

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

In the Matter of the Accusation Against:

Case No. 3645

**MARK SCHAEFER**  
12616 Pacific Avenue #1  
Los Angeles, CA 90066

Pharmacist License No. RPH 32265

Respondent.

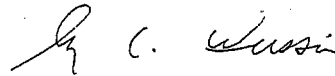
**DECISION AND ORDER**

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 June 22, 2011.

It is so ORDERED on May 23, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
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10 In the Matter of the Accusation Against:

Case No. 3645

11 **MARK SCHAEFER**  
12 **12616 Pacific Avenue #1**  
**Los Angeles, CA 90066**  
13 **Pharmacist License No. RPH 32265**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

14 Respondent.

15  
16 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
17 entitled proceedings that the following matters are true:

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
20 She brought this action solely in her official capacity and is represented in this matter by Kamala  
21 D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney  
22 General.

23 2. Mark Schaefer (Respondent) is represented in this proceeding by attorney Theodore  
24 Cohen, whose address is: 4601 Admiralty Way Marina del Rey, CA 90292

25 3. On or about August 9, 1978, the Board of Pharmacy issued Pharmacist License No  
26 RPH 32265 to Respondent. The Pharmacist License was in full force and effect at all times  
27 relevant to the charges brought in Accusation No. 3645 and will expire on September 30, 2012,  
28 unless renewed.



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

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

11 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
14 negotiations, and commitments (written or oral.) This Stipulated Settlement and Disciplinary  
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
16 writing executed by an authorized representative of each of the parties.

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Pharmacist License No. RPH 32265 issued to Respondent  
22 is revoked. However, the revocation is stayed and Respondent is placed on probation for three  
23 (3) years on the following terms and conditions.

24 1. **Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

26 Respondent shall report any of the following occurrences to the board, in writing, within  
27 seventy-two (72) hours of such occurrence:  
28

- 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 controlled
- 3 substances laws
- 4 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 5 criminal complaint, information or indictment
- 6 • a conviction of any crime
- 7 • discipline, citation, or other administrative action filed by any state or federal agency
- 8 which involves respondent's pharmacist license or which is related to the practice of
- 9 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
- 10 for any drug, device or controlled substance.

11 Failure to timely report such occurrence shall be considered a violation of probation.

12 **2. Report to the Board**

13 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
14 designee. The report shall be made either in person or in writing, as directed. Among other  
15 requirements, respondent shall state in each report under penalty of perjury whether there has  
16 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
17 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
18 in submission of reports as directed may be added to the total period of probation. Moreover, if  
19 the final probation report is not made as directed, probation shall be automatically extended until  
20 such time as the final report is made and accepted by the board.

21 **3. Interview with the Board**

22 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
23 with the board or its designee, at such intervals and locations as are determined by the board or its  
24 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
25 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
26 the period of probation, shall be considered a violation of probation.

1           4.     **Cooperate with Board Staff**

2           Respondent shall cooperate with the board's inspection program and with the board's  
3 monitoring and investigation of respondent's compliance with the terms and conditions of his  
4 probation. Failure to cooperate shall be considered a violation of probation.

5           5.     **Continuing Education**

6           Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
7 pharmacist as directed by the board or its designee.

8           6.     **Notice to Employers**

9           During the period of probation, respondent shall notify all present and prospective  
10 employers of the decision in case number 3645 and the terms, conditions and restrictions imposed  
11 on respondent by the decision, as follows:

12           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
15 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
16 individual(s) has/have read the decision in case number 3645, and terms and conditions imposed  
17 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
18 submit timely acknowledgment(s) to the board.

19           If respondent works for or is employed by or through a pharmacy employment service,  
20 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
21 licensed by the board of the terms and conditions of the decision in case number 3645 in advance  
22 of the respondent commencing work at each licensed entity. A record of this notification must be  
23 provided to the board upon request.

24           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
25 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
26 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
27 report to the board in writing acknowledging that he has read the decision in case number 3645  
28

1 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
2 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause that/those  
4 employer(s) to submit timely acknowledgments to the board shall be considered a violation of  
5 probation.

6 "Employment" within the meaning of this provision shall include any full-time,  
7 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
8 position for which a pharmacist license is a requirement or criterion for employment,  
9 whether the respondent is an employee, independent contractor or volunteer.

10 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
11 **Designated Representative-in-Charge, or Serving as a Consultant**

12 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
13 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board  
14 nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
15 unauthorized supervision responsibilities shall be considered a violation of probation.

