

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

In the Matter of the Accusation Against:

**STEPHEN ERIK LUND,
Registered Pharmacist License No. RPH 59884**

Respondent.

Agency Case No. 7314

OAH No. 2023010375

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 at 5:00 p.m. on October 25, 2023.

It is so ORDERED on September 25, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light gray rectangular background.

Seung W. Oh, Pharm.D.
Board President

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7

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

12 In the Matter of the Accusation Against:

13 **STEPHEN ERIK LUND**
14 **8209 McGraw Hill Dr.**
15 **Bakersfield, CA 93311**

16 **Registered Pharmacist License No. RPH**
17 **59884**

Respondent.

Case No. 7314

OAH No. 2023010375

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Rob Bonta, Attorney General of the State of California, by Vinodhini Ramagopal, Deputy
26 Attorney General.

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2. Stephen Erik Lund (Respondent) is represented in this proceeding by attorneys Tony J. Park, Pharm.D., J.D., and Luis Andre P. Vizcocho, R.Ph., J.D., Their address is: 9090 Irvine Center Drive, Irvine, CA 92618.

3. On or about August 2, 2007, the Board issued Registered Pharmacist License No. RPH 59884 to Respondent. The Registered Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 7314, and will expire on December 31, 2024, unless renewed.

JURISDICTION

4. Accusation No. 7314 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 18, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7314 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7314. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

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1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7314.

4 10. Respondent agrees that his Registered Pharmacist License is subject to discipline and
5 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 **CONTINGENCY**

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

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
19 signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Pharmacist License No. RPH 59884 issued to Respondent Stephen Erik Lund is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's
11 monitoring and investigation of respondent's compliance with the terms and conditions of His
12 probation, including but not limited to: timely responses to requests for information by board
13 staff; timely compliance with directives from board staff regarding requirements of any term or
14 condition of probation; and timely completion of documentation pertaining to a term or condition
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

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

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, respondent shall notify all present and prospective
21 employers of the decision in case number 7314 and the terms, conditions and restrictions imposed
22 on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent shall report to the board in writing the name,
25 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
26 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
27 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
28 schedule, if known. Respondent shall also include the reason(s) for leaving the prior

1 employment. Respondent shall sign and return to the board a written consent authorizing the
2 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and
3 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
4 concerning respondent's work status, performance, and monitoring. Failure to comply with the
5 requirements or deadlines of this condition shall be considered a violation of probation.

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)
8 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
9 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
10 board in writing acknowledging that the listed individual(s) has/have read the decision in case
11 number 7314, and terms and conditions imposed thereby. If one person serves in more than one
12 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's
13 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
14 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
15 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in
16 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
17 in case number 7314, and the terms and conditions imposed thereby.

18 If respondent works for or is employed by or through an employment service, respondent
19 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
20 of the decision in case number 7314, and the terms and conditions imposed thereby in advance of
21 respondent commencing work at such licensed entity. A record of this notification must be
22 provided to the board upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of respondent undertaking any new employment by or through an employment service,
25 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service
26 to report to the board in writing acknowledging that he or she has read the decision in case
27 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
28 ensure that these acknowledgment(s) are timely submitted to the board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,
5 temporary, relief, or employment/management service position as a Pharmacist, or any position
6 for which a Pharmacist is a requirement or criterion for employment, whether the respondent is an
7 employee, independent contractor or volunteer.

8 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone
12 number shall be considered a violation of probation.

13 **8. Restrictions on Supervision and Oversight of Licensed Facilities –**

14 During the period of probation, respondent shall not supervise any intern pharmacist or
15 serve as a consultant to any entity licensed by the board. Respondent may be a pharmacist-in-
16 charge, designated representative-in-charge, responsible manager or other compliance supervisor
17 of any single entity licensed by the board, but only if respondent or that entity retains, at his
18 expense, an independent consultant who shall be responsible for reviewing the operations of the
19 entity on a monthly basis for compliance by respondent and the entity with state and federal laws
20 and regulations governing the practice of the entity, and compliance by respondent with the
21 obligations of his supervisory position. During the period of probation, the board shall retain
22 discretion to modify the frequency of the consultant's review. Respondent may serve in such a
23 position at only one entity licensed by the board, only upon approval by the board or its designee.
24 Any such approval shall be site specific. The consultant shall be a pharmacist licensed by and not
25 on probation with the board, who has been approved by the board or its designee to serve in this
26 position. Respondent shall submit the name of the proposed consultant to the board or its
27 designee for approval within thirty (30) days of the effective date of the decision or prior to
28 assumption of duties allowed in this term. Assumption of any unauthorized supervision

