

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

In the Matter of the Accusation Against:

Phillip Edward Schoenwetter, M.D.

Physician's and Surgeon's  
Certificate No. A 30285

Respondent.

Case No. 800-2020-064655

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on August 15, 2023.

IT IS SO ORDERED August 8, 2023.

MEDICAL BOARD OF CALIFORNIA



\_\_\_\_\_  
Reji Varghese  
Executive Director

1 ROB BONTA  
Attorney General of California  
2 EDWARD KIM  
Supervising Deputy Attorney General  
3 CHRISTINE FRIAR WALTON  
Deputy Attorney General  
4 State Bar No. 228421  
300 South Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6472  
6 Facsimile: (916) 731-2117  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2020-064655

13 **PHILLIP EDWARD SCHOENWETTER, M.D.**  
14 **222 W. 6th Street, Suite 400**  
15 **San Pedro, CA 90731-3345**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16 **Physician's and Surgeon's Certificate**  
17 **No. A 30285,**

Respondent.

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

20 **PARTIES**

21 1. Reji Varghese (Complainant) is the Interim Executive Director of the Medical Board  
22 of California (Board). He brought this action solely in his official capacity and is represented in  
23 this matter by Rob Bonta, Attorney General of the State of California, by Christine Friar Walton,  
24 Deputy Attorney General.

25 2. Respondent Phillip Edward Schoenwetter, M.D. (Respondent) is representing himself  
26 in this proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 3, 1976, the Board issued Physician's and Surgeon's Certificate  
28 No. A 30285 to Respondent. That Physician's and Surgeon's Certificate expired on April 30,

1 2023, and has not been renewed.

2 **JURISDICTION**

3 4. Accusation No. 800-2020-064655 was filed before the Board on February 15, 2023,  
4 and is currently pending against Respondent. The Accusation and all other statutorily required  
5 documents were properly served on Respondent. Respondent has contested the Accusation. A  
6 copy of Accusation No. 800-2020-064655 is attached as Exhibit A and incorporated by reference.

7 **ADVISEMENT AND WAIVERS**

8 5. Respondent has carefully read, and understands the charges and allegations in  
9 Accusation No. 800-2020-064655. Respondent also has carefully read, and understands the  
10 effects of this Stipulated Surrender of License and Order.

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

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

20 **CULPABILITY**

21 8. Respondent understands that the charges and allegations in Accusation No. 800-2020-  
22 064655, if proven at a hearing, constitute cause for imposing discipline upon his Physician's and  
23 Surgeon's Certificate.

24 9. For the purpose of resolving the Accusation without the expense and uncertainty of  
25 further proceedings, Respondent admits that at a hearing, Complainant could establish a factual  
26 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
27 Respondent hereby gives up his right to contest that cause for discipline exists based on those  
28 charges.





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for consideration by the Medical Board of California of the Department of Consumer Affairs.

DATED: July 25, 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
EDWARD KIM  
Supervising Deputy Attorney General

*Christine Friar Walton*

CHRISTINE FRIAR WALTON  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 800-2020-064655**

1 ROB BONTA  
Attorney General of California  
2 JUDITH T. ALVARADO  
Supervising Deputy Attorney General  
3 State Bar No. 155307  
300 South Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 269-6453  
5 Facsimile: (916) 731-2117  
E-mail: Judith.Alvarado@doj.ca.gov  
6 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 800-2020-064655

13 **Phillip Edward Schoenwetter, M.D.**  
14 **222 W. 6th Street, Suite 400**  
15 **San Pedro, CA 90731**

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

16 **Physician's and Surgeon's Certificate**  
17 **No. A 30285,**

Respondent.

18 **PARTIES**

19 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as  
20 the Deputy Director of the Medical Board of California, Department of Consumer Affairs  
21 (Board).

22 2. On or about August 3, 1976, the Medical Board issued Physician's and Surgeon's  
23 Certificate Number A 30285 to Phillip Edward Schoenwetter, M.D. (Respondent). The  
24 Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on April 30, 2023, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 2004 of the Code states:

6 The board shall have the responsibility for the following:

7 (a) The enforcement of the disciplinary and criminal provisions of the Medical  
8 Practice Act.

9 (b) The administration and hearing of disciplinary actions.

10 (c) Carrying out disciplinary actions appropriate to findings made by a panel or  
an administrative law judge.

11 (d) Suspending, revoking, or otherwise limiting certificates after the conclusion  
12 of disciplinary actions.

