

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

In the Matter of the Accusation Against:

**Stephen David Ellwood
2600 Lavender Lane
Killeen, TX 76549**

Pharmacist License No. RPH 59873

Respondent.

Case No. 3939

OAH No. 2011060699

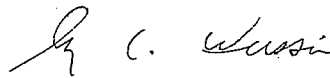
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 March 28, 2012.

It is so ORDERED on February 27, 2012.

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 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 NICOLE R. COOK
Deputy Attorney General
4 State Bar No. 263607
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Attorneys for Complainant

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

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12 In the Matter of the Accusation Against:

13 **STEPHEN DAVID ELLWOOD**
2600 Lavender Lane
14 Killeen, TX 76549

15 **Pharmacist License No. RPH 59873**

16 Respondent.

Case No. 3939

OAH No. 2011060699

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
19 proceeding that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Nicole R. Cook, Deputy Attorney
24 General.

25 2. Stephen David Ellwood (Respondent) is represented in this proceeding by attorney
26 Robert F. Hahn, whose address is 2550 Ninth Street, Suite 101, Berkeley, CA 94710-2551.

27 3. On or about August 1, 2007, the Board of Pharmacy issued Pharmacist License No.
28 RPH 59873 to Stephen David Ellwood (Respondent). The Pharmacist License was in full force

1 and effect at all times relevant to the charges brought in Accusation No. 3939 and will expire on
2 December 31, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3939 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on May 18, 2011.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3939 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 3939. Respondent also has carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
16 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
17 to the issuance of subpoenas to compel the attendance of witnesses and the production of
18 documents; the right to reconsideration and court review of an adverse decision; and all other
19 rights accorded by the California Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent understands that the charges and allegations in Accusation No. 3939, if
24 proven at a hearing, constitute cause for imposing discipline upon his Pharmacist License.

25 9. Respondent, while not admitting to any specific allegation, agrees that in the event
26 that this matter proceeded to hearing Complainant would establish sufficient factual basis for
27 imposing discipline on his license. Respondent hereby gives up his right to contest that cause for
28 discipline exists based on those charges.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the
4 effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
8 the Board shall treat it as a new application for licensure. Respondent must comply with all the
9 laws, regulations and procedures for licensure in effect at the time the application or petition is
10 filed, and all of the charges and allegations contained in Accusation No. 3939 shall be deemed to
11 be true, correct and admitted by Respondent when the Board determines whether to grant or deny
12 the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$10,000.00 prior to issuance of a new or reinstated license.

15 6. If Respondent should ever apply or reapply for a new license or certification, or
16 petition for reinstatement of a license, by any other health care licensing agency in the State of
17 California, all of the charges and allegations contained in Accusation, No. 3939 shall be deemed
18 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
19 other proceeding seeking to deny or restrict licensure.
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Robert F. Hahn. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 1/9/2012 Stephen Ellwood
STEPHEN DAVID ELLWOOD
Respondent

I have read and fully discussed with Respondent Stephen David Ellwood the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 1/10/12 Robert F. Hahn
ROBERT F. HAHN
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 1/10/12 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General
Nicole R. Cook
NICOLE R. COOK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3939

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 NICOLE R. COOK
Deputy Attorney General
4 State Bar No. 263607
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BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

Case No. 3939

13 **STEPHEN DAVID ELLWOOD**
14 **643 Via Firenze**
Cathedral City, CA 92234

A C C U S A T I O N

15 **Pharmacist License No. RPH 59873**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 1, 2007, the Board of Pharmacy issued Pharmacist License
23 Number RPH 59873 to Stephen David Ellwood (Respondent). The Pharmacist License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2012, unless renewed.

26 ///

27 ///

28 ///

1 JURISDICTION

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

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
6 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7 disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 5. Section 4300, subdivision (a) of the Code states in pertinent part, "every license
10 issued may be suspended or revoked."

11 STATUTORY PROVISIONS

12 6. Section 4059 of the Code provides in part that a person may not furnish any
13 dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist,
14 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
15 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
16 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

17 7. Section 4060 of the Code states:

18 No person shall possess any controlled substance, except that furnished to a
19 person upon the prescription of a physician, dentist, podiatrist, optometrist,
20 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
21 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
22 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
23 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
24 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
25 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This
26 section shall not apply to the possession of any controlled substance by a
27 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
28 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly labeled
with the name and address of the supplier or producer.

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

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8. Section 4081(b) of the Code states:

The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated representative-in-charge, for maintaining the records and inventory described in this section.

9. Section 4301 of the Code states:

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

....

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

....

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

....

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

....

10. Section 4327 of the Code provides that any person who, while on duty, sells, dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

11. Health and Safety Code section 11170 provides that no person shall prescribe, administer, or furnish a controlled substance for himself.