responsibilities shall be considered a violation of probation. In addition, failure to timely seek approval for, timely retain, or ensure timely reporting by the consultant shall be considered a violation of probation.

9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of \$5,753.75. Respondent shall make said payments as follows:

There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

10. Probation Monitoring Costs

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

11. Status of License

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

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

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1 **12. License Surrender While on Probation**

2 Following the effective date of this decision, should respondent cease practice due to
3 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
4 respondent may relinquish his license, including any indicia of licensure issued by the board,
5 along with a request to surrender the license. The board or its designee shall have the discretion
6 whether to accept the surrender or take any other action it deems appropriate and reasonable.
7 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to
8 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
9 become a part of the respondent's license history with the board.

10 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall
11 license, including any indicia of licensure not previously provided to the board within ten (10)
12 days of notification by the board that the surrender is accepted if not already provided.
13 Respondent may not reapply for any license from the board for three (3) years from the effective
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
15 of the date the application for that license is submitted to the board, including any outstanding
16 costs.

17 **13. Practice Requirement – Extension of Probation**

18 Except during periods of suspension, respondent shall, at all times while on probation, be
19 employed as a Pharmacist in California for a minimum of eighty (80) hours per calendar month.
20 Any month during which this minimum is not met shall extend the period of probation by one
21 month. During any such period of insufficient employment, respondent must nonetheless comply
22 with all terms and conditions of probation, unless respondent receives a waiver in writing from
23 the board or its designee.

24 If respondent does not practice as a Pharmacist in California for the minimum number of
25 hours in any calendar month, for any reason (including vacation), respondent shall notify the
26 board in writing within ten (10) days of the conclusion of that calendar month. This notification
27 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
28 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume

1 practice at the required level. Respondent shall further notify the board in writing within ten (10)
2 days following the next calendar month during which respondent practices as a Pharmacist in
3 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
4 considered a violation of probation.

5 It is a violation of probation for respondent's probation to be extended pursuant to the
6 provisions of this condition for a total period, counting consecutive and non-consecutive months,
7 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
8 probation period on its website.

9 14. Violation of Probation

10 If respondent has not complied with any term or condition of probation, the board shall
11 have continuing jurisdiction over respondent, and the board shall provide notice to respondent
12 that probation shall automatically be extended, until all terms and conditions have been satisfied
13 or the board has taken other action as deemed appropriate to treat the failure to comply as a
14 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
15 board or its designee may post a notice of the extended probation period on its website.

16 If respondent violates probation in any respect, the board, after giving respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
19 probation, or the preparation of an accusation or petition to revoke probation is requested from
20 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
21 probation shall be automatically extended until the petition to revoke probation or accusation is
22 heard and decided.

23 15. Completion of Probation

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

26 16. Pharmacists Recovery Program (PRP)

27 By no later than ten (10) days after the effective date of this decision, respondent shall have
28 completed all of the following: contacted the Pharmacists Recovery Program (PRP) for

1 evaluation; enrolled in the PRP; completed, signed, and returned the treatment contract as well as
2 any addendums required or suggested by the PRP; successfully completed registration for any
3 drug or alcohol testing mandated by the treatment contract and/or by enrollment in the PRP; and
4 begun compliance with the drug or alcohol testing protocol(s). Respondent shall successfully
5 participate in the PRP and complete the treatment contract and any addendums required or
6 suggested by the PRP. The costs for PRP participation shall be borne by the respondent.

