REDACTED

BEFORE THE DIVISION OF ALLIED HEALTH PROFESSIONS

BOARD OF MEDICAL QUALITY ASSURANCE

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation and Supplemental Accusation Against: STEVEN ZAVE MANDEL Podiatry Cert. No. E-1612 Respondent.	NO. D-1873 L-12899

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Division of Allied Health Professions of the Board of Medical Quality Assurance as its decision in the above-entitled matter.

A copy of Section 11522 of the Government Code and a copy of the Agency's Criteria Relating to Rehabilitation are appended hereto and made a part hereof.

This Decision shall become effective on the 26th day of SEPTEMBER, 1977.

IT IS SO ORDERED this 26th day of AUGUST, 1977.

DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By Barry Warshaw MD
BARRY WARSHAW, M. D.
Secretary-Treasurer

mh

BEFORE THE DIVISION OF ALLIED HEALTH PROFESSIONS

BOARD OF MEDICAL QUALITY ASSURANCE

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation and Supplemental Accusation Against: STEVEN ZAVE MANDEL Podiatry Cert. No. E-1612 Respondent.	NO. D-1873 L-12897

PROPOSED DECISION

This matter came on regularly for hearing before Jerome Schwimmer, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on June 6, 1977. The complainant was represented by Donald A. Goldman, Deputy Attorney General. The respondent was duly and regularly served under the provisions of Government Code Section 11505 and filed his Notice of Defense herein. Respondent was duly and regularly served with notice of the time and place of the hearing pursuant to the provisions of Government Code Section 11509. No appearance was made at the hearing by or on behalf of respondent Steven Zave Mandel. Oral and documentary evidence was introduced and the matter was submitted for decision. It is now found as follows:

I

Raymond M. Reid made and filed the Accusation herein in his then official capacity as Executive Secretary of the Board of Medical Quality Assurance of the State of California, and Joseph P. Cosentino, M.D. made and filed the Supplemental Accusation herein as acting Executive Director of the Board of Medical Quality Assurance and successor in authority to the said Raymond M. Reid.

II

On or about June 25, 1973, the Board of Medical Examiners (predecessor to the Board of Medical Quality Assurance) issued podiatry certificate number E-1612 to respondent Steven Zave Mandel, D.P.M. Said certificate is currently in full force and effect.

III

Dilaudid and Quaalude are controlled substances within the meaning of Section 11055 of the Health and Safety Code and dangerous drugs within the meaning of Section 4211(k) of the Business and Professions Code, and Dilaudid is a narcotic within the meaning of Section 11019 of the Health and Safety Code.

IV

Respondent wrote each of the following described prescriptions on or about the dates hereinafter set forth and for the named drugs and in the dosages and amounts hereinafter set forth. Each said prescription was false in that none of the said prescriptions was intended to be used by the patient named in said prescription but was, in each case, intended by respondent to be jointly for his own use and the use of one Joanell Von Bargen. With respect to each of the following described prescriptions, either respondent or the said Joanell Von Bargen picked up the prescribed drugs from the pharmacy where each of the said prescriptions was filled. The said prescriptions are as follows:

Patient	Prescription No.	Date	Drug	Amount
Marylou B[redacted]	1781K59	7-6-76	Dilaudid 4 mg.	60
Omar D[redacted]	08486	8-19-75	Dilaudid 4 mg.	40
Jesus E[redacted]	218465	3-26-76	Dilaudid 4 mg.	60
	218466	3-26-76	Quaalude 300 mg.	40
Frances F[redacted]	08020	7-19-75	Dilaudid	
	08019	7-19-75	Quaalude	
Shone G[redacted]	214733	2-3-76	Dilaudid 4 mg.	50
	214734	2-3-76	Quaalude 30 mg.	40

