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7 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2532

11 PAUL D. EISENHAUER
12 211 Lone Oak Road
Longview, WA 98632

13 Pharmacist License No. RPH 46382

14 Respondent.

15 **STIPULATED SETTLEMENT AND**
DISCIPLINARY ORDER

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
18 above-entitled proceedings that the following matters are true:

19 PARTIES

20 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
22 by Bill Lockyer, Attorney General of the State of California, by Marcia A. Fay, Supervising
23 Deputy Attorney General.

24 2. Respondent Paul Eisenhauer (Respondent) is represented in this
25 proceeding by attorney David A. Nelson, whose address is 1516 Hudson Street, Suite 204,
26 Longview, WA 98632.

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy License No. 46382 issued to
3 Respondent Paul Eisenhauer is revoked. However, the revocation is stayed and Respondent is
4 placed on probation for a period to run concurrent with probation ordered by the State of
5 Washington, in "In the Matter of the License To Practice as a Pharmacist of Paul D. Eisenhauer,
6 RPH., License No. PH 0021929, Docket No. 01-05-A-1048PH. Said period of probation shall
7 extend to September 6, 2004 and be subject to the following terms and conditions.

8 1. **Obey All Laws.** Respondent shall obey all federal and state laws and
9 regulations substantially related or governing the practice of pharmacy.

10 2. **Reporting to the Board.** Respondent shall report to the Board or its
11 designee quarterly. The report shall be made either in person or in writing, as directed. If the
12 final probation report is not made as directed, probation shall be extended automatically until
13 such time as the final report is made.

14 3. **Interview with the Board.** Upon receipt of reasonable notice,
15 Respondent shall appear in person for interviews with the Board or its designee upon request at
16 various intervals at a location to be determined by the Board or its designee. Failure to appear
17 for a scheduled interview without prior notification to Board staff shall be considered a violation
18 of probation.

19 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
20 Board's inspectional program and in the Board's monitoring and investigation of the Respondent's
21 compliance with the terms and conditions of his probation. Failure to cooperate shall be
22 considered a violation of probation.

23 5. **Peer Review.** Respondent shall submit to peer review as deemed
24 necessary by the Board.

25 6. **Continuing Education.** Respondent shall provide evidence of efforts to
26 maintain skill and knowledge as a pharmacist as directed by the Board.

27 7. **Notice to Employers.** Respondent shall notify all present and prospective
28 employers of the decision in case No. 2532 and the terms, conditions and restrictions imposed on

1 Respondent by the decision. Within thirty (30) days of the effective date of this decision, and
2 within fifteen (15) days of Respondent undertaking new employment, Respondent shall cause his
3 employer to report to the Board in writing acknowledging the employer has read the decision in
4 case No. 2532.

5 If Respondent works for or is employed by or through a pharmacy employment
6 service, Respondent must notify the pharmacist-in-charge and/or owner at every pharmacy at
7 which he is to employed or used of the fact and terms of the decision in case number 2532 in
8 advance of the Respondent commencing work at the pharmacy.

9 "Employment" within the meaning of this provision shall include any full-time,
10 part-time, temporary or relief service or pharmacy management service as a pharmacist, whether
11 the Respondent is considered an employee or independent contractor.

12 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board its
13 costs of investigation and prosecution in the amount of \$644.00. If Respondent fails to pay the
14 costs as specified by the Board and on or before the date(s) determined by the Board, the Board
15 shall, without affording the Respondent notice and the opportunity to be heard, revoke probation
16 and carry out the disciplinary order that was stayed.

17 9. **Probation Monitoring Costs.** Respondent shall pay the costs associated
18 with probation monitoring as determined by the Board each and every year of probation. Such
19 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs
20 shall be considered a violation of probation.

21 10. **Status of License.** Respondent shall, at all times while on probation,
22 maintain an active current license with the Board, including any period during which suspension
23 or probation is tolled. If Respondent's license expires by operation of law or otherwise, upon
24 renewal or reapplication, Respondent's license shall be subject to all terms of this probation not
25 previously satisfied.

26 11. **Notification of Employment/Mailing Address Change.** Within ten (10)
27 days of a change in employment -- either leaving or commencing employment -- Respondent
28 shall so notify the Board in writing, including the address of the new employer; within ten (10)

1 days of a change of mailing address, Respondent shall notify the Board in writing. If Respondent
2 works for or is employed through a pharmacy employment service, Respondent shall, as
3 requested, provide to the Board or its designee with a work schedule, indicating dates and
4 location of employment.

5 12. **Notice of Return to California.** If Respondent returns to California to
6 reside or practice, Respondent must notify the Board in writing of the dates of return within ten
7 (10) days of his return.

8 13. **Rehabilitation Program - Pharmacist Recovery Program (PRP)**
9 If Respondents return to reside or practice in California, within 30 days of his return to
10 California, respondent shall contact the Pharmacist Recovery Program for evaluation and shall
11 successfully participate in and complete the treatment contract and any subsequent addendums as
12 recommended and provided by the PRP and as approved by the board. The costs for PRP
13 participation shall be borne by the respondent.