1 12. Health and Safety Code section 11171 provides that no person shall prescribe,
2 administer, or furnish a controlled substance except under the conditions and in the manner
3 provided by this division.

4 13. Health and Safety Code section 11173(a) provides that no person shall obtain or
5 attempt to obtain controlled substances, or procure or attempt to procure the administration of or
6 prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or
7 (2) by the concealment of a material fact.

8 REGULATIONS

9 14. Title 16, California Code of Regulations section 1714(d) states:

10 Each pharmacist while on duty shall be responsible for the security of the
11 prescription department, including provisions for effective control against theft or
12 diversion of dangerous drugs and devices, and records for such drugs and devices.
13 Possession of a key to the pharmacy where dangerous drugs and controlled
14 substances are stored shall be restricted to a pharmacist.

15 15. Title 16, California Code of Regulations section 1718 states:

16 "Current Inventory" as used in Sections 4081 and 4332 of the Business and
17 Professions Code shall be considered to include complete accountability for all
18 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.
19 The controlled substances inventories required by Title 21, CFR, Section 1304
20 shall be available for inspection upon request for at least 3 years after the date of
21 the inventory.

22 16. Title 21, Code of Federal Regulations, section 1307.21(b)(1) requires that a
23 controlled substance be disposed of properly, by several approved means, including transferral to
24 a registrant.

25 COST RECOVERY

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

DRUG

1
2 18. Ambien, a brand name for zolpidem tartrate, is a Schedule IV controlled substance as
3 designated by Health and Safety Code section 11057(d)(32), and is a dangerous drug pursuant to
4 Business & Professions Code section 4022.

5 19. Ativan, the brand name for lorazepam, is a Schedule IV controlled substance as
6 designated by Health and Safety Code section 11057(d)(16), and is a dangerous drug pursuant to
7 Business and Professions Code section 4022. Ativan is used in the treatment of anxiety disorders
8 and for short-term (up to 4 months) relief of the symptoms of anxiety.

9 20. Diazepam, the generic name for Valium, is a Schedule IV controlled substance as
10 designated by Health and Safety Code Section 11057(d)(9), and is a dangerous drug pursuant to
11 Business and Professions Code section 4022.

12 21. Hydrocodone bitartate/acetaminophen, also known by the brand names Vicodin,
13 Norco, Zydone, Maxidone, Lortab, Lorcet, Hydrocet, Co-Gesic, and Anexsia, is a narcotic
14 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4),
15 and is a dangerous drug pursuant to Business and Professions Code section 4022. Hydrocodone
16 is used as a narcotic analgesic in the relief of pain.

17 22. Dalmane, a brand name of flurazepam hydrochloride, is a Schedule IV controlled
18 substance as designated by Health and Safety Code section 11057(d)(14), and is a dangerous drug
19 pursuant to Business and Professions Code section 4022.

20 23. Darvocet, a brand name for propoxyphene naphsylate and acetaminophen, is a
21 Schedule IV controlled substance as designated by Health and Safety Code section 11057(c)(2),
22 and is a dangerous drug pursuant to Business and Professions Code section 4022.

23 24. Oxazepam, sold under the brand name Serax, is a Schedule IV controlled substance
24 as designated by Health and Safety Code section 11057(d)(23), is a dangerous drug pursuant to
25 Business and Professions Code section 4022. Oxazepam is used to treat anxiety disorders or
26 alcohol withdrawal symptoms.

1 25. Phentermine, sold under the brand names Fastin and Adipex-P, is a Schedule IV
2 controlled substance as designated by Health and Safety Code section 11057(f)(4), and is a
3 dangerous drug pursuant to Business and Professions Code section 4022.

4 26. Restoril, a brand name for temazepam, is a Schedule IV controlled substance as
5 designated by Health and Safety Code Section 11057(d)(29), and is a dangerous drug pursuant to
6 Business and Professions Code section 4022. Restoril is a central nervous depressant used to
7 treat insomnia and sleep disorders.

8 FACTUAL ALLEGATIONS

9 27. Respondent was employed as the Pharmacist-in-Charge at Ralphs grocery store #611
10 in Palm Springs, California from May 4, 2009 through September 9, 2009. Ralphs initiated an
11 investigation after discovery of inventory discrepancies. During the investigation, Respondent
12 was interviewed after complaints received by customers, complaining that Respondent appeared
13 impaired.

14 28. On August 20, 2009, the Pharmacy District Manager and Store Director interviewed
15 Respondent. During the interview, Respondent "was having a hard time staying awake and
16 focusing on the questions that were being asked." Respondent appeared sleepy, did not respond
17 to questions immediately, closed his eyes for periods while being spoken to, and his responses
18 were almost incoherent. Due to his impaired state, Respondent was driven to Desert Oasis Health
19 Care facility to have a drug test performed. Pending the drug test results, Ralphs placed
20 Respondent on suspension. Respondent tested positive for Benzodiaepines; specifically,
21 Nordiazepam and Oxazepam.