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

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

14 Any of the following shall result in the automatic suspension of practice by respondent and
15 shall be considered a violation of probation:

16 Failure to contact, complete enrollment, and execute and return the treatment contract with
17 the PRP, including any addendum(s), within ten (10) days of the effective date of the decision as
18 directed by the PRP;

19 Failure to complete registration for any drug or alcohol testing mandated by the treatment
20 contract and/or by the PRP, and begin compliance with the testing protocol(s), within ten (10)
21 days of the effective date of the decision as directed by the PRP;

22 Failure to comply with testing protocols regarding daily check-in and/or failure to complete
23 a mandated test as directed by the PRP;

24 Any report from the PRP of material non-compliance with the terms and conditions of the
25 treatment contract and/or any addendum(s); or

26 Termination by the PRP for non-compliance, failure to derive benefit, or as a public risk.

27 Respondent may not resume the practice of pharmacy until notified by the board in writing.
28

1 Probation shall be automatically extended until respondent successfully completes the PRP.
2 The board will provide notice of any such suspension or extension of probation.

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

12 During any suspension, respondent shall not engage in any activity that requires the
13 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control
14 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or
15 retailing of dangerous drugs and/or dangerous devices or controlled substances.

16 Failure to comply with any requirement or deadline stated by this term shall be considered a
17 violation of probation.

18 17. Drug and Alcohol Testing

19 Respondent, at his own expense, shall participate in testing as directed by the board or its
20 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or
21 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),
22 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its
23 designee. All testing must be pursuant to an observed testing protocol, unless respondent is
24 informed otherwise in writing by the board or its designee. Respondent may be required to
25 participate in testing for the entire probation period and frequency of testing will be determined
26 by the board or its designee.

27 By no later than thirty (30) days after the effective date of this decision, respondent shall
28 have completed all of the following tasks: enrolled and registered with an approved drug and

1 alcohol testing vendor; provided that vendor with any documentation, and any information
2 necessary for payment by respondent; commenced testing protocols, including all required
3 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,
4 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with
5 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to
6 cooperate timely shall be considered a violation of probation.

7 Respondent may be required to test on any day, including weekends and holidays.
8 Respondent is required to make daily contact with the testing vendor to determine if a test is
9 required, and if a test is required must submit to testing on the same day.

10 Prior to any vacation or other period of absence from the area where the approved testing
11 vendor provides services, respondent shall seek and receive approval from the board or its
12 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,
13 respondent shall enroll and register with the approved alternate drug testing vendor, provide to
14 that alternate vendor any documentation required by the vendor, including any necessary payment
15 by respondent. During the period of absence of the area, respondent shall commence testing
16 protocols with the alternate vendor, including required daily contacts with the testing vendor to
17 determine if testing is required, and required testing. Any failure to timely seek or receive
18 approval from the board or its designee, or to timely enroll and register with, timely commence
19 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be
20 considered a violation of probation.

21 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its
22 designee may require respondent to timely provide documentation from a licensed practitioner
23 authorized to prescribe the detected substance demonstrating that the substance was administered
24 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such
25 documentation shall be provided by respondent within ten (10) days of being requested.

26 Any of the following shall be considered a violation of probation and shall result in
27 respondent being immediately suspended from practice as a Pharmacist until notified by the board
28 in writing that he may resume practice: failure to timely complete all of the steps required for

1 enrollment/registration with the drug testing vendor, including making arrangements for payment;
2 failure to timely commence drug testing protocols; failure to contact the drug testing vendor as
3 required to determine testing date(s); failure to test as required; failure to timely supply
4 documentation demonstrating that a detected substance was taken pursuant to a legitimate
5 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or
6 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the
7 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In
8 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a
9 controlled substance or dangerous drug absent documentation that the detected substance was
10 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee
11 shall inform respondent of the suspension and inform him to immediately leave work, and shall
12 notify respondent's employer(s) and work site monitor(s) of the suspension.

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

22 During any such suspension, respondent shall not engage in any activity that requires the
23 professional judgment of and/or licensure as a Pharmacist. Respondent shall not direct or control
24 any aspect of the practice of pharmacy, or of the manufacturing, distributing, wholesaling, or
25 retailing of dangerous drugs and/or dangerous devices.

