

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

In the Matter of the Accusation Against:

JON EDWARD TEITELL
110 Culver Blvd.
Playa Del Rey, CA 90293

Pharmacist License No. RPH 42547

Respondent.

Case No. 3065

OAH No. L-2007070340

DECISION AND ORDER

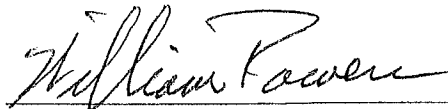
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, as its Decision in this matter.

This Decision shall become effective on March 26, 2008.

It is so ORDERED February 25, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General
4 300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
5 Telephone: (213) 897-6375
Facsimile: (213) 897-2804

6 Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **JON EDWARD TEITELL**
110 Culver Blvd.
Playa Del Rey, CA 90293

14 Pharmacist License No. RPH 42547

15 Respondent.
16

Case No. 3065

OAH No. L-2007070340

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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. Virginia Herold (Complainant) is the Executive Officer of the Board of
21 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
22 this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Linda L.
23 Sun, Deputy Attorney General.

24 2. Respondent Jon Edward Teitell (Respondent) is represented in this
25 proceeding by attorney Jonathan Golden, whose address is Law Offices of Jonathan Golden
26 1900 Avenue of the Stars, Suite 1900, Los Angeles, CA 90067.

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- 1 • an arrest or issuance of a criminal complaint for violation of any provision of the
- 2 Pharmacy Law, state and federal food and drug laws, or state and federal
- 3 controlled substances laws;
- 4 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
- 5 any criminal complaint, information or indictment;
- 6 • a conviction of any crime;
- 7 • discipline, citation, or other administrative action filed by any state and federal
- 8 agency which involves Respondent's license or which is related to the practice
- 9 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 10 or charging for any drug, device or controlled substance.

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

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

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

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

27 6. **Notice to Employers.** Respondent shall notify all present and
28 prospective employers of the decision in Case No. 3065 and the terms, conditions and

1 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
2 this decision, and within 15 days of Respondent undertaking new employment, Respondent
3 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
4 writing acknowledging the employer has read the decision in Case No. 3065 .

5 If Respondent works for or is employed by or through a pharmacy employment
6 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
7 every pharmacy of the and terms conditions of the decision in Case No. 3065 in advance of
8 the Respondent commencing work at each pharmacy.

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

12 **7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
13 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
14 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
15 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
16 order.

17 **8. Reimbursement of Board Costs.** Respondent shall pay to the Board
18 its costs of investigation and prosecution in the amount of \$3,100 (three thousand one hundred
19 dollars). Respondent shall make said payments in quarterly installments.

20 The filing of bankruptcy by Respondent shall not relieve Respondent of his
21 responsibility to reimburse the Board its costs of investigation and prosecution.

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

26 **10. Status of License.** Respondent shall, at all times while on probation,
27 maintain an active current license with the Board, including any period during which
28 suspension or probation is tolled.

1 If Respondent's license expires or is canceled by operation of law or otherwise,
2 upon renewal or reapplication, Respondent's license shall be subject to all terms and
3 conditions of this probation not previously satisfied.

4 **11. License Surrender while on Probation/Suspension.** Following the
5 effective date of this decision, should Respondent cease practice due to retirement or health, or
6 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
7 his license to the Board for surrender. The Board shall have the discretion whether to grant
8 the request for surrender or take any other action it deems appropriate and reasonable. Upon
9 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
10 terms and conditions of probation.

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

16 **12. Notification of Employment/Mailing Address Change.** Respondent
17 shall notify the Board in writing within 10 days of any change of employment. Said
18 notification shall include the reasons for leaving and/or the address of the new employer,
19 supervisor or owner and work schedule if known. Respondent shall notify the Board in
20 writing within 10 days of a change in name, mailing address or phone number.

21 **13. Tolling of Probation.** Respondent shall work at least 40 hours in each
22 calendar month as a pharmacist and at least an average of 80 hours per month in any six
23 consecutive months. Failure to do so will be a violation of probation. If Respondent has not
24 complied with this condition during the probationary term, and Respondent has presented
25 sufficient documentation of his good faith efforts to comply with this condition, and if no
26 other conditions have been violated, the Board, in its discretion, may grant an extension of
27 Respondent's probation period up to one year without further hearing in order to comply with
28 this condition.

1 14. **Violation of Probation.** If Respondent violates probation in any
2 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
3 probation and carry out the disciplinary order which was stayed. If a petition to revoke
4 probation or an accusation is filed against Respondent during probation, the Board shall have
5 continuing jurisdiction and the period of probation shall be extended, until the petition to
6 revoke probation or accusation is heard and decided.