Patient	Prescription No.	Date	Drug	Amount
	216980	3-5-76	Dilaudid 4 mg.	50
	216981	3-5-76	Quaalude 300 mg	40
Anita H[redacted]	10028	11-23-75	Dilaudid 4 mg	40
	10027	11-23-75	Quaalude 300 mg	30
	21752	2-18-76	Dilaudid 4 mg	50
	21753	2-18-76	Quaalude 300 mg	40
	218722	3-30-76	Dilaudid 4 mg	
Beverly J[redacted]	215437	2-13-76	Quaalude 300 mg	40
	213438	2-13-76	Dilaudid 4 mg	60
Sharon M[redacted]	215370	2-12-76	Quaalude 300 mg	40
	215371	2-12-76	Dilaudid 4 mg	60
Ralph F. A[redacted]	219380	4-8-76	Quaalude 300 mg	40
	219381	4-8-76	Dilaudid 4 mg	60
April A[redacted]	216496	2-26-76	Quaalude 300 mg	40
	216497	2-26-76	Dilaudid 4 mg	60
Mary B[redacted]	08992	9-24-75	Quaalude 300 mg	30
	08993	9-24-75	Dilaudid 4 mg	50
Pete B[redacted]	11608	2-28-76	Quaalude 300 mg	40
Susan B[redacted]	118738	2-27-76	Dilaudid 4 mg	60
	118739	2-27-76	Quaalude 300 mg	40
Sarah C[redacted]	214755	2-4-76	Dilaudid 4 mg	60
	214756	2-4-76	Quaalude 300 mg	40
	218464	3-27-76	do.	40
Karla C[redacted]	216494	2-27-76	Quaalude 300 mg	40
	219760	4-15-76	Dilaudid	60
Linda C[redacted]	214893	2-6-76	Dilaudid 4 mg	60
	214984	2-6-76	Quaalude 300 mg	40
Raul D[redacted]	219759	4-14-76	Dilaudid 4 mg	60
	219718	4-14-76	Quaalude 300 mg	40
Miles D[redacted]	113846	3-2-76	Dilaudid 4 mg	60
	216689	3-2-76	Quaalude 300 mg	30
Julie D[redacted]	-7565	6-17-75	Dilaudid 4 mg	30

Patient	Prescription No.	Date	Drug	Amount
Aroura D[redacted]	18385	2-18-76	Dilaudid 4 mg	60
	215573	2-16-76	Quaalude 300 mg	30
Tholma E[redacted]	09478	10-20-75	Dilaudid 4 mg	40
	09477	10-20-75	Quaalude 300 mg	30
Terry E[redacted]	219902	4-17-76	Dilaudid 4 mg	60
	219903	4-17-76	Quaalude 300 mg	40
Mike F[redacted]	215864	2-20-76	Dilaudid 4 mg	50
	215888	2-20-76	Quaalude 300 mg	40
Aida F[redacted]	219617	4-13-76	Quaalude 300 mg	40
	219618	4-13-76	Dilaudid	60
Marie F[redacted]	218151	3-22-76	Quaalude 300 mg	40
Charles G[redacted]	214512	1-31-76	Quaalude 300 mg	40
	216730	3-2-76	Quaalude 300 mg	30
Pete G[redacted]	216547	2-29-76	Dilaudid 4 mg	60
	216548	2-29-76	Quaalude 300 mg	40
Laura G[redacted]	215376	2-12-76	Dilaudid 4 mg	50
Jesus G[redacted]	09745	11-4-75	Dilaudid 4 mg	32
Anne G[redacted]	218225	3-23-76	Dilaudid 4 mg	60
Arzola G[redacted]	219187	4-6-76	Quaalude 300 mg	40
David H[redacted]	07081	5-19-75	Quaalude	30
Barbara H[redacted]	214545	2-1-76	Dilaudid 4 mg	60
Gail H[redacted]	08630	8-29-75	Dilaudid 4 mg	40
Sandra H[redacted]	214208	1-27-76	Dilaudid 4 mg	50
	219554	4-12-76	Dilaudid 4 mg	60
	219555	4-12-76	Quaalude 300 mg	40
John H[redacted]	06083	3-14-75	Dilaudid 4 mg	20
Becker H[redacted]	08881	9-16-75	Dilaudid 4 mg.	40
	08880	9-16-75	Quaalude 300 mg	30
Robin H[redacted]	118868	3-2-76	Quaalude 300 mg	40
	118870	3-2-76	Dilaudid 4 mg	60
	219828	4-16-76	Quaalude 300 mg	40
Terri Ann H[redacted]	05637	2-14-75	Dilaudid 4 mg	16