26 Failure to comply with any such suspension shall be considered a violation of probation.
27 Failure to comply with any requirement or deadline stated by this term shall be considered a
28 violation of probation.

1 **18. Notification of Departure**

2 Prior to leaving the probationary geographic area designated by the board or its designee for
3 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
4 writing of the dates of departure and return. Failure to comply with this provision shall be
5 considered a violation of probation.

6 **19. Abstain from Drugs and Alcohol**

7 Respondent shall completely abstain from the possession or use of alcohol, controlled
8 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated
9 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a
10 necessary part of treatment. Respondent shall ensure that he is not in the same physical location
11 as individuals who are using illicit substances even if respondent is not personally ingesting the
12 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled
13 substances, or their associated paraphernalia for which a legitimate prescription has not been
14 issued as a necessary part of treatment, or any physical proximity to persons using illicit
15 substances, shall be considered a violation of probation.

16 **20. Prescription Coordination and Monitoring of Prescription Use**

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

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

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

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

26 During any suspension, respondent shall not engage in any activity that requires the
27 professional judgment and/or licensure as a Pharmacist. Respondent shall not direct or control
28

any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs and/or dangerous devices or controlled substances.

Failure to comply with any requirement or deadline stated by this term shall be considered a violation of probation.

21. Facilitated Group Recovery and/or Support Meetings

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a group recovery and/or support meeting that is run by a trained facilitator approved in advance by the board or its designee. The required frequency of group meeting attendance shall be determined by the board or its designee. Respondent shall continue regular attendance as directed at an approved facilitated group meeting until the board or its designee advises the respondent in writing that he may cease regular attendance. Respondent shall provide signed and dated documentation of attendance as required with each quarterly report. Failure to attend as required or to submit documentation of attendance shall be considered a violation of probation.

If respondent is required to participate in the PRP, compliance with this term can be demonstrated through that program. Where respondent is enrolled in the PRP, participation as required in a facilitated group meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any deviation from participation requirements for the PRP-approved group shall be considered a violation of probation.

22. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board or its designee. Respondent must attend the number of group meetings per week or month directed by the board or its designee, which shall typically be at least one per week. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

1 Where respondent is enrolled in the PRP, participation as required in a recovery group
2 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any
3 deviation from participation requirements for the PRP-approved group shall be considered a
4 violation of probation.

5 23. **Work Site Monitor**

6 It is a condition of respondent's enrollment in the Pharmacists Recovery Program (PRP)
7 that he is required to have a work site monitor approved by the PRP who shall be responsible for
8 supervising respondent during working hours. Respondent shall be responsible for ensuring that
9 the work site monitor reports in writing to the PRP monthly or on another schedule as directed by
10 the PRP. Should the designated work site monitor suspect at any time during the probationary
11 period that respondent has abused alcohol or drugs, he or she shall notify the PRP immediately.
12 The initial notification shall be made orally within one (1) business day of the occurrence, which
13 shall be followed by written notification within two (2) business days of the occurrence. If, for
14 any reason, including change of employment, respondent is no longer able to be monitored by the
15 approved work site monitor, within ten (10) days of commencing new employment for prior
16 approval by the PRP. Failure to identify an acceptable initial or replacement work site monitor, or
17 to ensure monthly reports are submitted to the PRP by the work site monitor, shall be considered
18 a violation of probation.

19 Within thirty (30) days of being approved by the PRP, the work site monitor shall sign an
20 affirmation that he or she has reviewed the terms and conditions of respondent's disciplinary
21 order and agrees to monitor respondent. The work site monitor shall at least:

- 22 1) Have regular face-to-face contact with respondent in the work environment, at least
23 once per week or with greater frequency if required by the board or its designee;
- 24 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 25 3) Review respondent's work attendance.

26 The written reports submitted to the PRP by the work site monitor shall include at least the
27 following information: respondent's name and license number; the monitor's name, license
28 number (if applicable) and work site location; the date(s) the monitor had face-to-face contact

1 with respondent; the staff interviewed, if applicable; an attendance report; notes on any changes
2 in respondent's behavior or personal habits; notes on any indicators that may lead to substance
3 abuse; and the work site monitor's signature.

