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EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General
M. TRAVIS PEERY
Deputy Attorney General
State Bar No. 261887
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-0962
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 3618

STEVEN MICHAEL MARGOLIN
6855 Oak Park Ave.
Van Nuys, CA 91406

PETITION TO REVOKE PROBATION

Original Pharmacist License No. 36992

Respondent.

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about August 18, 1982, the Board of Pharmacy (Board) issued Original Pharmacist License No. RPH 36992 to Steven Michael Margolin (Respondent). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed. Pursuant to Condition No. 17 of his

1 probation, Respondent has been suspended from practicing as a registered pharmacist effective
2 December 30, 2009 until the Board makes a final decision on the Petition to Revoke Probation.

3 3. In a disciplinary action entitled "*In the Matter of the Accusation Against: Steven*
4 *Margolin,*" Case No. 2928, the Board issued a Decision adopting the proposed decision of the
5 administrative law judge, effective August 19, 2009, in which Respondent's Original Pharmacist
6 License was revoked. However, the revocation was stayed and Respondent's license was placed
7 on probation for a period of five (5) years subject to certain terms and conditions. A copy of that
8 decision is attached as Exhibit A and is incorporated by reference.

9 **JURISDICTION**

10 4. This Petition to Revoke Probation is brought before the Board under the authority of
11 the following laws. All section references are to the Business and Professions Code unless
12 otherwise indicated.

13 **STATUTORY PROVISIONS**

14 5. Section 118 provides, in pertinent part, that the suspension or expiration of a license
15 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
16 within which the license may be renewed, restored, reissued, or reinstated.

17 6. Section 4300 states, in pertinent part:

18 "(a) Every license issued may be suspended or revoked.

19

20 "(d) The board may initiate disciplinary proceedings to revoke or suspend any
21 probationary certificate of licensure for any violation of the terms and conditions of probation."

22 **PETITION TO REVOKE PROBATION**

23 7. Grounds exist for revoking the probation and reimposing the order of revocation of
24 Respondent's Original Pharmacist License in that Respondent has failed to comply with
25 Condition 17 of his probation.

26 ///

27 ///

28 ///

1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Failure to Participate in and Successfully Complete the Pharmacists Recovery**
3 **Program)**

4 8. At all times after the effective date of Respondent's probation, Probation Condition
5 No. 17 stated:

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

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

18 9. Respondent's probation is subject to revocation because he failed to comply with
19 Probation Condition No. 17, referenced above, in that Respondent failed to comply with the
20 mandates of his Pharmacists Recovery Program (PRP) contract as follows:

21 a. Respondent failed to register with FirstLab and contact this vendor daily to
22 submit to randomly scheduled bodily fluid testing.

23 b. Respondent failed to maintain complete abstinence from all mind altering
24 substances. On or about December 2, 2009, during a phone conversation with his case manager,
25 Respondent admitted to his continuing use of Vicodin. On or about December 16, 2009, the PRP
26 reviewed a Controlled Substance Utilization Review and Evaluation System (CURES) report
27 indicating that Respondent picked up 300 tablets of Norco 7.5mg from September 14, 2009 to
28 November 22, 2009.

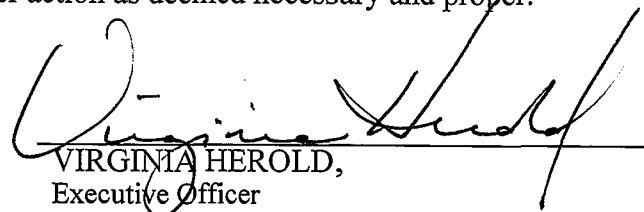
- 1 c. Respondent failed to check in weekly with his Clinical Case Manger.
- 2 d. Respondent failed to attend daily 12-Step Meetings.
- 3 e. Respondent failed to attend Health Support Group two times per week.
- 4 f. Respondent failed to provide Maximus Diversion Program with a monthly self
- 5 report.
- 6 g. Respondent failed to review and sign his preliminary program contract with
- 7 Maximus Diversion Program.

8 **PRAYER**

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

- 11 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2928
- 12 and imposing the disciplinary order that was stayed thereby revoking Original Pharmacist License
- 13 No. 36992, issued to Respondent;
- 14 2. Revoking or suspending Original Pharmacist License No. 36992, issued to
- 15 Respondent; and
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 4/6/10



VIRGINIA HEROLD,
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

22 LA2010600181