13 (e) Reviewing the quality of medical practice carried out by physician and  
surgeon certificate holders under the jurisdiction of the board.

14 (f) Approving undergraduate and graduate medical education programs.

15 (g) Approving clinical clerkship and special programs and hospitals for the  
16 programs in subdivision (f).

17 (h) Issuing licenses and certificates under the board's jurisdiction.

18 (i) Administering the board's continuing medical education program.

19 5. Section 2227 of the Code provides that a licensee who is found guilty under the  
20 Medical Practice Act may have his or her license revoked, suspended for a period not to exceed  
21 one year, placed on probation and required to pay the costs of probation monitoring, or such other  
22 action taken in relation to discipline as the Board deems proper.

23 **STATUTORY PROVISIONS**

24 6. Section 2234 of the Code, states:

25 The board shall take action against any licensee who is charged with  
26 unprofessional conduct. In addition to other provisions of this article, unprofessional  
conduct includes, but is not limited to, the following:

27 (a) Violating or attempting to violate, directly or indirectly, assisting in or  
28 abetting the violation of, or conspiring to violate any provision of this chapter.

1 (b) Gross negligence.

2 (c) Repeated negligent acts. To be repeated, there must be two or more  
3 negligent acts or omissions. An initial negligent act or omission followed by a  
4 separate and distinct departure from the applicable standard of care shall constitute  
5 repeated negligent acts.

6 (1) An initial negligent diagnosis followed by an act or omission medically  
7 appropriate for that negligent diagnosis of the patient shall constitute a single  
8 negligent act.

9 (2) When the standard of care requires a change in the diagnosis, act, or  
10 omission that constitutes the negligent act described in paragraph (1), including, but  
11 not limited to, a reevaluation of the diagnosis or a change in treatment, and the  
12 licensee's conduct departs from the applicable standard of care, each departure  
13 constitutes a separate and distinct breach of the standard of care.

14 (d) Incompetence.

15 (e) The commission of any act involving dishonesty or corruption that is  
16 substantially related to the qualifications, functions, or duties of a physician and  
17 surgeon.

18 (f) Any action or conduct that would have warranted the denial of a certificate.

19 (g) The failure by a certificate holder, in the absence of good cause, to attend  
20 and participate in an interview by the board. This subdivision shall only apply to a  
21 certificate holder who is the subject of an investigation by the board.

22 7. Unprofessional conduct under section 2234 of the Code is conduct which breaches  
23 the rules or ethical code of the medical profession, or conduct which is unbecoming a member in  
24 good standing of the medical profession and which demonstrates an unfitness to practice  
25 medicine. (*Shea v. Bd. of Medical Examiners* (1978) 81 Cal.App. 3d 564, 575.)

26 8. Section 2238 of the Code states:

27 A violation of any federal statute or federal regulation or any of the statutes or  
28 regulations of this state regulating dangerous drugs or controlled substances  
constitutes unprofessional conduct.

9. Section 2266 of the Code states:

The failure of a physician and surgeon to maintain adequate and accurate  
records relating to the provision of services to their patients constitutes unprofessional  
conduct.

10. Health and Safety Code section 11170 states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

11. Health and Safety Code section 11173 states in relevant part:

(a) No person shall obtain or attempt to obtain controlled substances, or

1 procure or attempt to procure the administration of or prescription for controlled  
2 substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the  
3 concealment of a material fact.

4 (b) No person shall make a false statement in any prescription, order, report,  
5 or record, required by this division.

6 12. Health and Safety Code section 11175 states:

7 No person shall obtain or possess a prescription that does not comply with this  
8 division, nor shall any person obtain a controlled substance by means of a  
9 prescription which does not comply with this division or possess a controlled  
10 substance obtained by such a prescription.

11 13. Health and Safety Code section 11180 states:

12 No person shall obtain or possess a controlled substance obtained by a  
13 prescription that does not comply with this division.

#### 14 REGULATORY PROVISIONS

15 14. Code of Federal Regulations, title 21, section 1306.04 (b) states:

16 A prescription for [a controlled substance] may not be issued in order for an  
17 individual practitioner to obtain controlled substances for supplying the individual  
18 practitioner for the purpose of general dispensing to patients.

#### 19 COST RECOVERY

20 15. Business and Professions Code section 125.3 states that:

21 (a) Except as otherwise provided by law, in any order issued in resolution of a  
22 disciplinary proceeding before any board within the department or before the  
23 Osteopathic Medical Board upon request of the entity bringing the proceeding, the  
24 administrative law judge may direct a licensee found to have committed a violation or  
25 violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
26 investigation and enforcement of the case.

