Substances Act violation	2018	RI-AG	\$300,000
Rite Aid	employment discrimination	2012	EEOC	\$250,000
Rite Aid Corporation	tobacco litigation	2004	MULTI-AG	\$250,000
Rite Aid Corporation	False Claims Act and related	2001	NV-AG	\$200,000
Rite Aid of Massachusetts, Inc.	Controlled Substances Act violation	2019	MA-AG	\$177,000
Rite Aid Corporation	labor relations violation	2011	NLRB	\$130,137
RITE AID OF NEW YORK, INC.	workplace safety or health violation	2003	OSHA	\$90,000
RITE AID OF NEW YORK, INC	workplace safety or health violation	2011	OSHA	\$78,000
RITE AID OF NEW YORK, INC - STORE# 10574	workplace safety or health violation	2011	OSHA	\$67,000
RITE AID OF NY, INC.TIA RITE AID PHARMACY #3359	workplace safety or health violation	2002	OSHA	\$62,500
RITE AID OF NEW YORK, INC.	workplace safety or health violation	2004	OSHA	\$66,500
ECKERD CORPORATION	benefit plan administrator violation	2006	EBSA	\$50,001
Rite Aid Corporation	labor relations violation	2007	NLRB	\$42,795
Rite Aid	consumer protection violation	2002	NY-AG	\$40,000
RITE AID PHARMACY	workplace safety or health violation	2010	OSHA	\$38,500
Rite Aid Corporation	labor relations violation	2003	NLRB	\$36,935

<u>Company</u>	<u>Primary Offense Type</u>	<u>Year</u>	<u>Agency</u>	<u>Penalty Amount</u>
<u>RITE AID CORP.</u>	workplace safety or health violation	2006	OSHA	<u>\$35,000</u>
<u>RITE AID CORPORATION</u>	workplace safety or health violation	2005	OSHA	<u>\$29,950</u>
<u>Rite Aid</u>	labor relations violation	2003	NLRB	<u>\$28,000</u>
<u>Rite Aid Corporation</u>	consumer protection violation	2000	OR-AG	<u>\$25,000</u>
<u>Rite Aid Corporation</u>	labor relations violation	2000	NLRB	<u>\$24,273</u>
<u>THRIFTY PAYLESS INC</u>	workplace safety or health violation	2009	OSHA	<u>\$23,740</u>
<u>RITE AID STORE #4121 - DEPOT</u>	workplace safety or health violation	2003	OSHA	<u>\$21,500</u>
<u>Rite Aid of Maryland, Inc.</u>	False Claims Act and related	2014	MD-AG	<u>\$20,000</u>
<u>RITE AID OF WEST VIRGINIA</u>	workplace safety or health violation	2011	OSHA	<u>\$18,750</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$18,000</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2005	OSHA	<u>\$17,500</u>
<u>Rite Aid</u>	environmental violation	2002	NY-AG	<u>\$16,500</u>
<u>Rite Aid of Michigan</u>	Americans with Disabilities Act	2014	DOJ_RIGHTS	<u>\$15,000</u>
<u>Rite Aid Corporation</u>	labor relations violation	2004	NLRB	<u>\$15,000</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$15,000</u>
<u>RITE AID OF MAINE, INC.</u>	workplace safety or health violation	2000	OSHA	<u>\$14,950</u>
<u>Eckerd Corporation</u>	wage and hour violation	2004	WHD	<u>\$13,860</u>
<u>Eckerd Corporation</u>	wage and hour violation	2004	WHD	<u>\$13,860</u>
<u>Eckerd Corporation</u>	wage and hour violation	2004	WHD	<u>\$13,860</u>
<u>RITE AID CORPORATION</u>	workplace safety or health violation	2016	OSHA	<u>\$13,825</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$11,500</u>
<u>RITE AID CORPORATION</u>	workplace safety or health violation	2017	OSHA	<u>\$11,000</u>
<u>RITE AID CORPORATION CASH BALANCE</u>	benefit plan administrator violation	2001	EBSA	<u>\$10,001</u>
<u>RITE AID CORPORATION</u>	workplace safety or health violation	2018	OSHA	<u>\$9,701</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$9,200</u>
<u>Rite Aid</u>	labor relations violation	2002	NLRB	<u>\$9,000</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$9,000</u>
<u>RITE AID</u>	workplace safety or health violation	2002	OSHA	<u>\$8,895</u>
<u>Rite Aid</u>	labor relations violation	2007	NLRB	<u>\$8,534</u>
<u>RITE AID</u>	workplace safety or health violation	2003	OSHA	<u>\$8,200</u>
<u>Eckerd Corporation</u>	wage and hour violation	2004	WHD	<u>\$7,920</u>
<u>Eckerd Corporation</u>	wage and hour violation	2004	WHD	<u>\$7,920</u>
<u>Rite-Aid</u>	labor relations violation	2002	NLRB	<u>\$7,904</u>
<u>RITE AID OF NEW YORK, INC</u>	workplace safety or health violation	2004	OSHA	<u>\$7,500</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$7,500</u>
<u>RITE AID OF NEW YORK, INC.</u>	workplace safety or health violation	2004	OSHA	<u>\$7,500</u>
<u>RITE AID</u>	workplace safety or health violation	2007	OSHA	<u>\$6,860</u>
<u>RITE AID CORP.</u>	workplace safety or health violation	2007	OSHA	<u>\$6,500</u>
<u>HUNTER LANE LLC</u>	workplace safety or health violation	2008	OSHA	<u>\$6,300</u>
<u>RITE AID OF NEW YORK INC. STORE #04818</u>	workplace safety or health violation	2014	OSHA	<u>\$6,250</u>
<u>RITE AID OF NEW YORK ROME DISTRIBUTION CENTER</u>	workplace safety or health violation	2000	OSHA	<u>\$5,850</u>
<u>RITE AID OF NEW YORK ROME DISTRIBUTION CENTER</u>	workplace safety or health violation	2000	OSHA	<u>\$5,704</u>
<u>RITE-AID</u>	workplace safety or health violation	2002	OSHA	<u>\$5,550</u>
<u>RITE AID</u>	workplace safety or health violation	2011	OSHA	<u>\$5,500</u>