Patient	Prescription No.	Date	Drug	Amount
John H[redacted]	06951	5-9-75	Quaalude 300 mg	30
	06952	5-9-75	Dilaudid 4 mg	30
Eva H[redacted]	218963	4-2-76	Quaalude 300 mg	40
Blanche J[redacted]	219188	4-6-76	Dilaudid 4 mg	60
Blanche J[redacted]	219189	4-6-76	Quaalude 300 mg	40
Mary J[redacted]	09542	10-23-75	Dilaudid 4 mg	40
	09542	10-23-75	Quaalude 300 mg	30
Wilburn C. J[redacted]	119625	3-24-76	Dilaudid 4 mg	60
	119624	3-24-76	Quaalude 300 mg	40
Bernelle J[redacted]	218579	3-29-76	Dilaudid 4 mg	60
	214400	1-30-76	Dilaudid 4 mg	50
	214399	1-30-76	Quaalude 300 mg	40
Gladys K[redacted]	118466	2-20-76	Dilaudid 4 mg	50
	11857	2-20-76	Quaalude 300 mg	40
Jana L[redacted]	07753	6-30-75	Dilaudid 4 mg	30
	08975	9-23-75	Dilaudid 4 mg	40
	08974	9-23-75	Quaalude 300 mg	30
Helen L[redacted]	216597	3-1-76	Quaalude 300 mg	60
Loyola L[redacted]	11609	2-27-76	Quaalude 300 mg	40
	219487	4-9-76	Dilaudid 4 mg	60
	219488	4-9-76	Quaalude 300 mg	40
Donna M[redacted]	215305	2-10-76	Dilaudid 4 mg	50
	215304	2-10-76	Quaalude 300 mg	40
	219717	4-14-76	Dilaudid 4 mg	60
	219715	4-14-76	Quaalude 300 mg	40
Carmen M[redacted]	09986	11-21-75	Quaalude 300 mg	30
	09987	11-21-75	Dilaudid 4 mg	35
	215227	2-10-76	Dilaudid 4 mg	50
	215228	2-10-76	Quaalude 300 mg	40
Raymond M[redacted]	119333	3-16-76	Dilaudid 4 mg	20
Larry M[redacted]	216093	2-23-76	Dilaudid 4 mg	60
Mary M[redacted]	219905	4-17-76	Dilaudid 4 mg	60
	219904	4-17-76	Quaalude 300 mg	40

Patient	Prescription No.	Date	Drug	Amount
Mary M[redacted]	215754	2-10-76	Dilaudid 4 mg	60
Mary M[redacted]	215755	2-18-76	Quaalude 300 mg	40
Grace M[redacted]	215078	2-8-76	Dilaudid 4 mg	60
Joann M[redacted]	118648	2-25-76	Dilaudid 4 mg	60
	118647	2-25-76	Quaalude 300 mg	30
Lori M[redacted]	11805	3-11-76	Dilaudid 4 mg	50
	11804	3-11-76	Quaalude 300 mg	40
Gail M[redacted]	219368	4-8-76	Dilaudid 4 mg	60
	219369	4-8-76	Quaalude 300 mg	30
James M[redacted]	216948	3-4-76	Dilaudid 4 mg	40
Cathellen M[redacted]	216549	2-29-76	Dilaudid 4 mg	50
	216550	2-29-76	Quaalude 300 mg	40
	07003	5-13-75	Dilaudid 5 mg	30
Olivia M[redacted]	118320	2-16-76	Dilaudid 4 mg	60
	118319	2-16-76	Quaalude 300 mg	40
Chris M[redacted]	215505	2-15-76	Dilaudid 4 mg	60
	215504	2-15-76	Quaalude 300 mg	40
George M[redacted]	214754	2-4-76	Dilaudid 4 mg	50
Pamela M[redacted]	118311	2-16-76	Dilaudid 4 mg	50
	118312	2-16-76	Quaalude 300 mg	30
Annabelle N[redacted]	215990	2-21-76	Dilaudid 4 mg	60
	215991	2-12-76	Quaalude 300 mg	40
Vivianne N[redacted]	218148	3-22-76	Dilaudid 4 mg	60
	218150	3-22-76	Quaalude 300 mg	40
	219978	4-19-76	Dilaudid 4 mg	60
	219979	4-19-76	Quaalude 300 mg	40
Donna O[redacted]	214209	1-27-76	Dilaudid 4 mg	40
	214210	1-27-76	Quaalude 300 mg	40
Charles P[redacted]	118979	3-4-76	Dilaudid 4 mg	60
	118982	3-4-76	Quaalude 300 mg	40
Harlen P[redacted]	216962	3-5-76	Quaalude 300 mg	40
Duane P[redacted]	216805	2-28-76	Dilaudid 4 mg	60

