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of the State of California
2 JENNIFER S. CADY, State Bar No. 100437
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3 California Department of Justice
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6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 2722

11 PHILLIP AARON ETTEDGUI
6700 Woodley, #214
12 Van Nuys, CA 91406

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Original Pharmacist License No. RPH 49611

14 Respondent.
15

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

20 PARTIES

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

25 2. Respondent Philip Aaron Ettedgui (Respondent) is represented in this
26 proceeding by attorney Theodore A. Cohen, Esq., whose address is 9952 Santa Monica Blvd.,
27 Beverly Hills, CA 90212.

28 ///

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Original Pharmacist License No. 49611 issued to Respondent Philip Aaron Ettetdgui is revoked. However, the revocation is stayed and Respondent is placed on probation for five (5) years on the following terms and conditions.

1. **Actual Suspension - Pharmacist.** Pharmacist License number 49611, issued to Respondent Philip Aaron Ettetdgui is suspended for a period of ninety (90) days.

2. **Credit Towards Suspension.** Based upon Respondent's prior participation in the Pharmacist Recovery Program, which participation has been verified by the Board, Respondent will receive a credit of ninety (90) days towards the actual period of suspension.

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

3 Respondent shall report any of the following occurrences to the Board, in writing,
4 within 72 hours of such occurrence:

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

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

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

25 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
26 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
27 compliance with the terms and conditions of his probation. Failure to comply shall be
28 considered a violation of probation.

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

3 7. **Notice to Employers.** Respondent shall notify all present and
4 prospective employers of the decision in case number 2722 and the terms, conditions and
5 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
6 this decision, and within 15 days of Respondent undertaking new employment, Respondent
7 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
8 writing acknowledging the employer has read the decision in case number 2722.

9 If Respondent works for or is employed by or through a pharmacy employment
10 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
11 every pharmacy of the and terms conditions of the decision in case number 2722 in advance of
12 the Respondent commencing work at each pharmacy.

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

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

21 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
22 its costs of investigation and prosecution in the amount of \$8,000.00. Payments shall be due
23 on a quarterly basis, with the entire amount to be paid within five (5) years. If the total cost
24 recovery amount of \$8,000.00 is **not** made as directed, probation shall be automatically
25 extended until such time as the complete amount is paid.

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

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1 10. **Probation Monitoring Costs.** Respondent shall pay the costs
2 associated with probation monitoring as determined by the Board each and every year of
3 probation. Such costs shall be payable to the Board at the end of each year of probation.
4 Failure to pay such costs shall be considered a violation of probation.

5 11. **Status of License.** Respondent shall, at all times while on probation,
6 maintain an active current license with the Board, including any period during which
7 suspension or probation is tolled.

8 If Respondent's license expires or is cancelled by operation of law or otherwise,
9 upon renewal or reapplication, Respondent's license shall be subject to all terms and
10 conditions of this probation not previously satisfied.

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

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

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

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1 13. **Tolling of Probation.** Respondent shall work at least 40 hours in each
2 calendar month as a pharmacist and at least an average of 80 hours per month in any six
3 consecutive months. Failure to do so will be a violation of probation. If Respondent has not
4 complied with this condition during the probationary term, and Respondent has presented
5 sufficient documentation of his good faith efforts to comply with this condition, and if no
6 other conditions have been violated, the Board, in its discretion, may grant an extension of
7 Respondent's probation period up to one year without further hearing in order to comply with
8 this condition. Such periods of time shall not apply to the reduction of the probation period.
9 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
10 provisions of this condition for a period exceeding three years.

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

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

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

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

27 16. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
28 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists

1 Recovery Program for evaluation and shall successfully participate in and complete the
2 treatment contract and any subsequent addendums as recommended and provided by the PRP
3 and as approved by the Board. The costs for PRP participation shall be borne by the
4 Respondent.

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

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

24 **18. Abstain from Drugs and Alcohol Use.** Respondent shall completely
25 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
26 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
27 practitioner as part of a documented medical treatment. Upon request of the Board,

28 ///

1 Respondent shall provide documentation from the licensed practitioner that the prescription
2 was legitimately issued and is a necessary part of the treatment of the Respondent.