Company	Primary Offense Type	Year	Agency	Penalty Amount
RITE AID	workplace safety or health violation	2003	OSHA	\$5,435
Rite-Aid	labor relations violation	2002	NLRB	\$5,060

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Violation Tracker Individual Record

Company: Rite Aid Corp.

Current Parent Company: [Rite Aid](#)

Penalty: \$2,100,000

Year: 2011

Date: July 27, 2011

Primary Offense: False Claims Act and related

Violation Description:

Rite Aid Corp. agreed to pay \$2.1 million in settlement of allegations it overcharged public entities for prescription drugs under the workers' compensation insurance system.

Level of Government: state

Action Type: agency action

Agency: Massachusetts Attorney General

Civil or Criminal Case: civil

Private Lawsuit Resolution Type: settlement

Facility State: Massachusetts

HQ Country of Parent: USA

HQ State of Parent: Pennsylvania

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://web.archive.org/web/20110820100033/http://www.mass.gov/?pageID=c...>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



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Violation Tracker Individual Record

Company: Rite Aid Corporation

Current Parent Company: [Rite Aid](#)

Penalty: \$4,000,000

Year: 2018

Date: January 24, 2018

Primary Offense: Controlled Substances Act violation

Violation Description:

Rite Aid Corporation agreed to resolve a criminal investigation in the Southern District of West Virginia regarding its improper sale of the methamphetamine precursor pseudoephedrine (PSE) between January 2009 and October 2012.

Level of Government: federal

Action Type: agency action

Agency: U.S. Attorney-Southern District of West Virginia

Civil or Criminal Case: criminal

HQ Country of Parent: USA

HQ State of Parent: Pennsylvania

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://www.justice.gov/usao-sdww/pr/us-attorneys-office-enters-settleme...>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



Note: our penalty amounts include not only fines and monetary settlements but also costs such as supplementary environmental projects or consumer relief that companies are often compelled to undertake as part of settlements. If the settlement includes fines paid to state governments, those are included as well.

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**SAMPLE OF DOCUMENTED VIOLATIONS
WALGREENS BOOTS ALLIANCE
19 LICENSED PHARMACIES IN VERMONT**


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Violation Tracker Parent Company Summary

Parent Company Name: Walgreens Boots Alliance

Ownership Structure: publicly traded (ticker symbol WBA)

Headquartered In: Illinois

Major Industry: retailing

Specific Industry: retail-pharmacies

Penalty total since 2000: \$618,609,308

Number of records: 79

Top 10 Primary Offense Types	Penalty Total	Number of Records
False Claims Act and related	\$411,969,744	18
Controlled Substances Act violation	\$80,200,000	2
employment discrimination	\$41,435,000	5
wage and hour violation	\$40,008,120	4
investor protection violation	\$34,500,000	1
consumer protection violation	\$7,654,000	8
HHS civil monetary penalties	\$1,053,774	1
Americans with Disabilities Act	\$500,000	1
workplace safety or health violation	\$403,222	25
tobacco litigation	\$366,000	2