14 If Respondent is currently enrolled in the PRP, said participation is not mandatory
15 and is no longer considered a self-referral under Business and Professions Code section 4363, as
16 of the effective date of his decision. Respondent shall successfully participate in and complete
17 his or her current contract and any subsequent addendums with the PRP. Probation shall be
18 automatically extended until respondent successfully completes his or her treatment contract.
19 Any person terminated from the program shall be automatically suspended upon notice by the
20 board. Respondent may not resume the practice of pharmacy until notified by the board in
21 writing. The board shall retain jurisdiction to institute action to terminate probation for any
22 violation of this term.

23 14. **Violation of Probation.** If Respondent violates either his California or
24 Washington probation in any respect, the Board, after giving Respondent notice and an
25 opportunity to be heard, may revoke probation and carry out the disciplinary order which was
26 stayed. If a petition to revoke probation or an accusation is filed against Respondent during
27 probation, the Board shall have continuing jurisdiction, and the period of probation shall be
28 extended, until the petition to revoke probation is heard and decided. If a Respondent has not

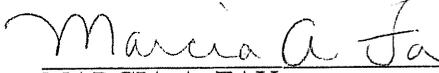
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: Sept. 24, 2002.

BILL LOCKYER, Attorney General
of the State of California



MARCIA A. FAY
Supervising Deputy Attorney General
Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 2535

PAUL D. EISENHAUER
211 Lone Oak Road
Longview, WA 98632

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on December 12, 2002.

It is so ORDERED November 12, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By: _____


JOHN D. JONES
Board President

1 BILL LOCKYER, Attorney General
of the State of California
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2532

12 PAUL DAVID EISENHAUER
211 Lone Oak Road
13 Longview, WA 98632

A C C U S A T I O N

14 Pharmacist License No. RPH 46382

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
21 Affairs.

22 2. On or about August 19, 1993, the Board of Pharmacy issued Original
23 Pharmacist License Number RPH 46382 to PAUL DAVID EISENHAUER (Respondent). The
24 license will expire on July 31, 2003, unless renewed.

25 STATUTORY PROVISIONS

26 3. Section 4301 of the Business and Professions Code (Code) states, in
27 pertinent part:

28 //

1 "The board shall take action against any holder of a license who is guilty of
2 unprofessional conduct or whose license has been procured by fraud or misrepresentation or
3 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the
4 following:

5

6 "(n) The revocation, suspension, or other discipline by another state of a license to
7 practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this
8 chapter.

9 4. Section 125.3 of the Code provides, in part, that the Board may request the
10 administrative law judge to direct a licentiate found to have committed a violation or violations
11 of the Licensing Act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 CAUSE FOR DISCIPLINE

14 (Discipline By Another State)

15 5. Respondent is subject to disciplinary action under section 4301(n) of the
16 Code in that respondent's license to practice pharmacy in the State of Washington was
17 disciplined by the Board of Pharmacy for the State of Washington, as set forth in the Stipulated
18 Findings of Fact, Conclusions of Law, and Agreed Order, dated September 6, 2001, in the
19 disciplinary proceeding entitled In the Matter of the License To Practice as a Pharmacist of:
20 PAUL D. EISENHAUER, R.Ph., License No. PH00021929, Docket No. 01-05-A-1048PH
21 ("Washington Proceeding").

22 6. Respondent's license to practice as a pharmacist by the State of
23 Washington was disciplined in the Washington Proceeding for unprofessional conduct in that, on
24 December 12, 2000, respondent inadvertently punctured his finger with a syringe while preparing
25 flu shots. In accordance with his employer's on the job injury policy, Respondent provided a
26 urine sample for drug testing on December 13, 2000. The results of the drug screen were
27 positive for marijuana. On December 19, 2000, Respondent reported his marijuana use to the
28 Washington Board of Pharmacy. On December 28, 2000, Respondent admitted that on

1 November 22, 2000, he had smoked four (4) or five (5) joints over a three (3) to four (4) hour
2 time span. These acts constituted unprofessional conduct in violation of RCW 18.130.180(6),
3 (7), and (23)(b) and (c), RCW 18.64.160(3), RCW 69.50.401(d), and RCW 69.50.403(a)(3)(i)
4 and grounds for imposition of sanctions under RCW 18.130.160.

5 DISCIPLINE CONSIDERATIONS

6 7. To determine the degree of discipline, if any, to be imposed on
7 Respondent, Complainant alleges that, in the Washington Proceeding, the Washington Board of
8 Pharmacy placed Respondent on probation for a period of three years, starting on September 6,
9 2001, with numerous terms and conditions, as set forth in the Stipulated Findings of Fact,
10 Conclusions of Law, and Agreed Order in the Washington Proceeding.

11 PRAYER

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

- 14 1. Revoking or suspending Original Pharmacist License Number 46382,
15 issued to PAUL DAVID EISENHAUER;
- 16 2. Ordering PAUL DAVID EISENHAUER to pay the Board of Pharmacy
17 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
18 Professions Code section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20

21 DATED: 6/3/02

22
23 P. J. Harris
24 PATRICIA F. HARRIS
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant