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

In the Matter of the Accusation Against: CHARLES JOHN STEIGLEDER, III 18321 Clark Street Tarzana, CA 91356 20715 Tulsa Street Chatsworth, CA 91311 Pharmacist License No. RPH 30300, Respondent.	Case Number 2729 OAH Number L2005010007

PROPOSED DECISION

This matter came on regularly for hearing before Roy W. Hewitt, Administrative Law Judge (ALJ), Office of Administrative Hearings, at Los Angeles, California on June 13, 2005.

Deputy Attorney General Erlinda G. Shrenger represented complainant.

Respondent, Charles Steigleder, III, personally appeared and was represented by Donna L. Ortlieb, Esq.

Oral and documentary evidence was received and the matter was submitted.

FACTUAL FINDINGS

The ALJ makes the following Factual Findings:

1. The accusation was filed by Patricia F. Harris (complainant) while acting in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California.

2. On June 14, 1976, the Board of Pharmacy (board) issued respondent Pharmacist License Number RPH 30300.

3. At all relevant times respondent's license was, and currently is, in full force and effect.

4. Respondent began suffering from alcoholism in 1979 or 1980.

5. In 2002 respondent began a concerted effort to control his alcohol addiction. Respondent voluntarily commenced treatment with the Matrix Outpatient Program, an intensive, 16-week alcohol treatment program. Respondent was doing well in his alcohol treatment until his mother became gravely ill in November of 2002. Due to the stress of his mother's demise, respondent relapsed, "the alcohol program had fallen by the side." Respondent's mother died in January of 2003, and respondent fell back into his pattern of alcohol abuse.

6. On August 13, 2003, while employed as a licensed pharmacist at the Tarzana-Encino Regional Medical Center Pharmacy, respondent reported to work while under the influence of alcohol. Another employee smelled alcohol on respondent's breath and reported respondent to the Pharmacist-in-Charge. Respondent was subjected to blood and urine tests that same day, August 13, 2003. Test results were positive for "Alcohol, Ethyl," "Oxazepam," and "Temezepam."

7. Other than alcohol, respondent has no other addiction. The positive test results indicating that respondent had Oxazepam and Temezepam in his system resulted from respondent taking "Restoril," a drug legally prescribed to respondent for a valid medical condition. "Restoril" is a brand name for Temezepam and Oxazepam is a metabolic end product of the breakdown of Temezepam.

8. Subsequent to the August 13, 2003 incident described in Finding 6, above, respondent contacted both the Matrix Institute and the board diversion program. As a result of these contacts respondent enrolled in, and successfully completed the 12-week Matrix alcohol program. On September 25, 2003, respondent also voluntarily enrolled in, and was accepted into, the Maximus Diversion Program[1]. Respondent is still attending the Diversion Program. He attends two group sessions per week and a minimum of 16 Alcoholics Anonymous (AA) meetings per month. Respondent is subjected to random urine tests three to four times per month and has not had a "dirty test."[2]

9. In addition to the alcohol treatment diversion program and the random testing, respondent also receives Psychotherapy from Dr. Hunt, a licensed Psychologist. Respondent's Psychotherapy is focused on respondent's alcoholism and the "root causes" of his alcoholism. Respondent began receiving Psychotherapy in

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[1] Maximus runs the board's Diversion Program.

[2] All tests have been negative for alcohol.

January of 2004 and he is still attending Psychotherapy sessions two to four times per month.

10. Respondent has been sober since August 17, 2003 without any relapses and he no longer takes Restoril.

11. Respondent still works at the Encino-Tarzana Medical Center, the location of the August 13, 2003 incident. Respondent is working for the same employer he worked for at the time of the incident. He is carefully supervised and has had no work related complaints.

12. The reasonable costs for the investigation and enforcement of the instant action against respondent total $9,976.75.

LEGAL CONCLUSIONS

The Administrative Law Judge makes the following Legal Conclusions:

1. Cause exists for discipline pursuant to Business and Professions Code section 4301, subdivision (h) and 4327 because, as set forth in Findings 4, 5, and 6, respondent has a history of alcoholism and, on one occasion, respondent was under the influence of alcohol while on duty.

2. Findings 7, 8, 9, 10, and 11, establish that respondent has his alcohol abuse problem under control and as long as he maintains control of his problem he does not represent a danger to the public. In order to ensure that respondent remains clean and sober and that the public is adequately protected, a long term of probation with appropriate alcohol terms and conditions is warranted.

3. Finding 12 establishes that $9, 976.75 represents the reasonable costs recoverable by the board pursuant to Business and Professions Code section 125.3. Although respondent's request for a reduction of those costs is denied, respondent shall be allowed to pay the costs on a payment plan approved by the board or by one of its agents.

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ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

License number RPH 30300, issued to respondent is revoked; however, the revocation is stayed and respondent is placed on probation for five (5) years upon the following terms and conditions:

1. Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy. Respondent shall report any of the following occurrences to the board, in writing, within 72 hours of such occurrence:

A. An arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;

B. A plea of guilty or *nolo contendre* in any state or federal criminal proceeding to any criminal complaint, information or indictment;

C. A conviction of any crime;

D. Discipline, citation, or other administrative action filed by any state and federal agency which involves respondent's Pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for of any drug, device or controlled substance.

2. 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.

3. 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.

4. 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.

5. Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board.

6. Respondent shall notify all present and prospective employers of the decision in case number 2726, OAH number L2005010007, 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 direct supervisor, pharmacist-in-charge and/or owner to report to the board in writing acknowledging the employer has read the decision in case number 2726, OAH number L2005010007.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy of the and terms and conditions of the decision in case number 2726, OAH number L2005010007, 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, relief or pharmacy management service as a pharmacist, whether the respondent is considered an employee or independent contractor.

7. Respondent shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the board unless otherwise specified in this order.

8. Respondent shall pay to the board its costs of investigation and prosecution in the amount of $9,976.75. Respondent shall make said payments on a payment plan specified by the board or by a designee of the board.

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.

9. 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.

10. Respondent shall, at all times while on probation, maintain an active current license with the board, including any period during which suspension or probation is tolled. If respondent's license 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.

11. 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.

12. 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.

13. Should respondent, regardless of residency, for any reason cease practicing pharmacy for a minimum of 80 hours per calendar month in California, respondent must notify the board in writing within 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy. 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 years.

"Cessation of practice" means any period of time exceeding 30 days in which respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business and Professions Code.

14. Within 30 days of the effective date of this decision, respondent shall contact the Pharmacists Recovery Program for evaluation and shall successfully participate in and complete the treatment contract and any subsequent addendums as recommended and provided by the PRP and as approved by the board. The costs for PRP participation shall be borne by the respondent.

If respondent is currently enrolled in the PRP, said participation is now mandatory and is no longer considered a self-referral under Business and Professions Code section 4363, as of the effective date of this decision. Respondent shall successfully participate in and complete his or her current contract and any subsequent addendums with the PRP. Probation shall be automatically extended until respondent

successfully completes his or her treatment contract. Any person terminated from the program shall be automatically suspended upon notice by the board. Respondent may not resume the practice of pharmacy until notified by the board in writing. The board shall retain jurisdiction to institute action to terminate probation for any violation of this term.

15. Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or a drug screening program approved by the board. The length of time shall be for the entire probation period and the frequency of testing will be determined by the board. At all times respondent shall fully cooperate with the board, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as directed shall constitute a violation of probation. Any confirmed positive drug test shall result in the immediate suspension of practice by respondent. Respondent may not resume the practice of pharmacy until notified by the board in writing.

16. 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.

17. 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 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.

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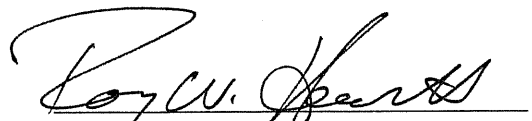
18. Upon successful completion of probation, respondent's license will be fully restored.

Dated: July 18, 2005.



ROY W. HEWITT
Administrative Law Judge
Office of Administrative Hearings

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

In the Matter of the Accusation Against: CHARLES JOHN STEIGLEDER, III 18321 Clark Street Tarzana, CA 91356 20715 Tulsa Street Chatsworth, CA 91311 Pharmacist License No. RPH 30300, Respondent.	Case Number 2729 OAH Number L2005010007

DECISION

The attached proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This Decision shall become effective on September 16, 2005.

IT IS SO ORDERED this 17th day of August, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STANLEY W. GOLDENBERG
Board President

lcp

BILL LOCKYER, Attorney General
of the State of California
ERLINDA G. SHRENGER, State Bar No. 155904
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-5794
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: CHARLES JOHN STEIGLEDER, III 18321 Clark Street Tarzana, CA 91356 20715 Tulsa Street Chatsworth, CA 91311 Pharmacist License No. RPH 30300 Respondent.	Case No. 2729 **ACCUSATION**

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 June 14, 1976, the Board of Pharmacy issued Pharmacist License No. RPH 30300 to Charles John Steigleder, III (Respondent). The pharmacist license was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2005, unless renewed.

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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 4301 states, in part:

"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:

. . .

"(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."

5. Section 4327 states: "Any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor."

6. Section 118(b) provides that the suspension, expiration, or forfeiture by operation of law of a license does not deprive the Board of authority or jurisdiction to institute or continue with disciplinary action against the license or to order suspension or revocation of the license, during the period within which the license may be renewed, restored, reissued or reinstated.

7. Section 125.3 provides, in 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.

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DEFINITIONS

8. Temazepam (brand name: Restoril) is classified as a Schedule IV controlled substance under Health and Safety Code section 11507. It metabolizes into Oxazepam (a sleeping aid medication).

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

9. Respondent is subject to disciplinary action under section 4301, subdivision (h), and section 4327, on the grounds of unprofessional conduct. On or about August 13, 2003, Respondent, while employed as a licensed pharmacist at the Tarzana-Encino Regional Medical Center Pharmacy, reported to work as a pharmacist while under the influence of alcohol. Another employee smelled alcohol on Respondent's breath and reported him to the Pharmacist-in-Charge, Steven Kozel. Respondent took a blood test on August 13, 2003. He tested positive for "Alcohol, Ethyl", "Oxazepam", and "Temezepam".

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 Pharmacist License No. RPH 30300, issued to Charles John Steigleder, III;

2. Ordering Charles John Steigleder, III 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;

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

DATED: 9/9/04

P. F. Harris

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

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