Notes:

Parent-subsidiary linkages are based on relationships current as of the latest revision listed in the [Update Log](#), which may vary from what was the case when a violation occurred. The penalty totals are adjusted to account for the fact that the individual entries below may include both agency records and settlement announcements for the same case; or else a penalty covering multiple locations may be listed in the individual records for each of the facilities. The totals are also adjusted to reflect cases in which federal and state agencies cooperated and issued separate announcements of the outcome. Duplicate or overlapping penalty amounts are marked with an asterisk in the list below.

Associated Names:

DUANE READE; Duane Reade International, Inc.; WALGREEN; WALGREEN LOUISIANA; WALGREENS 1625; WALGREENS AND / OR CONSOLIDATED PERSONNEL; Walgreens Boots Alliance Inc.; WALGREENS STORE 13595; WALGREENS STORE 2577

Links:

Subsidy Tracker data on financial assistance to this company by federal, state and local government agencies can be found [here](#).

Individual Penalty Records:

Click on the company or penalty amount for more information on each case.

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Company	Primary Offense Type	Year	Agency	Penalty Amount
Walgreens Boots Alliance Inc.	False Claims Act and related	2019	USAO	\$269,200,000

Company	Primary Offense Type	Year	Agency	Penalty Amount
Walgreens Corporation	Controlled Substances Act violation	2013	DEA	\$80,000,000
Walgreens Boots Alliance	False Claims Act and related	2019	MULTI-AG	(*) \$69,200,000
Walgreen Co.	False Claims Act and related	2017	USAO	\$50,000,000
Walgreen Co.	False Claims Act and related	2008	DOJ_CIVIL	\$35,000,000
Walgreens Boots Alliance Inc.	investor protection violation	2018	SEC	\$34,500,000
Walgreen Co.	employment discrimination	2008	EEOC	\$24,000,000
Walgreen	wage and hour violation	2014	private lawsuit-federal	\$23,000,000
Walgreen Co.	employment discrimination	2011	private lawsuit-federal	\$17,000,000
Walgreen Co.	False Claims Act and related	2008	MULTI-AG	(*) \$16,400,000
Duane Reade	wage and hour violation	2017	private lawsuit-federal	\$13,500,000
Walgreens	False Claims Act and related	2008	DOJ_CIVIL	\$9,900,000
Walgreens	False Claims Act and related	2008	MULTI-AG	(*) \$9,900,000
Walgreen Co.	False Claims Act and related	2017	USAO	\$9,860,000
Walgreens	False Claims Act and related	2017	CA-AG	\$9,800,000
Walgreen Co.	False Claims Act and related	2019	NY-AG	\$8,000,000
Walgreens	False Claims Act and related	2012	DOJ_CIVIL	\$7,900,000
Walgreens	consumer protection violation	2010	FTC	\$5,970,000
Walgreens	False Claims Act and related	2018	MA-AG	\$5,500,000
Walgreen Co.	False Claims Act and related	2017	MULTI-AG	(*) \$3,790,000
Duane Reade	wage and hour violation	2009	private lawsuit-federal	\$3,500,000
Walgreen Co.	False Claims Act and related	2019	USAO	\$3,500,000
Walgreens	False Claims Act and related	2011	MA-AG	\$2,800,000
Walgreen Louisiana Co.	HHS civil monetary penalties	2009	HHSOIG	\$1,053,774
Walgreens	False Claims Act and related	2012	MULTI-AG	(*) \$600,000
Walgreens	consumer protection violation	2006	MI-AG	\$550,000
Walgreen Co.	consumer protection violation	2016	NY-AG	\$500,000
Walgreens	Americans with Disabilities Act	2004	IL-AG	\$500,000
Duane Reade Inc.	False Claims Act and related	2011	USAO	\$369,744
Walgreens	tobacco litigation	2002	MULTI-AG	\$320,000
Walgreens	consumer protection violation	2016	MO-AG	\$309,000
Duane Reade Inc.	employment discrimination	2009	EEOC	\$240,000
Duane Reade International Inc.	consumer protection violation	2007	NJ-AG	\$200,000
Walgreens	Controlled Substances Act violation	2017	MA-AG	\$200,000
Walgreens	environmental violation	2003	MA-AG	\$185,000
Walgreen Co.	employment discrimination	2014	EEOC	\$180,000
Walgreen Co.	False Claims Act and related	2011	CT-AG	\$140,000
Duane Reade	labor relations violation	2006	NLRB	\$64,522
Walgreens	consumer protection violation	2003	MA-AG	\$60,000
Duane Reade International, Inc.	consumer protection violation	2006	NJ-AG	\$50,000
WALGREEN COMPANY	workplace safety or health violation	2014	OSHA	\$49,000
Walgreens	tobacco litigation	2001	MO-AG	\$46,000
WALGREENS	workplace safety or health violation	2011	OSHA	\$44,000
DUANE READE INC.	workplace safety or health violation	2008	OSHA	\$42,000
WALGREENS	aviation safety violation	2013	FAA	\$40,000