Patient	Prescription No.	Date	Drug	Amount
Rose P[redacted]	214073	1-26-76	Dilaudid 4 mg	50
Edward P[redacted]	214401	1-30-76	Dilaudid 4 mg	50
	214398	1-30-76	Quaalude 300 mg	30
Bernice R[redacted]	118100	2-9-76	Dilaudid 4 mg	60
	118099	2-9-76	Quaalude 300 mg	40
	216595	3-1-76	Quaalude 300 mg	40
Michael R[redacted]	218895	4-2-76	Quaalude 300 mg	30
	219930	4-17-76	Dilaudid 4 mg	60
	219931	4-17-76	Quaalude 300 mg	40
Verna R[redacted]	218505	3-28-76	Dilaudid 4 mg	60
	216498	2-27-76	Quaalude 300 mg	40
Roxie R[redacted]	218367	3-26-76	Dilaudid 4 mg	40
	218366	3-26-76	Quaalude 300 mg	30
Elisa R[redacted]	08273	8-5-75	Quaalude	30
Denise R[redacted]	06582	4-16-75	Dilaudid 4 mg	30
	06583	4-16-76	Quaalude 300 mg	30
Venita S[redacted]	216246	2-25-76	Dilaudid 4 mg	60
	216247	2-25-76	Quaalude 300 mg	40
Gary S[redacted]	214896	2-6-76	Dilaudid 4 mg	50
	214895	2-6-76	Quaalude 300 mg	40
	218147	3-22-76	Dilaudid 4 mg	60
Otis S[redacted]	219980	4-19-76	Dilaudid 4 mg	60
	219981	4-19-76	Quaalude 300 mg	40
Sue S[redacted]	118085	2-9-76	Quaalude 300 mg	40
Jeffrey S[redacted]	218301	3-25-76	Dilaudid 4 mg	60
	218300	3-25-76	Quaalude 300 mg	30
Raymond S[redacted]	118697	2-26-76	Dilaudid 4 mg	60
	219826	4-16-76	Dilaudid 4 mg	60
	219827	4-16-76	Quaalude 300 mg	40
Michael S[redacted]	219616	4-13-76	Dilaudid 4 mg	60
	21915	4-13-76	Quaalude 300 mg	40
Edna T[redacted]	218434	3-27-76	Dilaudid 4 mg	60
	218433	3-27-76	Quaalude 300 mg	40

Patient	Prescription No.	Date	Drug	Amount
Gloria T[redacted]	08223	8-1-75	Dilaudid 4 mg	40
Ernestine V[redacted]	216094	2-23-76	Dilaudid 4 mg	60
Gladys V[redacted]	118980	3-4-76	Dilaudid 4 mg	60
	118981	3-4-76	Quaalude 300 mg	40
Florence W[redacted]	219383	4-8-76	Dilaudid 4 mg	60
	219382	4-8-76	Quaalude 300 mg	40
Lula W[redacted]	218344	3-25-76	Dilaudid 4 mg	60
	218343	3-25-76	Quaalude 300 mg	40
	118869	3-2-76	Dilaudid 4 mg	60
	118867	3-2-76	Quaalude 300 mg	40
Ruth Y[redacted]	215369	2-12-76	Dilaudid 4 mg	50
	215368	2-12-76	Quaalude 300 mg	40
Sandy Y[redacted]	09657	10-20-75	Dilaudid 4 mg	30

V

In committing the acts set forth in finding IV above, respondent is guilty of unprofessional conduct in that he has committed acts involving moral turpitude, dishonesty, and corruption.

VI

Respondent prescribed each of the drugs as set forth hereinabove in finding IV without a good faith physical examination or a medical indication therefor, and respondent is thereby guilty of unprofessional conduct.

VII

Respondent is further guilty of unprofessional conduct in that he wrote the following prescriptions for the said Joanell Von Bargen without a good faith physical examination or a medical indication therefor:

Prescription	Date	Drug	Amount
05174	1-17-75	Dilaudid 4 mg	20
215602	2-17-76	Lopor 300 mg	40
215601	2-17-76	Dilaudid 4 mg	50

Prescription	Date	Drug	Amount
119374	3-16-76	Dilaudid 4 mg	60
119376	3-16-76	Quaalude 300 mg	40
219932	4-18-76	Dilaudid 4 mg	60
219933	4-18-76	Quaalude 300 mg	40

VIII

In Case No. 328934 in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, entitled "People v. Steven Zave Mandel, et al," respondent was convicted following his plea of guilty of conspiracy to commit the crime of obtaining narcotic drugs by a forged or fictititous prescription in violation of Section 11368 of the Health and Safety Code. The said criminal case was certified to the Superior Court for imposition of sentence as to respondent.