16 **8. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, respondent shall pay to the  
18 board its costs of investigation and prosecution in the amount of \$4,148. Respondent may make  
19 payments pursuant to a payment plan approved by the Board. There shall be no deviation from  
20 this schedule absent prior written approval by the board or its designee. Failure to pay costs by  
21 the deadline(s) as directed shall be considered a violation of probation.

22 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
23 reimburse the board its costs of investigation and prosecution.

24 **9. Probation Monitoring Costs**

25 Respondent shall pay any costs associated with probation monitoring as determined by the  
26 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
27 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
28 be considered a violation of probation.

1           **10. Status of License**

2           Respondent shall, at all times while on probation, maintain an active, current license with  
3 the board, including any period during which suspension or probation is tolled. Failure to  
4 maintain an active, current license shall be considered a violation of probation.

5           If respondent's license expires or is cancelled by operation of law or otherwise at any time  
6 during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
7 renewal or reapplication respondent's license shall be subject to all terms and conditions of this  
8 probation not previously satisfied.

9           **11. License Surrender While on Probation/Suspension**

10          Following the effective date of this decision, should respondent cease practice due to  
11 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
12 respondent may tender his license to the board for surrender. The board or its designee shall have  
13 the discretion whether to grant the request for surrender or take any other action it deems  
14 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent  
15 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
16 record of discipline and shall become a part of the respondent's license history with the board.

17          Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to  
18 the board within ten (10) days of notification by the board that the surrender is accepted.  
19 Respondent may not reapply for any license from the board for three (3) years from the effective  
20 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
21 of the date the application for that license is submitted to the board, including any outstanding  
22 costs.

23           **12. Notification of a Change in Name, Residence Address, Mailing Address or**  
24 **Employment**

25          Respondent shall notify the board in writing within ten (10) days of any change of  
26 employment. Said notification shall include the reasons for leaving, the address of the new  
27 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
28



1 shall further notify the board in writing within ten (10) days of a change in name, residence  
2 address, mailing address, or phone number.

3 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
4 phone number(s) shall be considered a violation of probation.

5 **13. Tolling of Probation**

6 Except during periods of suspension, respondent shall, at all times while on probation, be  
7 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.  
8 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
9 period of probation shall be extended by one month for each month during which this minimum is  
10 not met. During any such period of tolling of probation, respondent must nonetheless comply  
11 with all terms and conditions of probation.

12 Should respondent, regardless of residency, for any reason (including vacation) cease  
13 practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California,  
14 respondent must notify the board in writing within ten (10) days of the cessation of practice, and  
15 must further notify the board in writing within ten (10) days of the resumption of practice. Any  
16 failure to provide such notification(s) shall be considered a violation of probation.

17 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
18 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
19 exceeding thirty-six (36) months.

20 "Cessation of practice" means any calendar month during which respondent is  
21 not practicing as a pharmacist for at least 40 hours, as defined by Business and  
22 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
23 month during which respondent is practicing as a pharmacist for at least 40 hours as a  
24 pharmacist as defined by Business and Professions Code section 4000 et seq.

25 **14. Violation of Probation**

26 If a respondent has not complied with any term or condition of probation, the board shall  
27 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
28 all terms and conditions have been satisfied or the board has taken other action as deemed

1 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
2 to impose the penalty that was stayed.

3 If respondent violates probation in any respect, the board, after giving respondent notice  
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
5 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
6 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
7 a petition to revoke probation or an accusation is filed against respondent during probation, the  
8 board shall have continuing jurisdiction and the period of probation shall be automatically  
9 extended until the petition to revoke probation or accusation is heard and decided.

10 **15. Completion of Probation**

11 Upon written notice by the board or its designee indicating successful completion of  
12 probation, respondent's license will be fully restored.

13 **16. Pharmacists Recovery Program (PRP)**

14 Within thirty (30) days of the effective date of this decision, respondent shall contact the  
15 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,  
16 successfully participate in, and complete the treatment contract and any subsequent addendums as  
17 recommended and provided by the PRP and as approved by the board or its designee. The costs  
18 for PRP participation shall be borne by the respondent.

19 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of  
20 the effective date of this decision is no longer considered a self-referral under Business and  
21 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete  
22 his current contract and any subsequent addendums with the PRP.

23 Failure to timely contact or enroll in the PRP, or successfully participate in and complete  
24 the treatment contract and/or any addendums, shall be considered a violation of probation.