27 (b) In the case of a disciplined licentiate that is a corporation or a partnership,  
28 the order may be made against the licensed corporate entity or licensed partnership.

(c) A certified copy of the actual costs, or a good faith estimate of costs where  
actual costs are not available, signed by the entity bringing the proceeding or its  
designated representative shall be prima facie evidence of reasonable costs of  
investigation and prosecution of the case. The costs shall include the amount of  
investigative and enforcement costs up to the date of the hearing, including, but not  
limited to, charges imposed by the Attorney General.

(d) The administrative law judge shall make a proposed finding of the amount  
of reasonable costs of investigation and prosecution of the case when requested  
pursuant to subdivision (a). The finding of the administrative law judge with regard  
to costs shall not be reviewable by the board to increase the cost award. The board  
may reduce or eliminate the cost award, or remand to the administrative law judge if  
the proposed decision fails to make a finding on costs requested pursuant to

1 subdivision (a).

2 (e) If an order for recovery of costs is made and timely payment is not made as  
3 directed in the board's decision, the board may enforce the order for repayment in any  
4 appropriate court. This right of enforcement shall be in addition to any other rights  
5 the board may have as to any licensee to pay costs.

6 (f) In any action for recovery of costs, proof of the board's decision shall be  
7 conclusive proof of the validity of the order of payment and the terms for payment.

8 (g)(1) Except as provided in paragraph (2), the board shall not renew or  
9 reinstate the license of any licensee who has failed to pay all of the costs ordered  
10 under this section.

11 (2) Notwithstanding paragraph (1), the board may, in its discretion,  
12 conditionally renew or reinstate for a maximum of one year the license of any  
13 licensee who demonstrates financial hardship and who enters into a formal agreement  
14 with the board to reimburse the board within that one-year period for the unpaid  
15 costs.

16 (h) All costs recovered under this section shall be considered a reimbursement  
17 for costs incurred and shall be deposited in the fund of the board recovering the costs  
18 to be available upon appropriation by the Legislature.

19 (i) Nothing in this section shall preclude a board from including the recovery of  
20 the costs of investigation and enforcement of a case in any stipulated settlement.

21 (j) This section does not apply to any board if a specific statutory provision in  
22 that board's licensing act provides for recovery of costs in an administrative  
23 disciplinary proceeding.

## 24 FIRST CAUSE FOR DISCIPLINE

### 25 (Gross Negligence)

26 16. Respondent Phillip Edward Schoenwetter, M.D. is subject to disciplinary action  
27 under section 2234, subdivision (b) of the Code in that he was grossly negligent in his treatment  
28 of Patient 1.<sup>1</sup> The circumstances are as follows:

17 17. Since on or before February 1, 2016 and continuing, Respondent has been prescribing  
18 controlled substances to Patient 1, who is a close family member.

19 18. Respondent indicates that Patient 1 suffers from a brain syndrome that is caused by an  
20 unspecified viral condition. This illness allegedly causes Patient 1 to suffer from severe  
21 headaches. Although there is no indication as to how Respondent arrived at the dosing,  
22 Respondent treated Patient 1's headaches with intravenous/intra-arterial injections of morphine,  
23 up to 30 mg per day.

24 <sup>1</sup> The patient is identified herein by number.

1 19. Respondent obtained the injectable morphine by purchasing the narcotic in bulk from  
2 a pharmaceutical supplier. He indicated that the controlled substances he purchased were for  
3 office use. However, Respondent diverted the controlled substances to Patient 1 and for self-use.

4 20. In addition to morphine, Respondent also purchased for office use and diverted the  
5 following controlled substances:

- 6 Alprazolam;
- 7 Methadone;
- 8 Hydrocodone;
- 9 Tylenol with Codeine (30 mg and 40 mg);
- 10 Promethazine;
- 11 Amphetamine Salts;
- 12 Midazolam;
- 13 Ketamine;
- 14 Carisoprodol;
- 15 Suboxone;
- 16 Diazepam;
- 17 Tramadol;
- 18 Zolpidem; and
- 19 Testosterone.

20 21. Respondent also wrote prescriptions for controlled substances for Patient 1. The  
21 controlled substances include:

- 22 Hydrocodone;
- 23 Temazepam;
- 24 Morphine (30 mg and 15 mg tablets); and
- 25 Fiorinal.