3 19. **No Ownership of Premises.** Respondent shall not own, have any
4 legal or beneficial interest in, or serve as a manager, administrator, member, officer, director,
5 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
6 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
7 entity licensed by the Board within 90 days following the effective date of this decision and
8 shall immediately thereafter provide written proof thereof to the Board.

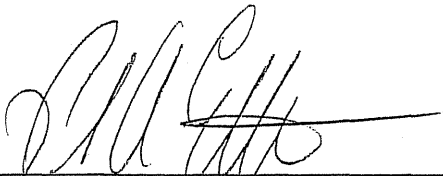
9 20. **Tolling of Suspension.** If Respondent leaves California to reside or
10 practice outside this state, for any period exceeding 10 days (including vacation), Respondent
11 must notify the Board in writing of the dates of departure and return. Periods of residency or
12 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the
13 reduction of the suspension period.

14 Respondent shall not practice pharmacy upon returning to this state until
15 notified by the Board that the period of suspension has been completed.

16
17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order
19 and have fully discussed it with my attorney, Theodore A. Cohen, Esq.. I understand the
20 stipulation and the effect it will have on my Original Pharmacist License No. 49611. I enter
21 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
22 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

23 DATED: 3/18/05

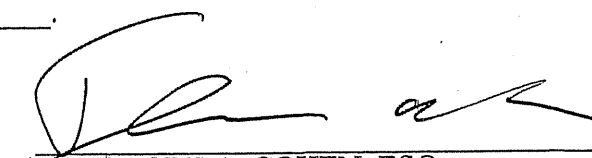
24
25 
26 PHILIP AARON ETTEGUI
27 Respondent

28 ///

///

1 I have read and fully discussed with Respondent Philip Aaron Ettedgui the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: 3/22/05

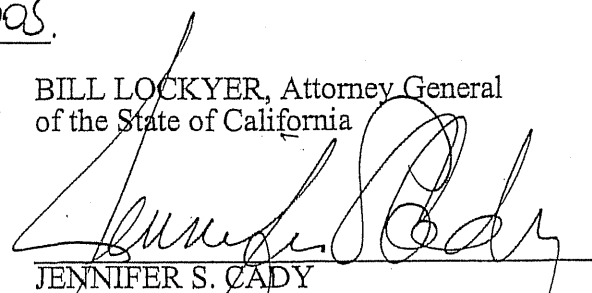
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6 
7 THEODORE A. COHEN, ESQ.
8 Attorney for Respondent

9 ENDORSEMENT

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

13
14 DATED: March 30, 2005

15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 JENNIFER S. CADY
19 Supervising Deputy Attorney General
20 Attorneys for Complainant

21 DOJ Docket/Matter ID Number: 03583110-LA2003601198
22 ett-set.11

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

In the Matter of the Accusation Against:

Case No. 2722

PHILLIP AARON ETTEDGUI
6700 Woodley, #214
Van Nuys, CA 91406

Original Pharmacist License No. RPH 49611

Respondent.

DECISION AND ORDER

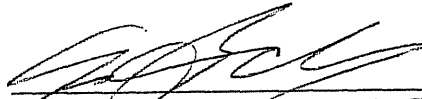
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on May 27, 2005.

It is so ORDERED April 27, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2722

1 BILL LOCKYER, Attorney General
of the State of Californi
2 JENNIFER S. CADY, State Bar No. 100437
Supervising Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2442
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2722

12 PHILLIP AARON ETTEDGUI
4309 Hartfield Ct.
Westlake Village, CA 91361

A C C U S A T I O N

13 Original Pharmacist License No. RPH 49611

14 Respondent.

15
16 Complainant alleges:

17 PARTIES

18 1. (Complainant) brings this Accusation solely in her official capacity as the
19 of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about August 28, 1997, the Board of Pharmacy issued Original
21 Pharmacist License No. RPH 49611 to Phillip Aaron Ettetdgui (Respondent). The Original
22 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
23 and will expire on May 31, 2005, unless renewed.

24
25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 4300 of the Code provides, in pertinent part, that every license
2 issued by the Board is subject to discipline, including suspension or revocation.
3 its discretion may deem proper.