IX

By letter dated April 17, 1977, addressed to counsel for complainant, respondent purported to "resign" his license (No. E-1612) to practice podiatry in the State of California, and respondent enclosed therewith the certificate last issued to him upon payment of his biennial renewal fee to the Board of Medical Examiners.

* * * *

Pursuant to the foregoing findings of fact, the following determination of issues is made:

I

Cause exists for the suspension or revocation of respondent's podiatry certificate for unprofessional conduct, as provided in Sections 2360 and 2361 of the Business and Professions Code. Respondent is guilty of unprofessional conduct as defined in Section 2383 and 490 of said Code, in that he has been convicted of a criminal offense involving moral turpitude and substantially related to the practice of medicine. Respondent is further guilty of unprofessional conduct as defined in Section 2391.5 of said Code for violation of Health and Safety Code Sections 11157, 11173,

11368 and Section 4390 of the Business and Professions Code, based upon the issuance by respondent of the false and fraudulent prescriptions as hereinabove found, and respondent is further thereby guilty of unprofessional conduct as defined in Section 2361(c) of the Business and Professions Code in that he has thereby committed acts involving moral turpitude, dishonesty and corruption. Respondent is further guilty of unprofessional conduct as defined in Section 2399.5 of the Business and Professions Code in that respondent did prescribe dangerous drugs without a good faith prior examination or medical indication therefor.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Podiatry Certificate No. E-1612 heretofore issued to respondent Steven Zave Mandel by the Board to practice podiatry in the State of California is hereby revoked.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter and recommend its adoption as the decision of the Division of Allied Health Professions of the Board of Medical Quality Assurance.

JEROME SCHWIMMER
Administrative Law Judge
Office of Administrative Hearings

DATED: June 7, 1977
JS:mh

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Attorneys for Complainant

BEFORE THE DIVISION OF ALLIED HEALTH PROFESSIONS

BOARD OF MEDICAL QUALITY ASSURANCE

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation Against: STEVEN ZAVE MANDEL Podiatry Cert. No. E-1612 Respondent.	NO. 1873 SUPPLEMENTAL ACCUSATION

COMES NOW Joseph P. Cosentino, M.D., who as causes for disciplinary action, alleges as follows:

1. He is the Acting Executive Director of the Board of Medical Quality Assurance and the successor in authority to Raymond M. Reid, the complainant in the Accusation heretofore filed herein, and makes and files this Supplemental Accusation in addition to the matters contained in that Accusation against the same respondent, under the same caption and number, and incorporates by reference herein and realleges all of the allegations of that Accusation.

2. Section 490 of the Business and Professions Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime if the crime is substantially related to the qualifications, functions

or duties of the profession for which the license was issued.

3. Section 2383 of the Business and Professions Code provides that the conviction of any offense involving moral turpitude constitutes unprofessional conduct.

4. Respondent is further sugject to disciplinary action pursuant to sections 2360, 2361, 490 and 2383 of the Business and Professions Code in that he has been convicted of a crime involving moral turpitude and substantially related to the practice of medicine.

The circumstances are as follows:

On or about October 27, 1976, in the Municipal Court of Los Angeles Judicial District, County of Los Angeles, State of California, in Case No. 328934, entitled, "People v. Stephen Zave Mandel," respondent was convicted following his plea of guilty of having violated section 11368 of the Health and Safety Code (forgery of a prescription).

WHEREFORE, complainant prays that the Board hold a hearing on the matters alleged herein and following said hearing issue a decision:

1. Suspending or revoking Physician's and Surgeon Certificate No. E-1612 heretofore issued to Steven Zave Mandel, or

2. Taking such other actions as the Board in its discretion deems proper.

DATED: 5/6/77.

Joseph P. Cosentino

JOSEPH P. COSENTINO, M.D.
Acting Executive Director
Board of Medical Quality Assurance
State of California

Complainant

DAG:ed
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BEFORE THE DIVISION OF ALLIED HEALTH PROFESSIONS
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: STEPHEN ZAVE MANDEL Podiatry Certificate No. E-1612 Respondent.	NO. D-1873 ACCUSATION

COMES NOW complainant Raymond M. Reid, who, as causes for disciplinary action, alleges as follows:

1. He is the Executive Secretary of the Board of Medical Quality Assurance (hereinafter referred to as the "Board"), and makes and files this accusation in his official capacity as such and not otherwise.