4 Respondent shall complete the required consent forms and sign an agreement with the work
5 site monitor and the board to allow the board to communicate with the work site monitor.

6 24. Ethics Course

7 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
8 in a course in ethics, at respondent's expense, approved in advance by the board or its designee
9 that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall
10 provide proof of enrollment upon request. Within five (5) days of completion, respondent shall
11 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll
12 in an approved ethics course, to initiate the course during the first year of probation, to
13 successfully complete it before the end of the second year of probation, or to timely submit proof
14 of completion to the board or its designee, shall be considered a violation of probation.

15 25. No Ownership or Management of Licensed Premises

16 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
17 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
18 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
19 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
20 days following the effective date of this decision and shall immediately thereafter provide written
21 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
22 documentation thereof shall be considered a violation of probation.

23 26. Criminal Probation/Parole Reports

24 Within ten (10) days of the effective date of this decision, or within ten (10) days of the
25 issuance or assignment/replacement of same, whichever is earlier, respondent shall provide the
26 board or its designee in writing: a copy of the conditions of any criminal probation/parole
27 applicable to respondent; and the name and contact information of any probation, parole or
28 similar supervisory officer assigned to respondent. Respondent shall provide a copy of all

criminal probation/parole reports to the board within ten (10) days after such report is issued. Failure to timely make any of the submissions required hereby shall be considered a violation of probation.

27. Letter of Apology

Within thirty (30) days of the effective date of this decision, respondent shall provide a letter of apology to the board. Failure to do so shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Tony J. Park, Pharm.D., J.D. and Luis Andre P. Vizcocho, R.Ph., J.D. I understand the stipulation and the effect it will have on my Registered Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

STEPHEN ERIK LUND
Respondent

I have read and fully discussed with Respondent Stephen Erik Lund the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

TONY J. PARK, PHARM.D., J.D.
LUIS ANDRE P. VIZCOCHO, R.PH., J.D.,
Attorneys for Respondent

1 criminal probation/parole reports to the board within ten (10) days after such report is issued.
2 Failure to timely make any of the submissions required hereby shall be considered a violation of
3 probation.

4 27. **Letter of Apology**

5 Within thirty (30) days of the effective date of this decision, respondent shall provide a
6 letter of apology to the board. Failure to do so shall be considered a violation of probation.

7
8 **ACCEPTANCE**

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10 discussed it with my attorneys, Tony J. Park, Pharm.D., J.D. and Luis Andre P. Vizcocho, R.Ph.,
11 J.D. I understand the stipulation and the effect it will have on my Registered Pharmacist License.
12 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
13 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

14
15 DATED:

8/18/23



STEPHEN ERIK LUND
Respondent

17
18 I have read and fully discussed with Respondent Stephen Erik Lund the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21
22 DATED:

TONY J. PARK, PHARM.D., J.D.
LUIS ANDRE P. VIZCOCHO, R.PH., J.D.,
Attorneys for Respondent

1 criminal probation/parole reports to the board within ten (10) days after such report is issued.
2 Failure to timely make any of the submissions required hereby shall be considered a violation of
3 probation.

4 27. **Letter of Apology**

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6 letter of apology to the board. Failure to do so shall be considered a violation of probation.

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10 discussed it with my attorneys, Tony J. Park, Pharm.D., J.D. and Luis Andre P. Vizcocho, R.Ph.,
11 J.D. I understand the stipulation and the effect it will have on my Registered Pharmacist License.
12 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
13 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

14
15 DATED: _____
16 STEPHEN ERIK LUND
17 *Respondent*

18 I have read and fully discussed with Respondent Stephen Erik Lund the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21 DATED: 08-18-2023
22 _____
23 TONY J. PARK, PHARM.D., J.D.
24 LUIS ANDRE P. VIZCOCHO, R.PH., J.D.,
25 *Attorneys for Respondent*

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

VINODHINI RAMAGOPAL
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: August 19, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General