Company	Primary Offense Type	Year	Agency	Penalty Amount
DUANE READE INC	workplace safety or health violation	2013	OSHA	\$35,750
WALGREEN CO.	workplace safety or health violation	2018	OSHA	\$25,868
Walgreen Co.	environmental violation	2006	CA-AG	\$25,000
WALGREENS FAMILY OF COMPANIES, INC., STORE # 6474	workplace safety or health violation	2014	OSHA	\$23,600
Walgreen Co.	labor relations violation	2011	NLRB	\$20,304
Walgreen Co.	labor relations violation	2005	NLRB	\$20,000
WALGREEN CO.	workplace safety or health violation	2014	OSHA	\$19,800
WALGREENS	workplace safety or health violation	2013	OSHA	\$19,750
WALGREENS CO.	workplace safety or health violation	2002	OSHA	\$18,900
Duane Reade	environmental violation	2002	NY-AG	\$16,500
WALGREEN CO.	workplace safety or health violation	2017	OSHA	\$15,811
Duane Reade Inc	labor relations violation	2003	NLRB	\$15,123
Walgreens Corporation	employment discrimination	2015	OFCCP	\$15,000
Walgreen Company	consumer protection violation	2012	NY-AG	\$15,000
WALGREEN NATIONAL CORPORATION	workplace safety or health violation	2012	OSHA	\$11,583
WALGREEN'S ST. THOMAS	environmental violation	2015	EPA	\$10,999
DUANE READE	workplace safety or health violation	2006	OSHA	\$10,500
WALGREEN COMPANY	aviation safety violation	2013	FAA	\$10,000
WALGREENS	workplace safety or health violation	2008	OSHA	\$10,000
Walgreen Co.	wage and hour violation	2012	WHD	\$8,120
WALGREEN CO.	workplace safety or health violation	2002	OSHA	\$8,000
WALGREENS	workplace safety or health violation	2012	OSHA	\$7,200
WALGREENS	workplace safety or health violation	2016	OSHA	\$7,200
WALGREENS CO. STORE #13595	workplace safety or health violation	2016	OSHA	\$7,200
WALGREENS INCORPORATED	workplace safety or health violation	2015	OSHA	\$7,000
WALGREENS STORE #2577	workplace safety or health violation	2016	OSHA	\$7,000
WALGREENS	workplace safety or health violation	2012	OSHA	\$6,160
WALGREENS, INC. AND/OR CONSOLIDATED PERSONNEL CORP	labor relations violation	2001	NLRB	\$6,000
Walgreen Co.	privacy violation	2009	IN-AG	\$6,000
WALGREENS	workplace safety or health violation	2002	OSHA	\$5,700
WALGREEN'S # 1625	workplace safety or health violation	2004	OSHA	\$5,700
WALGREENS CENTRAL OPERATIONS	workplace safety or health violation	2010	OSHA	\$5,500
WALGREENS	workplace safety or health violation	2006	OSHA	\$5,000
WALGREENS	workplace safety or health violation	2008	OSHA	\$5,000

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Violation Tracker Individual Record

Company: Walgreens Corporation

Current Parent Company: [Walgreens Boots Alliance](#)

Penalty: \$80,000,000

Year: 2013

Date: June 11, 2013

Primary Offense: Controlled Substances Act violation

Violation Description:

Walgreens agreed to pay \$80 million to resolve what the DEA called an unprecedented number of record-keeping and dispensing violations under the Controlled Substances Act.