26 22. Other prescriptions Respondent wrote for Patient 1, without adequate medical  
27 indication or lack of documentation, include:

- 28 Synthroid;

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Farxiga;  
Telmisartan;  
Tadalafil;  
Clonidine; and  
Duloxetine.

23. Respondent failed to maintain adequate and accurate medical records for Patient 1.

This includes: completing and documenting a physical examination; completing and documenting a risk stratification for the administration of opiates to a patient with a history of drug abuse; documentation of a recognized indication for the administration of the medications he prescribed and administered; documentation of a treatment plan; conducting and documenting a periodic review of the course of pain treatment; and referring and documenting a referral to pain management and/or addiction medicine specialists. Respondent failed to document each and every time he administered medication to Patient 1.

24. Respondent also failed to maintain a narcotic log for the controlled substances he administered to Patient 1.

25. Respondent's acts and/or omissions as set forth in paragraphs 17 through 24, inclusive, above, whether proven individually, jointly, or in any combination thereof, constitute gross negligence pursuant to section 2234, subdivision (b) of the Code. Therefore, cause for discipline exists.

**SECOND CAUSE FOR DISCIPLINE**

**(Repeated Negligent Acts)**

26. Respondent Phillip Edward Schoenwetter, M.D. is subject to disciplinary action under 2234, subdivision (c) of the Code in that he engaged in repeated negligent acts in his treatment of Patient 1. The circumstances are as follows:

27. The facts and allegations set forth in the First Cause for Discipline are incorporated herein by reference as if fully set forth.

28. Each of the alleged acts of gross negligence set forth in the First Cause for Discipline, above, are also negligent acts.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Self Prescribing)**

3 29. Respondent Phillip Edward Schoenwetter, M.D. is subject to disciplinary action  
4 under section 2234 of the Code and Health and Safety Code section 11170 in that he prescribed  
5 controlled substances and other medications for self-use. The circumstances are as follows:

6 30. Since on or before February 1, 2016 and continuing, Respondent has been prescribing  
7 controlled substances and other medications for his personal use.

8 31. The controlled substances include Alprazolam and Adderall.

9 32. Other medications that Respondent prescribed for self-use include:

10 Finasteride;

11 Candesartan;

12 Ivermectin;

13 Norolotropin; and

14 Tadalafil.

15 33. Respondent's acts and/or omissions as set forth in paragraphs 19, and 30 through 32,  
16 above, whether proven individually, jointly, or in any combination thereof, constitute the self-  
17 prescribing of controlled substances in violation of Health and Safety code section 11170 and the  
18 prescribing of medication for self-use, all of which constitutes unprofessional conduct pursuant to  
19 section 2234 of the Code. Therefore, cause for discipline exists.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Prescribing for Fraudulent Purposes)**

22 34. Respondent Phillip Edward Schoenwetter, M.D. is subject to disciplinary action  
23 under section 2234 of the Code, Health and Safety Code sections 11173, 11175, and 11180, and  
24 Code of Federal Regulations, title 21, section 1306.04 (b), in that he prescribed for fraudulent  
25 purposes. The circumstances are as follows:

26 35. The facts and allegations set forth in the First and Third Causes for Discipline are  
27 incorporated herein by reference as if fully set forth.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Violation of Drug Statutes)**

3 36. Respondent Phillip Edward Schoenwetter, M.D. is subject to disciplinary action  
4 under sections 2234 and 2238 of the Code in that he violated federal and state prescribing  
5 statutes. The circumstances are as follows:

6 37. The facts and allegations set forth in the First, Third, and Fourth Causes for  
7 Discipline are incorporated herein by reference as if fully set forth.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct - Failure to Maintain Adequate and Accurate Medical Records)**

10 38. Respondent Phillip Edward Schoenwetter, M.D. is subject to disciplinary action  
11 under sections 2234 and 2266 of the Code in that he failed to maintain adequate and accurate  
12 medical records, medication logs, and drug logs for Patient 1. The circumstances are as follows:

13 39. The facts and allegations set forth in the First Cause for Discipline are incorporated  
14 herein by reference as if fully set forth.

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PRAYER

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

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 30285, issued to Respondent Phillip Edward Schoenwetter, M.D.;
2. Revoking, suspending or denying approval of Respondent Phillip Edward Schoenwetter, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Phillip Edward Schoenwetter, M.D., to pay the Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: FEB 15 2023

  
\_\_\_\_\_  
REJI VARGHESE  
Deputy Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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