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

In the Matter of the Accusation Against: KENNETH CHARLES RHODES Pharmacy Technician Registration No. TCH 14881, Respondent.	Case No. 2617 OAH No. L-2003120452

PROPOSED DECISION

Ralph B. Dash, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on November 19, 2004, at Los Angeles, California.

Susan M. Wilson, Deputy Attorney General, represented Complainant.

Donna L. Ortlieb, Attorney at Law, represented Respondent.

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge makes the following Proposed Decision.

* * * * *

FINDINGS OF FACT

1. Pursuant to a written evidentiary stipulation presented at the opening of the record of this matter, the parties agreed that all allegations contained in paragraphs 1 through 18 of the Accusation filed against Respondent are true and correct; however, Respondent reserved the right to present evidence as to what discipline, if any, should be imposed as a consequence of the admitted allegations. Accordingly, the Findings contained in paragraphs 2 through 7 are based solely on the evidentiary stipulation.[1]

[1] Paragraphs 3 through 13 of the Accusation relate to the various statutes and regulations governing these proceedings; accordingly, they are not set forth herein as Findings of Fact.

2. Patricia F. Harris made the Accusation in her official capacity as the Executive Director of the Board of Pharmacy (Board).

3. On or about January 13, 1995, the Board issued Pharmacy Technician Registration No. TCH 14881 to Respondent Kenneth Charles Rhodes (Rhodes). The registration was in full force and effect at all times relevant to the charges brought in the Accusation and was due to expire on November 30, 2004 unless renewed.[2]

4. Demerol is a brand of meperidine hydrochloride, a derivative of pethidine, and is a Schedule II controlled substance, as defined by Health and Safety Code section 11055, subdivision (c)(17), and is categorized as a dangerous drug pursuant to Business and Professions Code Section 4022.[3]

5. Xanax is a brand name for alprazolam, and is a Schedule IV controlled substance, as defined by Health and Safety Code section 11057, subdivision (d)(1) and is categorized as a dangerous drug.

6. Hydroxyzine is the generic name for Vistaril and is categorized as a dangerous drug.

7. On or about April 23, 2002, while employed as a pharmacy technician at Valley Presbyterian Hospital in Van Nuys, California, Respondent, by his own admission, appropriated, furnished or administered to himself Demerol, Xanax and Vistaril, without a prescription, with the intent to commit suicide.

8. Except for a brief, medically supervised, "medication vacation" in 1995, Respondent has been taking prescribed psychotropic medications for the past 11 years to control, among other things, depression and anxiety. He had been, and is now, under the care of a psychiatrist or psychologist during the entire period. His current diagnosis is Depressive Disorder, Not Otherwise Specified, Attention Deficit/ Hyperactivity Disorder, and Anxiety. His symptoms are currently under control with a combination of Prozac, Valium, Temazapan (a short acting benzodiazepine), and Dexedrine, an amphetamine often used to treat AD/HD. Respondent has no history of drug dependency, alcohol abuse or previous attempts at suicide.

9. From 1995 to 2000, Respondent worked full time as a pharmacy technician at Children's Hospital in Los Angeles. He was never accused of or charged with any malfeasance, negligence or dishonest acts while employed there. Other than "a couple of warnings" for attendance, Respondent had no disciplinary history at that hospital. Respondent was offered a position as a pharmacy technician at Valley Presbyterian Hospital

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[2] Respondent's certified license history shows that as of November, 10, 2004, Respondent had not renewed his Registration. In the event Respondent has not renewed his Registration, the Board nevertheless retains jurisdiction over these proceedings under the provisions of Business and Professions Code Sections 118, subdivision (b).

[3] This section, in essence, provides that any drug requiring a prescription is a "dangerous drug."

in 2000, and remained employed there, without incident or disciplinary history of any kind, until his suicide attempt on April 23, 2002.

10. The suicide attempt was brought about by a number of factors, the most important of which was the fact that Respondent had been off of his medications for over three weeks prior to the incident. He had run out of his regular supply and had no re-fills left on the prescriptions; his psychiatrist was out of town, and Respondent had difficulty in getting in touch with the "on-call" doctor. Relatives from Korea were staying with Respondent and his wife, creating a great deal of stress and tension in the household. In addition, Respondent was laboring under a heavy work load and a heavy school load.

11. On the night of the incident Respondent, who does not drink much alcohol, consumed a large amount of champagne, an amount well in excess of his limitations. His sister-in-law made a number of derogatory remarks to him, to the effect that Respondent was somehow deficient because he "had not made much progress," that he was not as "achievement oriented" as Korean people, and that he was not able to be a good father. Respondent, who was already spiraling downward into the blackness of depression, sunk even further. Feeling tormented, and "wanting to get out of this pain," Respondent went to the hospital where he worked, took 10 doses of Demerol, 100mg, 10 Xanax tablets, 1.0 mg, and one dose of Vistaril 100mg, injectable, together with the paraphernalia necessary to administer the medicine.

12. Respondent drove to a local motel where he checked into a room, set up an intravenous delivery system, took the Xanax and began administering the Demerol and Vistaril, all with the intent of taking his life. Respondent lapsed into a stupor; then, every time he roused himself, he injected more Demerol. This continued for almost 24 hours. When found, Respondent was taken to a hospital psychiatric unit where he was placed on a 72 hour hold under the provisions of Welfare and Institutions Code section 5150.

13. Upon his release from the hospital, once again stable on his prescribed medications, Respondent began more intense counseling with his psychiatrist and through his church. He placed himself on a "no alcohol diet." He has gotten his life under control again. Even being fired from his job did not cause Respondent to fall into a downward spiral. Instead, it appears to have had the effect of increasing his resolve to keep his psyche healthy. He has done a good job in this area.

14. Respondent has been married for five years. His wife is a registered nurse and well acquainted with the medications he must take. Respondent is active and involved in caring for his son. He is also active in his church, where he serves as an usher, receives counseling, and "enjoys the fellowship" of other members. He is continuing his education by taking pharmacy related classes such as chemistry, math, as well as German, at College of the Canyons. Respondent, although clearly extremely nervous during the hearing, nevertheless displayed great respect for the Board and these disciplinary proceedings. He did not in any way attempt to minimize his conduct or the effect it had on his family. He is fully

aware that he must continue with his therapy, and is committed to maintaining a stable, well-grounded life.

15. Grounds exist for the Board to impose discipline against Respondent's registration. However, in light of Respondent's work history and demonstrated ability to perform the duties of a Board registrant, coupled with Respondent's continuing therapy and current stable mental health, the public interest would not be adversely affected by permitting Respondent to remain licensed, provided his registration is conditioned as set forth below.

16. The Board reasonably incurred costs of investigation and prosecution of this matter, including fees paid to the Office of the Attorney General, in the total sum of $4,345.75, as set forth in the certification by the Board's Executive Officer.[4]

* * * * *

CONCLUSIONS OF LAW

1. Respondent's conduct in appropriating and self-administering the scheduled drugs Demerol and Xanax, as set forth in Findings 7, 11 and 12, constitutes ground for discipline of his Pharmacy Technician Registration under the provisions of Business and Professions Code sections 4300, 4301, subdivisions (a), (f), (h), (j), (o) and (p), and 4060, and Health and Safety Code sections 11158, 11170 and 11171.

2. Respondent's conduct in appropriating and self-administering the dangerous drug Vistaril, as set forth in Findings 7, 11 and 12, constitutes ground for discipline of his Pharmacy Technician Registration under the provisions of Business and Professions Code sections 4300, 4301, subdivisions (a), (f), (o) and (p), and 4059, subdivision (a).

3. The violations set forth in Conclusions 1 and 2 above also constitute violations of California Code of Regulations, title 16, section 1770 and are acts of unprofessional conduct within the meaning of Business and Professions Code sections 4300 and 4301, subdivisions (o) and (p).

4. The Board is entitled to recover its reasonable costs of investigation and prosecution of this matter, including fees of the Attorney General, in the total sum of $4,345.75, under the provisions of Business and Professions Code section 125.3, by reason of Finding 16.

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[4] Ms. Wilson's declaration indicates her office charged the Board approximately $450 more than the amount shown in the Executive Officer's certification ($2,850.75 in the former versus $2,399.50 in the latter.) In light of this unexplained discrepancy, Respondent should not be charged the higher amount.

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Technician registration number TCH 14881 issued to respondent Kenneth Charles Rhodes is revoked; however, revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

1. Certification Prior to Resuming Work

Respondent shall be suspended from working as a pharmacy technician until he or she is certified by the Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification to the board.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, **or** be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

Subject to the above restrictions, respondent may continue to own or hold an interest in any entity licensed by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.

3. Reporting to the Board

Respondent shall report to the board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the board.

4. Interview with the Board

Upon receipt of reasonable notice, respondent shall appear in person for interviews with the board upon request at various intervals at a location to be determined by the board. Failure to

appear for a scheduled interview without prior notification to board staff shall be considered a violation of probation.

5. Cooperation with Board Staff

Respondent shall cooperate with the board's inspectional program and in the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply shall be considered a violation of probation.

6. Notice to Employers

Respondent shall notify all present and prospective employers of the decision in case number 2617 and the terms, conditions and restrictions imposed on respondent by the decision.

Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his or her employer to report to the board in writing acknowledging the employer has read the decision in case number 2617.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the pharmacist-in-charge and/or owner at every pharmacy of the terms and conditions of the decision in case number 2617 in advance of the respondent commencing work at each pharmacy.

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

7. Reimbursement of Board Costs

Respondent shall pay to the board its costs of investigation and prosecution in the amount of $4,345.75. Respondent shall make said payments in quarterly installments over the period of probation as follows: 19 quarterly installments of $217.28 and a final installment of $217.43. Each payment shall be made with the quarterly report required above.

If respondent fails to pay the costs as specified by the board and on the date(s) determined by the board, the board shall, without affording the respondent notice and the opportunity to be heard, revoke probation and carry out the disciplinary order that was stayed. The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

8. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

9. Status of License

Respondent shall, at all times while on probation, maintain an active current technician registration/certification with the board, including any period during which suspension or probation is tolled.

If respondent's technician registration/certification expires or is cancelled by operation of law or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

10. Notification of Employment/Mailing Address Change

Respondent shall notify the board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule, if known. Respondent shall notify the board in writing within 10 days of a change in name, mailing address or phone number.

11. Tolling of Probation

It is a violation of probation for respondent to work less than 40 hours per month as a pharmacy technician/exemptee. Should respondent, regardless of residency, for any reason cease practicing as a pharmacy technician or an exemptee in California, respondent must notify the board in writing within 10 days of cessation of practice or the resumption of the practice. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three consecutive years.

> "Cessation of practice" means any period of time exceeding 30 days in which respondent is not engaged in the practice of a pharmacy technician as defined in section 4115 of the Business and Professions Code.

12. Violation of Probation

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against respondent

during probation, the board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

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

13. Completion of Probation

Upon successful completion of probation, respondent's technician registration will be fully restored.

14. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

15. Mental Health Examination

Within 30 days of the effective date of this decision, and on a periodic basis as may be required by the board, respondent shall undergo, at his or her own expense, psychiatric evaluation(s) by a board-appointed or board-approved psychiatrist or psychologist. Respondent shall sign a release authorizing the evaluator to furnish the board with a current diagnosis and a written report regarding the respondent's judgment and ability to function independently as a pharmacist with safety to the public. Respondent shall comply with all the recommendations of the evaluator if directed by the board.

If the psychiatrist or psychotherapist recommends, and the board directs, respondent shall undergo psychotherapy. Respondent shall, within 30 days of written notice of the need for psychotherapy, submit to the board for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at respondent's own expense, until further notice from the board. Respondent shall have the treating psychotherapist or psychiatrist submit written quarterly reports to the board as

directed. If respondent is determined to be unable to practice safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the board.

16. Psychotherapy

Within 30 days of the effective date of this decision, respondent shall submit to the board, for its prior approval, the name and qualifications of a licensed mental health practitioner of respondent's choice. Should respondent, for any reason, cease treatment with the approved licensed mental health practitioner, respondent shall notify the board immediately and, within 30 days of ceasing treatment, submit the name of a replacement psychotherapist or licensed mental health practitioner of respondent's choice to the board for its prior approval.

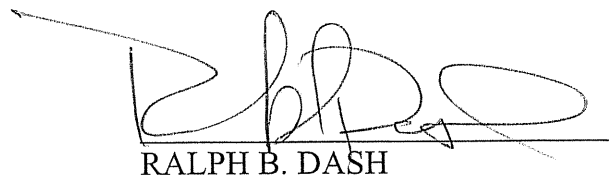
Therapy shall be at least once a week unless otherwise determined by the board. Respondent shall provide the therapist with a copy of the board's accusation and decision no later than the first therapy session. Respondent shall take all necessary steps to ensure that the treating therapist submits written quarterly reports to the board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the board. If the treating therapist finds that respondent cannot practice safely or independently, the therapist shall notify the board immediately by telephone and followed up by written letter within three working days.

Upon approval of the licensed mental health practitioner, respondent shall undergo and continue treatment with that therapist and at respondent's own expense, until the board deems that no further psychotherapy is necessary. The board may require respondent to undergo a mental health evaluation(s) by a board-appointed or board-approved licensed mental health practitioner.

17. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board, respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the respondent. Respondent shall ensure that he or she is not in the presence of or in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs.

Date: 12-10-04



RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

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

In The Matter of the Accusation Against: KENNETH CHARLES RHODES Pharmacy Technician Registration No. TCH 14881 Respondent.	Case No. 2617 OAH No. L2003120452

DECISION REDUCING PENALTY

Regarding the attached proposed decision of the administrative law judge in the above-entitled matter, pursuant to the provisions of Government Code section 11517, subdivision (c), (2), the California State Board of Pharmacy ("Board") hereby reduces the penalty, but only insofar as the following particulars:

On page 5 of the proposed decision, the length of probation is reduced from five (5) years to three (3) years.

The Board adopts the balance of the proposed decision.

This Decision shall become effective on March 30, 2005.

IT IS SO ORDERED February 28, 2005.

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

By

STANLEY GOLDENBERG
Board President

BILL LOCKYER, Attorney General
of the State of California
KIMBERLEE D. KING, State Bar No. 141813
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2581
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: KENNETH CHARLES RHODES 11838 Porter Valley Dr. Northridge, CA 91326 Pharmacy Technician Registration No. TCH 14881 Respondent.	Case No. 2617 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about January 13, 1995, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 14881 to Kenneth Charles Rhodes (Respondent). The Pharmacy Technician was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2004, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section

references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Business and Professions Code provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

5. Section 4301 of the Code states:

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

"(a) Gross immorality.

. . . .

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

. . . .

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

. . . .

"(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

. . . .

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

"(p) Actions or conduct that would have warranted denial of a license.

6. Section 4059, subdivision (a) of the Business and Professions Code states:

"A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian."

7. Section 4060 of the Business and Professions Code states, in pertinent part, that: "No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian."

8. Health and Safety Code Section 11158, subdivision (a), states in relevant part that:

". . . no controlled substance classified in Schedule II shall be dispensed without a prescription meeting the requirements of this chapter. Except as provided in Section 11159 or when dispensed directly to an ultimate user by a practitioner, other than a pharmacist or pharmacy, no controlled substance classified in Schedule III, IV, or V may be dispensed without a prescription meeting the requirements of this chapter."

9. Health and Safety Code section 11170 states: "No person shall prescribe, administer, or furnish a controlled substance for himself."

10. Health and Safety Code section 11171 states: "No person shall prescribe, administer, or furnish a controlled substance except under the conditions and in the manner provided by this division."

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

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

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12. Section 118, subdivision (b), of the Code provides that the suspension/expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

13. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

14. CONTROLLED SUBSTANCES

A. "Demerol," is a brand of meperidine hydrochloride, a derivative of pethidine, and is a Schedule II controlled substance, as defined by Health and Safety Code section 11055(c)(17) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

B. "Xanax," is a brand name for alprazolam, and is a Schedule IV controlled substance, as defined by Health and Safety Code section 11057(d)(1) and is categorized as a "dangerous drug" pursuant to Business and Professions Code section 4022.

15. DANGEROUS DRUGS

"Hydroxyzine" is the generic name for Vistaril and is a "dangerous drug" pursuant to section 4022.

FIRST CAUSE FOR DISCIPLINE

(Furnishing or Administering Dangerous Drugs without a Prescription)

16. Respondent is subject to disciplinary action under sections 4300, 4301, subdivisions (a), (f), (o), (p), and 4059, subdivision (a) of the Business and Professions Code, in that on or about April 23, 2002, while employed as a pharmacy technician at Valley Presbyterian Hospital, in Van Nuys, CA, Respondent, by his own admission, appropriated, furnished or administered Vistaril, a dangerous drug, without a prescription, and with the intent to commit suicide.

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SECOND CAUSE FOR DISCIPLINE

(Furnishing or Administering Controlled Substances without a Prescription)

17. Respondent is subject to disciplinary action under Business and Profession Code sections 4301 subdivisions (a), (f), (h), (j), (o), (p), and 4060 Business and Health and Safety Code sections 11158, 11170, and 11171, in that on or about April 23, 2002, while employed as a pharmacy technician at Valley Presbyterian Hospital, in Van Nuys, CA, Respondent, by his own admission, appropriated, furnished or administered Demerol (a Schedule II controlled substance) and Xanax, (a Schedule IV controlled substance), without a prescription, and with the intent to commit suicide.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

18. Respondent is subject to disciplinary action under Business and Professions Code sections 4300 and 4301, subdivisions (o) and (p), on the grounds of unprofessional conduct for violating California Code of Regulations, title 16, section 1770, as more fully set forth in paragraphs 16 and 17 above.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 14881, issued to Kenneth Charles Rhodes;

2. Ordering Kenneth Charles Rhodes to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 9/29/03

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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