22 29. On August 31, 2009, Respondent was interviewed again by the Pharmacy District
23 Manager and Store Director. During the interview, Respondent "was confused and had a difficult
24 time answering the questions." Respondent was advised that his drug test came back positive.
25 When asked about a bottle of medication that Respondent handled on August 3, 2009 as seen in a
26 Ralphs' surveillance video, Respondent stated that he remembered "putting the medication back
27 on the shelf" because he "was going to discard it because the bottled medication was out dated,"
28 but instead, he "just put it back on the shelf because it was out of stock." Respondent could not

1 recall taking the bottle home. Respondent could not recall what he did with the bottle but stated
2 that he wanted to "discard the bottle" and "take the bottle to the restroom and pour it out," but
3 that he did not. Respondent then stated that he did not remember if he poured the medication out.
4 During the interview, Respondent changed his statement and alleged that he "was hiding a bottle
5 of cough syrup with codeine because he did not want [the pharmacy technician] to take it."

6 30. On September 9, 2009, Ralphs terminated Respondent for being "under the influence
7 of a controlled substance." The LabCorp drug test results for Respondent taken on August 20,
8 2009 reflect that Respondent tested positive for Benzodiazepines: Nordiazepam and Oxazepam.
9 The last prescription for oxazepam that Respondent filled was on May 8, 2008. Respondent did
10 not have a prescription filled for diazepam from March 10, 2007 through August 19, 2009.
11 According to Respondent's Costco prescription records, Respondent filled his first diazepam
12 prescription after his drug test by Ralphs on August 20, 2009. The diazepam prescription (dated
13 June 26, 2009) was received by Costco at 5:53 p.m. on August 20, 2009, and picked up the same
14 day at 6:19 p.m. Respondent went to 10 different pharmacies to fill his prescriptions in a 3 year
15 period, preventing any single pharmacy from knowing what Respondent was taking. Most
16 prescriptions filled by Respondent were Benzodiazepines, such as temazepam, oxazepam,
17 lorazepam, flurazepam, and diazepam. Respondent also filled prescriptions for narcotics such as
18 hydrocodone/APAP and propoxyphene. Respondent also filled for himself, RX #4750093 for
19 Hydrocodone/APAP 5-500 on June 29, 2009 and RX #4750120 for Zolpidem 10 mg on July 6,
20 2009 at Ralphs #611.

21 31. In a letter to Ralphs dated September 1, 2009, Respondent apologized for confusion
22 caused by his statements on August 31, indicating that he was "just back from a trip with a night
23 of poor sleep and hours on the road." Respondent admitted that he "only felt extremely sleepy on
24 the job on one occasion when a dose of Benadryl hung [him] over longer than [he] planned;"
25 however, he did not specify the exact date of this occasion. With regard to the incident on August
26 20, Respondent stated that the prescription medication that he had taken the night before had no
27 history of making him feel intoxicated or unable to perform well after 5 hours. He also stated
28 that he was "a bit sleepy on the 20th date due to an active cold." Respondent also referenced the

1 bottle of cough syrup that he was questioned about. Respondent admitted that the bottle
2 “probably had hydro-codone in it” and it amounted to “just over 80 ml of expiring red syrup
3 whose label was mostly removed.” Respondent explained that he carried the bottle to the back of
4 the store because he did not have clear guidance on how to dispose of it and he had learned that a
5 toilet was the appropriate way to dispose of liquid medications. Respondent stated that he stored
6 the medication temporarily in the back corner of the pharmacy because he did not have a secure
7 place to store the medications away from his technician. Respondent admitted that he “stored it
8 once or twice next to [his] briefcase-bag with the intention of draining it in the toilet in the back
9 corner of the store.” Respondent stated that he ended up disposing the contents “discretely and
10 quickly” at some point that week in the pharmacy sink. He indicated that he “may have thrown
11 out the bottle, but it may also be one of the 2 amber bottles [he keeps] for use in making plant
12 feeding solutions at home.”

13 32. A pharmacist at Ralphs reported that she saw a picture of Respondent sleeping in a
14 sleeping bag in one of the drug aisles. She reported that the photograph showed Respondent
15 sleeping in the aisle where the hydrocodone, diazepam and Lyrica products are stored and that it
16 is an aisle that cannot be seen by customers at the pharmacy counter. The pharmacist reported
17 that a customer, E.P. complained to her, stating that he thought Respondent was drunk because he
18 was stumbling around when he picked up his prescription.