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

12 15. **Completion of Probation.** Upon successful completion of probation,
13 Respondent's license will be fully restored.

14 16. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
15 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
16 Recovery Program for evaluation and shall successfully participate in and complete the
17 treatment contract and any subsequent addendums as recommended and provided by the PRP
18 and as approved by the Board. The costs for PRP participation shall be borne by the
19 Respondent.

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

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

11 18. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
12 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
13 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
14 practitioner as part of a documented medical treatment. Upon request of the Board,
15 Respondent shall provide documentation from the licensed practitioner that the prescription
16 was legitimately issued and is a necessary part of the treatment of the Respondent.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order
3 and have fully discussed it with my attorney, Jonathan Golden. I understand the stipulation
4 and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement
5 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
6 Decision and Order of the Board.

7 DATED: 12-5-07

8 
9 JON EDWARD TEITELL
Respondent

10 I have read and fully discussed with Respondent Jon Edward Teitell the terms
11 and conditions and other matters contained in the above Stipulated Settlement and
12 Disciplinary Order. I approve its form and content.

13 DATED: 12/7/07

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15 JONATHAN GOLDEN
16 Attorney for Respondent

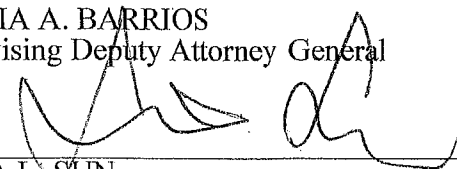
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby
19 respectfully submitted for consideration by the Board.

20 DATED: 12-13-07

21 EDMUND G. BROWN JR., Attorney General
of the State of California

22 GLORIA A. BARRIOS
Supervising Deputy Attorney General

23 
24 LINDA L. SUN
25 Deputy Attorney General

26 Attorneys for Complainant

Exhibit A

Accusation No. 3065

2007 APR 17 AM 9:24

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 GLORIA A. BARRIOS
Supervising Deputy Attorney General

3 LINDA L. SUN, State Bar No. 207108
Deputy Attorney General

4 California Department of Justice
300 So. Spring Street, Suite 1702

5 Los Angeles, CA 90013
Telephone: (213) 897-6375

6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 3065

13 JON EDWARD TEITELL
14 110 Culver Blvd.
15 Playa Del Rey, CA 90293

ACCUSATION

15 Original Pharmacist License No. RPH 42547

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer
22 Affairs.

23 2. On or about April 13, 1989, the Board issued Original Pharmacist License
24 No. RPH 42547 to Jon Edward Teitell (Respondent). The License was in full force and effect at
25 all times relevant to the charges brought herein and will expire on November 30, 2008, unless
26 renewed.

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1 (k) The conviction of more than one misdemeanor or any felony involving the
2 use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
3 combination of those substances.

4 (l) The conviction of a crime substantially related to the qualifications, functions,
5 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
7 substances or of a violation of the statutes of this state regulating controlled substances or
8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
9 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
10 The board may inquire into the circumstances surrounding the commission of the crime, in order
11 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
12 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
13 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
14 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
15 meaning of this provision. The board may take action when the time for appeal has elapsed, or
16 the judgment of conviction has been affirmed on appeal or when an order granting probation is
17 made suspending the imposition of sentence, irrespective of a subsequent order under Section
18 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
19 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
20 or indictment."

21 7. Section 490 of the Code states:

22 "A board may suspend or revoke a license on the ground that the licensee has been
23 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
24 of the business or profession for which the license was issued. A conviction within the meaning
25 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
26 contendere. Any action which a board is permitted to take following the establishment of a
27 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal, or when an order granting probation is made suspending the imposition

1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
2 Penal Code."

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

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

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

14 10. **CONTROLLED SUBSTANCE**

15 a. Marijuana is a Schedule I controlled substance as defined in Health and
16 Safety Code section 11054 (d) (13). There is no legitimate indicated use for this drug.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Convictions of Substantially Related Crimes)**

19 11. Respondent is subject to disciplinary action under sections 490, 4300 and
20 4301, subdivision (1), in conjunction with California Code of Regulations, title 16, section 1770,
21 in that Respondent was convicted of crimes substantially related to the qualifications, functions,
22 or duties of a pharmacist. The circumstances are as follows:

23 a. On or about January 9, 2006, Respondent was convicted by the Court on a
24 plea of nolo contendere to one count of violating Vehicle Code section 23152(A), misdemeanor,
25 (driving under the combined influence of alcohol/drugs) in the Superior Court of California,
26 County of Los Angeles, Case No. 5MT00403, entitled *The People of the State of California v.*
27 *Jon E. Teitell.*

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