2. On or about June 25, 1973, the Board of Medical Examiners (predecessor to the Board) issued Podiatry Certificate No. E-1612 to Stephen Zave Mandel, DP.M. (respondent herein and hereinafter referred to as "respondent"). Said certificate is currently in full force and effect.

3. Sections 2360 and 2361 of the Business and Professions Code authorize the Division of Allied Health Professions of the Board to take disciplinary action against the holder of

a Podiatry certificate who is guilty of unprofessional conduct.

4. Section 2391.5 of the Business and Professions Code provides that the violation of any of the statutes of this state regulating narcotics and dangerous drugs constitutes unprofessional conduct.

5. Section 11157 of the Health and Safety Code, a statute of the State of California regulating narcotics and dangerous drugs, provides that "No person shall issue a prescription that is false of fictitious in any respect."

6. Section 11173 of the Health and Safety Code, a statute of this state regulating narcotics and dangerous drugs provides, in part, that:

> "(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.
>
> "(b) No person shall make a false statement in any prescription, order, report, or record, required by this division.
>
> "(c) No person shall, for the purpose of obtaining controlled substances, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian, or other authorized person."

7. Section 11368 of the Health and Safety Code provides that every person who forges or alters a prescription or who issues or utters an altered prescription, or who issues or utters a prescription bearing a forged or fictitious signature for any narcotic drug, or who obtains any narcotic drug by any

forged, fictitious, or altered prescription, or who has in possession any narcotic drug secured by such forged, fictitious, or altered prescription, shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than 10 years.

8. Section 4390 of the Business and Professions Code, a statute of this state regulating narcotics and dangerous drugs, provides that:

> "Every person who signs the name of another, or of a fictitious person, or falsely makes, alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any drugs . . . is guilty of a forgery and upon conviction thereof shall be punished by imprisonment in the state prison for not less than 1 year nor more than 14 years, or by imprisonment in the county jail for not more than 1 year.
>
> "Every person who has in his possession any drugs secured by such forged prescription shall be punished by imprisonment in the state prison for not less than one year nor more than six years, or by imprisonment in the county jail for not more than one year."

9. Dilaudid and Quaalude are controlled substances within the meaning of section 11055 of the Health and Safety Code, dangerous drugs within the meaning of section 4211(k) of the Business and Professions Code and narcotics within the meaning of section 11019 of the Health and Safety Code.

/

10. Respondent is subject to disciplinary action pursuant to sections 2360 and 2361 of the Business and Professions Code in that he is guilty of unprofessional conduct within the meaning of section 2391.5 of the Business and Professions Code in that he has violated sections 11157, 11173 and 11368 of the Health and Safety Code and section 4390 of the Business and Professions Code. The circumstances are as follows:

Respondent wrote the following prescriptions for the following drugs which were false in that the prescriptions were not intended to be used by the patients named but rather were intended by respondent for his own use and that of one Joanell Von Bargen. Respondent or Von Bargen picked up the drugs from the pharmacy when each of the prescriptions was filled:

Patient	Prescription No.	Date	Drug	Amount
Daniel B[redacted]	9589J52	6-13-76	Dilaudid 4 mg	55
Marylou B[redacted]	1781K59	7-6-76	do.	60
Omar D[redacted]	08486	8-19-75	do.	40
Jesus E[redacted]	218465	3-26-76	do.	60
	218466	3-26-76	Quaalude 300 mg	40
Frances F[redacted]	08020	7-19-75	Dilaudid	
	08019	7-19-75	Quaalude	
Karen G[redacted]	1781K63	7-10-76	Dilaudid 4 mg	50
Shone G[redacted]	214733	2-3-76	Dilaudid 4 mg	50
	214734	2-3-76	Quaalude 30 mg	40
	216980	3-5-76	Dilaudid 4 mg	50
	216981	3-5-76	Quaalude 300 mg	40
Anita H[redacted]	10028	11-23-75	Dilaudid 4 mg	40
	10027	11-23-75	Quaalude 300 mg	30
	21752	2-18-76	Dilaudid 4 mg	50
	21753	2-18-76	Quaalude 300 mg	40
	218722	3-30-76	Dilaudid 4 mg	