25 Probation shall be automatically extended until respondent successfully completes the PRP.  
26 Any person terminated from the PRP program shall be automatically suspended by the board.  
27 Respondent may not resume the practice of pharmacy until notified by the board in writing.

28 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a

1 licensed practitioner as part of a documented medical treatment shall result in the automatic  
2 suspension of practice by respondent and shall be considered a violation of probation.

3 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

12 During suspension, respondent shall not engage in any activity that requires the  
13 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
14 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
15 designated representative for any entity licensed by the board.

16 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
17 licensed premises in which he holds an interest at the time this decision becomes effective unless  
18 otherwise specified in this order.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
21 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid  
22 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

23 **17. Random Drug Screening**

24 Respondent, at his own expense, shall participate in random testing, including but not  
25 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
26 screening program as directed by the board or its designee. Respondent may be required to  
27 participate in testing for the entire probation period and the frequency of testing will be  
28 determined by the board or its designee. At all times, respondent shall fully cooperate with the

1 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
2 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
3 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
4 of probation. Upon request of the board or its designee, respondent shall provide documentation  
5 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
6 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
7 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
8 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
9 shall be considered a violation of probation and shall result in the automatic suspension of  
10 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until  
11 notified by the board in writing.

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

20 During suspension, respondent shall not engage in any activity that requires the  
21 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
22 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
23 designated representative for any entity licensed by the board.

24 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
25 licensed premises in which he holds an interest at the time this decision becomes effective unless  
26 otherwise specified in this order.

27 Failure to comply with this suspension shall be considered a violation of probation.  
28

1  
2           **18. Abstain from Drugs and Alcohol Use**

3           Respondent shall completely abstain from the possession or use of alcohol, controlled  
4 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
5 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
6 request of the board or its designee, respondent shall provide documentation from the licensed  
7 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
8 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
9 violation of probation. Respondent shall ensure that he is not in the same physical location as  
10 individuals who are using illicit substances even if respondent is not personally ingesting the  
11 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
12 not supported by the documentation timely provided, and/or any physical proximity to persons  
13 using illicit substances, shall be considered a violation of probation.

14           **19. Prescription Coordination and Monitoring of Prescription Use**

15           Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
16 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
17 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
18 history [with the use of alcohol, controlled substances, and/or dangerous drugs, and/or of mental  
19 illness, and/or of gambling addiction] and who will coordinate and monitor any prescriptions for  
20 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved  
21 practitioner shall be provided with a copy of the board's Accusation and decision. A record of  
22 this notification must be provided to the board upon request. Respondent shall sign a release  
23 authorizing the practitioner to communicate with the board about respondent's treatment(s). The  
24 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the  
25 board on a quarterly basis for the duration of probation regarding respondent's compliance with  
26 this condition. If any substances considered addictive have been prescribed, the report shall  
27 identify a program for the time limited use of any such substances. The board may require that  
28 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a

1 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,  
2 for any reason, cease supervision by the approved practitioner, respondent shall notify the board  
3 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement  
4 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the  
5 board or its designee for its prior approval. Failure to timely submit the selected practitioner or  
6 replacement practitioner to the board for approval, or to ensure the required reporting thereby on  
7 the quarterly reports, shall be considered a violation of probation.

8 If at any time an approved practitioner determines that respondent is unable to practice  
9 safely or independently as a pharmacist, the practitioner shall notify the board immediately by  
10 telephone and follow up by written letter within three (3) working days. Upon notification from  
11 the board or its designee of this determination, respondent shall be automatically suspended and  
12 shall not resume practice until notified by the board that practice may be resumed.

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

21 During suspension, respondent shall not engage in any activity that requires the  
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
24 designated representative for any entity licensed by the board.

25 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
26 licensed premises in which he holds an interest at the time this decision becomes effective unless  
27 otherwise specified in this order.

28 Failure to comply with this suspension shall be considered a violation of probation.

1           **20. Supervised Practice**

2           During the period of probation, respondent shall practice only under the supervision of a  
3 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
4 decision, respondent shall not practice pharmacy and his license shall be automatically suspended  
5 until a supervisor is approved by the board or its designee. The supervision shall be, as required  
6 by the board or its designee, either:

7           Continuous – At least 75% of a work week

8           Substantial - At least 50% of a work week

9           Partial - At least 25% of a work week

10          Daily Review - Supervisor's review of probationer's daily activities within 24 hours

11          Within thirty (30) days of the effective date of this decision, respondent shall have his  
12 supervisor submit notification to the board in writing stating that the supervisor has read the  
13 decision in case number 3645 and is familiar with the required level of supervision as determined  
14 by the board or its designee. It shall be the respondent's responsibility to ensure that his  
15 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
16 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
17 acknowledgements to the board shall be considered a violation of probation.