Level of Government: federal

Action Type: agency action

Agency: Drug Enforcement Administration

Civil or Criminal Case: civil

HQ Country of Parent: USA

HQ State of Parent: Illinois

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://www.dea.gov/divisions/mia/2013/mia061113.shtml> (archived copy)

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



Note: our penalty amounts include not only fines and monetary settlements but also costs such as supplementary environmental projects or consumer relief that companies are often compelled to undertake as part of settlements. If the settlement includes fines paid to state governments, those are included as well.

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Violation Tracker Individual Record

Company: Walgreen Co.

Current Parent Company: [Walgreens Boots Alliance](#)

Penalty: \$3,500,000

Year: 2019

Date: January 23, 2019

Primary Offense: False Claims Act and related

Violation Description:

Walgreen Co. agreed to pay \$3.5 million to the United States and the State of Wisconsin to settle allegations that it submitted claims to Medicaid for stimulant medications without complying with Medicaid rules designed to ensure that stimulants are dispensed for appropriate medical treatment.

Level of Government: federal

Action Type: agency action

Agency: U.S. Attorney-Eastern District of Wisconsin

Civil or Criminal Case: civil

HQ Country of Parent: USA

HQ State of Parent: Illinois

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://www.justice.gov/usao-edwi/pr/walgreen-co-agrees-pay-35-million-s>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



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Violation Tracker Individual Record

Company: Walgreens Boots Alliance

Current Parent Company: [Walgreens Boots Alliance](#)

Penalty: \$69,200,000

Year: 2019

Date: January 22, 2019

Primary Offense: False Claims Act and related

Violation Description:

Walgreens Boots Alliance agreed to pay \$41.2 million to settle multistate litigation alleging that it engaged in fraudulent conduct when it dispensed insulin pens. Walgreens was alleged to have not always adhered to the dosage outlined by the prescribing doctor, but rather dispensed insulin pens in boxes containing five pens, regardless of the patient's needs. This resulted in a pattern where beneficiaries were routinely receiving more insulin than prescribed and Walgreens was then billing Medicaid for the additional doses. At the same time, Walgreens agreed to pay \$28 million to settle multistate litigation alleging that it overcharged Medicaid by failing to disclose discounts offered to customers. These cases were part of two larger settlements totaling \$269 million involving the federal government; see the Violation Tracker entry at <https://violationtracker.goodjobsfirst.org/violation-tracker/-walgreens-...>

Level of Government: state

Action Type: agency action

Agency: Multistate Attorneys General Case

Civil or Criminal Case: civil

Private Lawsuit Resolution Type: settlement

HQ Country of Parent: USA

HQ State of Parent: Illinois

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-pharmacies

Source of Data:

<https://www.justice.gov/usao-sdny/pr/manhattan-us-attorney-announces-269-...>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



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SAMPLE OF DOCUMENTED VIOLATIONS

WAL-MART STORES INC.

6 LICENSED PHARMACIES IN VERMONT



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Violation Tracker Individual Record

Company: Wal-Mart Stores Inc.

Current Parent Company: [Walmart](#)

Penalty: \$1,650,000

Year: 2017

Date: July 7, 2017

Primary Offense: False Claims Act and related

Violation Description:

Wal-Mart Stores Inc. paid \$1.65 million to resolve allegations that it violated the federal False Claims Act when it knowingly submitted claims for reimbursement to California's Medi-Cal program that were not supported by applicable diagnosis and documentation requirements.

Level of Government: federal

Action Type: agency action

Agency: U.S. Attorney-Eastern District of California

Civil or Criminal Case: civil

HQ Country of Parent: USA

HQ State of Parent: Arkansas

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-discount stores

Source of Data:

<https://www.justice.gov/usao-edca/pr/wal-mart-pays-165m-settle-false-cla...> (archived copy)

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



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Violation Tracker Individual Record

Company: Wal-Mart Stores, Inc.

Current Parent Company: [Walmart](#)

Penalty: \$2,866,904

Year: 2004

Date: June 25, 2004

Primary Offense: False Claims Act and related

Violation Description:

Wal-Mart Stores, Inc. agreed to pay \$2,866,904 to a group of states and the federal government to settle allegations that it submitted false prescription claims to government health insurance programs by dispensing partial prescriptions due to insufficient stock while billing for the full quantities. The settlement was also announced by the Justice Department; see the Violation Tracker entry at <https://violationtracker.goodjobsfirst.org/violation-tracker/-wal-mart-s...>

Level of Government: state

Action Type: agency action

Agency: Multistate Attorneys General Case

Civil or Criminal Case: civil

Private Lawsuit Resolution Type: settlement

HQ Country of Parent: USA

HQ State of Parent: Arkansas

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-discount stores

Source of Data:

https://www.justice.gov/archive/opa/pr/2004/June/04_civ_446.htm

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).