4 5. Section 118, subdivision (b) states:

5 "The suspension, expiration, or forfeiture by operation of law of a license issued
6 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or
7 by order of a court of law, or its surrender without the written consent of the board, shall not,
8 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board
9 of its authority to institute or continue a disciplinary proceeding against the licensee upon any
10 ground provided by law or to enter an order suspending ore revoking the license or otherwise
11 taking disciplinary action against the licensee on any such ground."

12 6. Section 4301 of the Code states:

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

17

18 "(c) Gross negligence.

19

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

25

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

28

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

5 7. Section 4022 of the Code states:

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
7 self-use, except veterinary drugs that are labeled as such, and includes the following:

8 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
9 without prescription," "Rx only," or words of similar import.

10 "(b) Any device that bears the statement: "Caution: federal law restricts this
11 device to sale by or on the order of a _____," "Rx only," or words of similar import, the
12 blank to be filled in with the designation of the practitioner licensed to use or order use of the
13 device.

14 "(c) Any other drug or device that by federal or state law can be lawfully
15 dispensed only on prescription or furnished pursuant to Section 4006."

16 8. Section 4060 of the Code states:

17 "No person shall possess any controlled substance, except that furnished to a
18 person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished
19 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse
20 practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1. This
21 section shall not apply to the possession of any controlled substance by a manufacturer,
22 wholesaler, pharmacy, physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
23 practitioner, or physician assistant, when in stock in containers correctly labeled with the name
24 and address of the supplier or producer.

25 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner,
26 or a physician assistant to order his or her own stock of dangerous drugs and devices."

27 9. Business and Professions Code section 4306.5 states:

28 "Unprofessional Conduct for a pharmacist may include acts or omissions that

1 involve, in whole or in part, the exercise of his or her education, training or experience as a
2 pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or
3 the ownership, management, administration, or operation of a pharmacy or other entity licensed
4 by the board."

5 10. Business and Professions Code section 4326, subdivision (a), states

6 "Any person who obtains a hypodermic needle or hypodermic syringe by a false or
7 fraudulent representation or design or by a forged or fictitious name, or contrary to, or in
8 violation of, any of the provisions of this chapter, is guilty of a misdemeanor."

9 11. Business and Professions Code section 4327 states:

10 "Any person who, while on duty, sells, dispenses or compounds any drug while
11 under the influence of any dangerous drug or alcoholic beverages shall be guilty of a
12 misdemeanor."

13 12. Health and Safety Code section 11158, subdivision (a), state:

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

20 13. Health and Safety Code section 11170 provides: "no person shall

21 prescribe, administer, or furnish a controlled substance for himself."

22 14. Health and Safety Code section 11173, subdivision (a) provides: "no

23 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
24 the administration of or prescription for controlled substances, (1) by fraud, deceit,
25 misrepresentation, or subterfuge; or (2) by the concealment of a material fact."

26 15. Business and Professions Code section 125.3, subdivision (a), states, in

27 pertinent part:

28 "Except as otherwise provided by law, in any order issued in resolution of a

1 disciplinary proceeding before any board within the department . . . the board may request the
2 administrative law judge to direct a licentiate found to have committed a violation or violations
3 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
4 enforcement of the case."

5 16. CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

6 A. "Clonazepam, generic for Klonopin, is an anti-anxiety benzodiazepine,
7 and a Schedule IV controlled substances as designated by Health and Safety Code section
8 11057(d)(7) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

9 B. "Demerol", a brand of meperidine hydrochloride, a derivative of pethidine,
10 is a Schedule II controlled substance as designated by Health and Safety Code section
11 11057(d)(17) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

12 C. "Dilaudid", Opium derivative, is a Schedule II controlled substance as
13 designated by Health and Safety Code section 11055(b)(1)(k) and is categorized as a dangerous
14 drug pursuant to section 4022 of the Code.