Patient	Prescription No.	Date	Drug	Amount
Beverly J[redacted]	215437	2-13-76	Quaalude 300 mg	40
	213438	2-13-76	Dilaudid 4 mg	60
Sharon M[redacted]	215370	2-12-76	Quaalude 300 mg	40
	215371	2-12-76	Dilaudid 4 mg	60
Jo Ann M[redacted]	1781K26	8-13-76	Dilaudid 4 mg	60
Ralph F. A[redacted]	219380	4-8-76	Quaalude 300 mg	40
	219381	4-8-76	Dilaudid 4 mg	60
April A[redacted]	216496	2-26-76	Quaalude 300 mg	40
	216497	2-26-76	Dilaudid 4 mg	60
Mary B[redacted]	08992	9-24-75	Quaalude 300 mg	30
	08993	9-24-75	Dilaudid 4 mg	50
Pete B[redacted]	11608	2-28-76	Quaalude 300 mg	40
Susan B[redacted]	118738	2-27-76	Dilaudid 4 mg	60
	118739	2-27-76	Quaalude 300 mg	40
Sarah C[redacted]	214755	2-4-76	Dilaudid 4 mg	60
	214756	2-4-76	Quaalude 300 mg	40
	218464	3-27-76	do.	40
Karla C[redacted]	216494	2-27-76	Quaalude 300 mg	40
	219760	4-15-76	Dilaudid	60
Linda C[redacted]	214893	2-6-76	Dilaudid 4 mg	60
	214694	2-6-76	Quaalude 300 mg	40
Raul D[redacted]	219759	4-14-76	Dilaudid 4 mg	60
	219718	4-14-76	Quaalude 300 mg	40
Miles D[redacted]	118846	3-2-76	Dilaudid 4 mg	60
	216689	3-2-76	Quaalude 300 mg	30
Julie D[redacted]	07565	6-17-75	Dilaudid 4 mg	30
Aroura D[redacted]	18385	2-18-76	Dilaudid 4 mg	60
	215573	2-16-76	Quaalude 300 mg	30
Thelma E[redacted]	09478	10-20-75	Dilaudid 4 mg	40
	09477	10-20-75	Quaalude 300 mg	30

	Patient	Prescription No.	Date	Drug	Amount
2	Terry F[redacted]	219902	4-17-76	Dilaudid 4 mg	60
3		219903	4-17-76	Quaalude 300 mg	40
4	Mike F[redacted]	215864	2-20-76	Dilaudid 4 mg	50
5		215888	2-20-76	Quaalude 300 mg	40
6	Aida F[redacted]	219617	4-13-76	Quaalude 300 mg	40
7		219618	4-13-76	Dilaudid	60
8	Marie F[redacted]	218151	3-22-76	Quaalude 300 mg	40
9	Charles G[redacted]	214512	1-31-76	Quaalude 300 mg	40
10		216730	3-2-76	Quaalude 300 mg	30
11	Pete G[redacted]	216547	2-29-76	Dilaudid 4 mg	60
12		216548	2-29-76	Quaalude 300 mg	40
13	Laura G[redacted]	215367	2-12-76	Dilaudid 4 mg	50
14	Jesus G[redacted]	09745	11-4-75	Dilaudid 4 mg	32
15	Anne G[redacted]	218225	3-23-76	Dilaudid 4 mg	60
16	Arzola G[redacted]	219187	4-6-76	Quaalude 300 mg	40
17	David H[redacted]	07081	5-19-75	Quaalude	30
18	Barbara H[redacted]	214545	2-1-76	Dilaudid 4 mg	60
19	Gail H[redacted]	08630	8-29-75	Dilaudid 4 mg	40
20	Sandra H[redacted]	214208	1-27-76	Dilaudid 4 mg	50
21		219554	4-12-76	Dilaudid 4 mg	60
22		219555	4-12-76	Quaalude 300 mg	40
	John H[redacted]	06083	3-14-75	Dilaudid 4 mg	20
23	Becker H[redacted]	08881	9-16-75	Dilaudid 4 mg	40
24		08880	9-16-75	Quaalude 300 mg	30
25	Robin H[redacted]	118868	3-2-76	Quaalude 300 mg	40
26		118870	3-2-76	Dilaudid 4 mg	60
27		219828	4-16-76	Quaalude 300 mg	40
28	Terri Ann H[redacted]	05637	2-14-75	Dilaudid 4 mg	16
29	John H[redacted]	06951	5-9-75	Quaalude 300 mg	30
30		06952	5-9-75	Dilaudid 4 mg	30
31	Eva H[redacted]	218963	4-2-76	Quaalude 300 mg	40
	Blanche J[redacted]	219188	4-6-76	Dilaudid 4 mg	60