VINODHINI RAMAGOPAL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7314

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
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3 SHAWN P. COOK
Supervising Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (916) 731-2126
E-mail: Shawn.Cook@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7314

13 **STEPHEN ERIK LUND**

8209 McGraw Hill Dr.
14 Bakersfield, CA 93311

ACCUSATION

15 **Registered Pharmacist License No.**
RPH 59884

16 Respondent.
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19 **PARTIES**

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

22 2. On or about August 2, 2007, the Board issued Registered Pharmacist License Number
23 RPH 59884 to Stephen Erik Lund (Respondent). The Registered Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on December
25 31, 2022, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code provides, in pertinent part, that every license issued by the Board is subject to discipline including suspension or revocation.

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY PROVISIONS

6. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 4301 of the Code states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct includes, 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.

...

(i) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may

1 inquire into the circumstances surrounding the commission of the crime, in order to
2 fix the degree of discipline or, in the case of a conviction not involving controlled
3 substances or dangerous drugs, to determine if the conviction is of an offense
4 substantially related to the qualifications, functions, and duties of a licensee under this
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
6 contendere is deemed to be a conviction within the meaning of this provision. The
7 board may take action when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under
10 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
11 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
12 dismissing the accusation, information, or indictment.

13 . . .

14 **REGULATORY PROVISIONS**

15 8. California Code of Regulations, title 16, section 1770(a) states:

16 For the purpose of denial, suspension, or revocation of a personal or facility
17 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
18 Business and Professions Code, a crime, professional misconduct, or act shall be
19 considered substantially related to the qualifications, functions or duties of the
20 practice, profession, or occupation that may be performed under the license type
21 sought or held if to a substantial degree it evidences present or potential unfitness of
22 an applicant or licensee to perform the functions authorized by the license in a
23 manner consistent with the public health, safety, or welfare.

24 **COST RECOVERY**

25 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licensee found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(February 9, 2022 Criminal Conviction - DUI on May 22, 2021)**

3 10. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in
4 conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about
5 February 9, 2022, in a criminal proceeding entitled *The People of the State of California vs.*
6 *Stephen Erik Lund*, in Superior Court of California, County of San Luis Obispo, Case Number
7 21M-04549, Respondent was convicted of violating Vehicle Code section 23152(b) (DUI 0.08%
8 blood alcohol), a misdemeanor. Respondent was sentenced to serve two (2) days in jail, placed
9 on probation for three (3) years with terms and conditions, ordered to complete a three (3) month
10 driving under the influence program, and pay fines and fees.

11 11. The circumstances surrounding the conviction are that on or about May 22, 2021, a
12 California Highway Patrol officer was dispatched to a solo vehicle traffic collision involving
13 Respondent with an ambulance responding. The officer arrived on scene at approximately
14 11:07 p.m. Respondent's vehicle drifted into the dirt shoulder, collided with a reflector, went
15 airborne due to the drop off, and collided with the embankment. Respondent's vehicle
16 overturned, end over end, collided with the embankment and a tree, and landed on its roof. Fire
17 personnel located Respondent down the embankment approximately 10 feet away from the
18 vehicle. Upon speaking to Respondent, the officer noticed the odor of an alcoholic beverage
19 emitting from his breath and person and red and watery eyes. Respondent admitted to being the
20 driver at the time of the collision. The officer observed a red mark from a seatbelt on his upper
21 chest. Respondent was transported to a local hospital for his injuries. Respondent submitted to a
22 blood sample at approximately 1:45 a.m. that revealed a blood alcohol concentration of 0.146%.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 12. Respondent is subject to disciplinary action under Code section 4301(h), on the
26 grounds of unprofessional conduct, in that on or about May 22, 2021, Respondent used alcoholic
27 beverages to the extent or in a manner as to be dangerous or injurious to oneself, any other
28 person, or to the public, as alleged above in paragraph 11.

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 Registered Pharmacist License Number RPH 59884, issued to Stephen Erik Lund;
2. Ordering Stephen Erik Lund 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/26/2022 _____

Signature on File

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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