15 D. "Haldol", a brand name for Haloperidol, is a dangerous drug pursuant to
16 section 4022 of the Code.

17 FIRST CAUSE FOR DISCIPLINE

18 (Dispensing, Administering Controlled Substances to Oneself)

19 17. Respondent is subject to disciplinary action under sections 4300 and 4301,
20 subdivision (h), (j) and (o) of the Code on the grounds of unprofessional conduct for violating
21 Health and Safety Code sections 11158(a) and 11170 in that Respondent dispensed without a
22 prescription, administered or furnished controlled substances to himself. The circumstances are
23 as follows:

24 a. On or about November 25, 2002, Respondent was admitted to the Los
25 Robles Hospital emergency room and was treated for overdose of opiates. Respondent admitted
26 using and being under the influence of Demerol and Dilaudid. Respondent stated that he had
27 taken approximately 10mg. of Dilaudid and one gram of Demerol during the last 12 hours.
28 Respondent also admitted that he was an addict. Respondent was a staff pharmacist at Los

1 Robles Hospital and was on duty just prior to being admitted to the emergency room.

2 SECOND CAUSE FOR DISCIPLINE

3 (Possession of a Controlled Substance)

4 18. Respondent is subject to disciplinary action under sections 4300 and 4301,
5 subdivisions (j) and (o), of the Code on the ground of unprofessional conduct for violating
6 section 4060 of the Code, and Health and Safety Code section 11173 in that on or about
7 November 25, 2002, Respondent was in possession of ten (10) tablets of Clonazepam, a
8 controlled substance, without a prescription.

9 THIRD CAUSE FOR DISCIPLINE

10 (Possession of Hypodermic Needle)

11 19. Respondent is subject to disciplinary action under sections 4300 and 4301,
12 subdivisions (j) and (o) of the Code on the grounds of unprofessional conduct for violating
13 section 4326, subdivision (a), of the Code in that Respondent was in possession of several
14 syringes, as follows:

15 a. On or about November 25, 2002, Respondent was admitted to the Los
16 Robles Hospital emergency room. During admission to the ER, Respondent was asked to
17 remove the contents of his pants pockets. Respondent removed several hypodermic syringes
18 from his pants.

19 FOURTH CAUSE FOR DISCIPLINE

20 (Under the Influence of a Controlled Substance While on Duty)

21 20. Respondent is subject to disciplinary action under sections 4300 and 4301,
22 subdivisions (h), (j) and (o) of the Code on the grounds of unprofessional conduct for violating
23 section 4327 in that Respondent was under the influence of a controlled substance while on duty
24 as a pharmacist, as more fully set forth in paragraph 17, above.

25 FIFTH CAUSE FOR DISCIPLINE

26 (Gross Negligence)

27 21. Respondent is subject to disciplinary action under sections 4300 and 4301,
28 subdivision (c) of the Code in conjunction with section 4306.5 on the grounds of unprofessional

1 conduct in that while employed and on duty as a pharmacist at the Los Robles Hospital Pharmacy
2 in Thousand Oaks, California, he committed acts of gross negligence, as follows:

3 a. On or about November 25, 2002, Respondent made twenty (20) Demerol
4 100ml intravenous bags with less than the required 10mg/ml concentration of Demerol, without
5 regard to patient health, safety and pharmaceutical care. These bags were tested by the Food and
6 Drug Laboratory Branch and analyzed for the concentration of Demerol present, with the
7 following results:

<u>Sample Number</u>	<u>Result</u>	<u>Amount of Demerol</u>
030109	8.6mg/ml	140mg
030110	8.5mg/ml	150mg
030111	8.4mg/ml	160mg
030112	8.7mg/ml	130mg
030113	8.8mg/ml	120mg
030114	8.5mg/ml	150mg
030115	8.9mg/ml	110mg
030116	8.7mg/ml	130mg
030117	9.1mg/ml	90mg
030118	8.8mg/ml	120mg
030119	8.3mg/ml	170mg
030120	8.6mg/ml	140mg
030121	8.5mg/ml	150mg
030122	8.6mg/ml	140mg
030123	8.4mg/ml	160mg
030124	8.4mg/ml	160mg
030125	8.9mg/ml	110mg
030126	8.4mg/ml	160mg
030127	8.6mg/ml	140mg
030128	8.3mg/ml	170mg

20 PRAYER

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

23 A. Revoking or suspending Original Pharmacist License Number RPH
24 49611, issued to Phillip Aaron Etedgui.

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1 B. Ordering Philip Aaron Etedgui to pay the Board of Pharmacy the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 C. Taking such other and further action as deemed necessary and proper.

5 DATED: 11/1/04

6
7 P. J. Harris

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9 Board of Pharmacy
10 Department of Consumer Affairs
11 State of California
12 Complainant
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