18          If respondent changes employment, it shall be the respondent's responsibility to ensure that  
19 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to  
20 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment  
21 commences, submit notification to the board in writing stating the direct supervisor and  
22 pharmacist-in-charge have read the decision in case number 3645 and is familiar with the level of  
23 supervision as determined by the board. Respondent shall not practice pharmacy and his license  
24 shall be automatically suspended until the board or its designee approves a new supervisor.  
25 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
26 acknowledgements to the board shall be considered a violation of probation.

27          Within ten (10) days of leaving employment, respondent shall notify the board in writing.

28          During suspension, respondent shall not enter any pharmacy area or any portion of the

1 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
2 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
3 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
4 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
5 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
6 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
7 and controlled substances. Respondent shall not resume practice until notified by the board.

8 During suspension, respondent shall not engage in any activity that requires the  
9 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
10 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
11 designated representative for any entity licensed by the board.

12 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
13 licensed premises in which he holds an interest at the time this decision becomes effective unless  
14 otherwise specified in this order.

15 Failure to comply with this suspension shall be considered a violation of probation.

16 **21. No Ownership of Licensed Premises**

17 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
18 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
19 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
20 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
21 days following the effective date of this decision and shall immediately thereafter provide written  
22 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
23 documentation thereof shall be considered a violation of probation.

24 **22. Ethics Course**

25 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll  
26 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.  
27 Failure to initiate the course during the first year of probation, and complete it within the second  
28 year of probation, is a violation of probation.



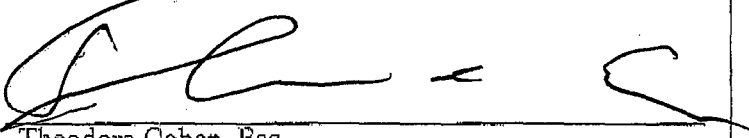
1 Respondent shall submit a certificate of completion to the board or its designee within five  
2 days after completing the course.

3 ACCEPTANCE

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

9  
10 DATED: 3/25/2011   
11 MARK SCHAEFER  
Respondent

12 I have read and fully discussed with Respondent Mark Schaefer the terms and conditions  
13 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
14 its form and content.

15 DATED: 3/25/11   
16 Theodore Cohen, Esq.  
Attorney for Respondent

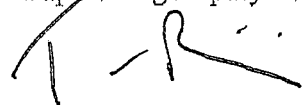
17 ENDORSEMENT

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

20  
21 Dated: March 21, 2011

Respectfully submitted,

22 KAMALA D. HARRIS  
Attorney General of California  
23 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General



24 THOMAS L. RINALDI  
25 Deputy Attorney General  
26 Attorneys for Complainant

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**Exhibit A**

**Accusation No. 3645**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 3645

11 **MARK SCHAEFER**  
12 12616 Pacific Avenue #1  
Los Angeles, CA 90066  
13 Pharmacist License No. RPH 32265

**A C C U S A T I O N**

14 Respondent.

15  
16 Complainant alleges:

17 PARTIES

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

20 2. On or about August 9, 1978, the Board of Pharmacy issued Pharmacist License  
21 Number RPH 32265 to Mark Schaefer (Respondent). The Pharmacist License was in full force  
22 and effect at all times relevant to the charges brought herein and will expire on September 30,  
23 2010, unless renewed.

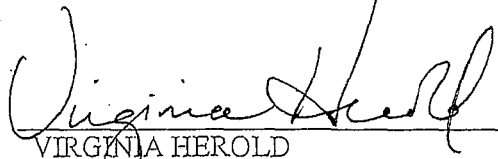
24 JURISDICTION

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



- 1           1.    Revoking or suspending Pharmacist License Number RPH 32265, issued to Mark  
2 Schaefer;  
3           2.    Ordering Mark Schaefer to pay the Board of Pharmacy the reasonable costs of the  
4 investigation and enforcement of this case, pursuant to Business and Professions Code section  
5 125.3; and  
6           3.    Taking such other and further action as deemed necessary and proper.

7  
8 DATED: 11/10/10



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

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