19 33. Ralphs’ pharmacy technician reported that she worked with Respondent often. When
20 she discovered Respondent sleeping on top of a sleeping bag in one of the drug aisles, she took a
21 photograph of him with her phone and showed it to the pharmacist. She also reported that after a
22 few months, Respondent became very sluggish, lethargic, monotone, and quiet. The pharmacy
23 technician also reported that she observed Respondent “impaired” at least three times while
24 working with him. She recalled one incident when a customer, E.P., picked up his prescription
25 and she observed Respondent stumble when he got off his stool and staggered when he walked.
26 The pharmacy technician reported that Respondent’s eyes rolled back and E.P. asked her if
27 Respondent was drunk. When the pharmacy technician asked Respondent if he was okay,
28

1 Respondent stated that he had taken four capsules of Benadryl. The pharmacy technician also
2 observed Respondent sleeping on his breaks in the aisle where drugs were stored.

3 34. It was also reported by a Ralphs Clerk that Respondent fell asleep while on hold with
4 a call to a pharmacy on August 3, 2009. She reported that she saw his eyes drooping closed and
5 then completely closed. The Clerk reported that she had to wake Respondent up and that he
6 could not stay on task.

7 35. Respondent filled 83 prescriptions for Ralphs' customers on August 3, 2009 and 24
8 prescriptions for Ralphs' customers on August 20, 2009. A review of the prescriptions filled on
9 August 3, 2009 by Respondent reflect that he made unusual errors when filling prescriptions. For
10 patient E.V., he entered two "enter/delete" pairs before a correct entry for Triazolam .25 mg. For
11 patient L.H., he entered twenty-two "enter/delete" pairs for Advair 250-50, and three
12 "enter/delete" pairs for patient R.H. for Acyclovir 400 mg.

13 FIRST CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct – Violating Laws Regulating Controlled Substances)

15 36. Respondent is subject to disciplinary action for unprofessional conduct under section
16 4301(j) of the Code in that he violated 21 Code of Federal Regulations Section 1307.21(b)(1)
17 requiring controlled substances to be disposed of properly, in that on September 1, 2009,
18 Respondent admitted that he inappropriately disposed of approximately 80 ml of a red,
19 hydrocodone syrup, a controlled substance, down the pharmacy sink without the proper records of
20 disposal as set forth in paragraphs 27-35 above, incorporated herein by reference.

21 SECOND CAUSE FOR DISCIPLINE

22 (Unprofessional Conduct – Violation of Chapter)

23 37. Respondent is subject to disciplinary action for unprofessional conduct under section
24 4301(o) of the Code, in that as the Pharmacist in Charge, Respondent failed to maintain an
25 accurate inventory with complete accountability of all dangerous drugs by inappropriately
26 disposing of hydrocodone syrup in violation of Code section 4081(b) and California Code of
27 Regulations section 1718, as detailed in paragraphs 27-35 above, incorporated herein by
28 reference.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct – Violation of Chapter)

3 38. Respondent is subject to disciplinary action for unprofessional conduct under section
4 4301(o) of the Code, in that in that while on duty at Ralphs, Respondent filled and dispensed
5 prescriptions to Ralphs' customers while under the influence of controlled substances/dangerous
6 drugs on August 3, 2009 and August 20, 2009, in violation of Code section 4327, as detailed in
7 paragraphs 27-35 above, incorporated herein by reference.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 (Unprofessional Conduct – Violation of Chapter)

10 39. Respondent is subject to disciplinary action for unprofessional conduct under section
11 4301(o) of the Code, in that Respondent furnished a controlled substance to himself by filling two
12 prescriptions for himself at Ralphs #611 in violation of Health and Safety Code section 11170, as
13 detailed in paragraphs 27-35 above, incorporated herein by reference.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 (Unprofessional Conduct – Self Administration of Controlled Substances)

16 40. Respondent is subject to disciplinary action for unprofessional conduct under section
17 4301(h) of the Code, in that Respondent self-administered a controlled substance, Diazepam, to
18 an extent or in a manner dangerous to himself or others and without a valid prescription in
19 violation section 4059(a) and Health and Safety Code section 11171, as detailed in paragraphs 28-
20 35 above, incorporated herein by reference.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 (Unprofessional Conduct – Violation of Chapter)

23 41. Respondent is subject to disciplinary action for unprofessional conduct under section
24 4301(o) of the Code, in that Respondent self-administered a controlled substance, Diazepam,
25 without a valid prescription in violation section 4059(a) and Health and Safety Code section
26 11171, as detailed in paragraphs 28-35 above, incorporated herein by reference.

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PRAYER

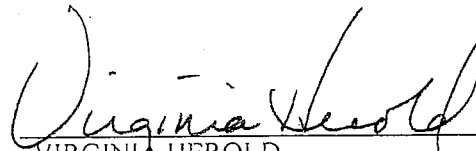
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacist License Number RPH 59873, issued to Stephen David Ellwood;

2. Ordering Stephen David Ellwood to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 4/29/11



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

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