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Violation Tracker Individual Record

Company: Wal-Mart Stores Inc.

Current Parent Company: [Walmart](#)

Penalty: \$825,000

Year: 2018

Date: May 29, 2018

Primary Offense: False Claims Act and related

Level of Government: federal

Action Type: agency action

Agency: U.S. Attorney-District of Minnesota

Civil or Crimnal Case: civil

HQ Country of Parent: USA

HQ State of Parent: Arkansas

Ownership Structure of Parent: publicly traded

Major Industry of Parent: retailing

Specific Industry of Parent: retail-discount stores

Source of Data:

<https://www.justice.gov/usao-mn/pr/walmart-sam-s-club-pay-825000-resolve...>

Source Notes: If an online information source is not working, check the Violation Tracker [Data Sources page](#) for an updated link.

Parent company note: Parent-subsidiary relationship is current as of the most recent revision listed in the [Update Log](#).

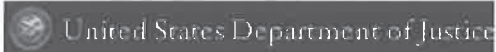


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Department of Justice

U.S. Attorney's Office

District of Minnesota

FOR IMMEDIATE RELEASE

Tuesday, May 29, 2018

Walmart, Sam's Club To Pay \$825,000 To Resolve Fraud Allegations Concerning Auto Refilling Medicaid Prescriptions

United States Attorney Gregory G. Brooker and Minnesota Attorney General Lori Swanson today announced that Wal-Mart Stores, Inc. and Sam's West, Inc. (d/b/a Sam's Club) have agreed to pay a total of \$825,000 to resolve allegations that they violated the False Claims Act and Minnesota False Claims Act by submitting claims for payment to Minnesota's Medicaid program in violation of rules prohibiting Medicaid prescriptions from being automatically refilled.

Minnesota's Medicaid program, called Medical Assistance, is jointly funded by the federal government and State of Minnesota to provide health care to low-income Minnesotans. Along with at least 20 other states, Minnesota does not allow pharmacies to automatically refill prescriptions paid for by Medical Assistance without an explicit request from the beneficiary for each refill. This policy provides an important control against wasted or unnecessary prescriptions that are reimbursed by taxpayer funds.

According to the allegations in the amended complaint, Walmart and Sam's Club pharmacies routinely enrolled Medical Assistance beneficiaries in the companies' auto-refill program, and billed Medical Assistance for prescriptions in violation of state rules and regulations. In addition, according to the allegations, pharmacy employees reported the violation to company managers, yet Walmart and Sam's Club continued to automatically refill Medical Assistance prescriptions.

U.S. Attorney Greg Brooker said, "Businesses that participate in federally and state funded healthcare programs have a responsibility to ensure compliance with the rules, specifically rules that are in place to avoid unused prescription medications and wasted taxpayer funds."

"We are pleased to have worked with our federal partners in the U.S. Attorney's Office to ensure that providers who participate in this health care safety net program fairly follow the rules," said Minnesota Attorney General Lori Swanson.

Walmart and Sam's Club will pay \$412,500 to the federal government and \$412,500 to the State of Minnesota to settle the claims.

In these civil settlements, Walmart and Sam's Club have denied the allegations of wrongdoing and False Claims Act liability.

This settlement resolves allegations filed in a civil lawsuit originally brought by a whistleblower under the qui tam provisions of the federal False Claims Act and Minnesota False Claims Act, which allow private parties to bring suit on behalf of the government for false claims and to share in any recovery. The government often relies on whistleblowers to bring fraud schemes to light that might otherwise go undetected.

The case was handled by the Civil Division of the U.S. Attorney's Office for the District of Minnesota and the Medicaid Fraud Control Unit of the Minnesota Attorney General's Office, with substantial assistance provided by the Office of Inspector General of the U.S. Department of Health and Human Services.

The case is United States of America and the State of Minnesota ex rel. Ryan Mesaros v. Wal-Mart Stores, Inc., and Sam's West, Inc. (d/b/a/ Sam's Club), Civil No. 14-CV-3105 (DSD/LIB). The claims resolved by the settlement are allegations only; there has been no determination of liability.

###

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Topic(s):
False Claims Act

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Updated May 29, 2018