	Patient	Prescription No.	Date	Drug	Amount
2	Blanche J[redacted]	219189	4-6-76	Quaalude 500 mg	40
3	Mary J[redacted]	09542	10-23-75	Dilaudid 4 mg	40
4		09541	10-23-75	Quaalude 300 mg	30
5	Wilburn C. J[redacted]	119625	3-24-76	Dilaudid 4 mg	60
6		119624	3-24-76	Quaalude 300 mg	40
7	Bernelle J[redacted]	218579	3-29-76	Dilaudid 4 mg	60
8		214400	1-30-76	Dilaudid 4 mg	50
9		214399	1-30-76	Quaalude 300 mg	40
10	Gladys K[redacted]	118466	2-20-76	Dilaudid 4 mg	50
11		118457	2-20-76	Quaalude 300 mg	40
12	Jana L[redacted]	07753	6-30-75	Dilaudid 4 mg	30
13		08975	9-23-75	Dilaudid 4 mg	40
14		08974	9-23-75	Quaalude 300 mg	30
15	Helen L[redacted]	216597	3-1-76	Quaalude 300 mg	60
16	Loyola L[redacted]	11609	2-27-76	Quaalude 300 mg	40
17		219487	4-9-76	Dilaudid 4 mg	60
18		219488	4-9-76	Quaalude 300 mg	40
19	Donna M[redacted]	215305	2-10-76	Dilaudid 4 mg	50
20		215304	2-10-76	Quaalude 300 mg	40
21		219717	4-14-76	Dilaudid 4 mg	60
22		219715	4-14-76	Quaalude 300 mg	40
23	Carmen M[redacted]	09986	11-21-75	Quaalude 300 mg	30
24		09987	11-21-75	Dilaudid 4 mg	35
25		215227	2-10-76	Dilaudid 4 mg	50
26		215228	2-10-76	Quaalude 300 mg	40
27	Raymond M[redacted]	119333	3-16-76	Dilaudid 4 mg	20
28	Larry M[redacted]	216093	2-23-76	Dilaudid 4 mg	60
29	Mary M[redacted]	219905	4-17-76	Dilaudid 4 mg	60
30		219904	4-17-76	Quaalude 300 mg	40
31	Mary M[redacted]	215754	2-10-76	Dilaudid 4 mg	60

1	Patient	Prescription No.	Date	Drug	Amount
2	Mary M[redacted]	215755	2-18-76	Quaalude 300 mg	40
3	Grace M[redacted]	215078	2-8-76	Dilaudid 4 mg	60
4	Joann M[redacted]	118648	2-25-76	Dilaudid 4 mg	60
5		118647	2-25-76	Quaalude 300 mg	30
6	Lori M[redacted]	11805	3-11-76	Dilaudid 4 mg	50
7		11804	3-11-76	Quaalude 300 mg	40
8	Gail M[redacted]	219368	4-8-76	Dilaudid 4 mg	60
9		219369	4-8-76	Quaalude 300 mg	30
10	James M[redacted]	216948	3-4-76	Dilaudid 4 mg	40
11	Cathellen M[redacted]	216549	2-29-76	Dilaudid 4 mg	50
12		216550	2-29-76	Quaalude 300 mg	40
13		07003	5-13-75	Dilaudid 5 mg	30
14	Olivia M[redacted]	118320	2-16-76	Dilaudid 4 mg	60
15		118319	2-16-76	Quaalude 300 mg	40
16	Chris M[redacted]	215505	2-15-76	Dilaudid 4 mg	60
17		215504	2-15-76	Quaalude 300 mg	40
18	George M[redacted]	214754	2-4-76	Dilaudid 4 mg	50
19	Pamela M[redacted]	118311	2-16-76	Dilaudid 4 mg	50
20		118312	2-16-76	Quaalude 300 mg	30
21	Annabelle N[redacted]	215990	2-21-76	Dilaudid 4 mg	60
22		215991	2-12-76	Quaalude 300 mg	40
23	Vivianne N[redacted]	218148	3-22-76	Dilaudid 4 mg	60
24		218150	3-22-76	Quaalude 300 mg	40
25		219978	4-19-76	Dilaudid 4 mg	60
26		219979	4-19-76	Quaelude 300 mg	40
27	Donna O[redacted]	214209	1-27-76	Dilaudid 4 mg	40
28		214210	1-27-76	Quaalude 300 mg	40
29	Charles P[redacted]	118979	3-4-76	Dilaudid 4 mg	60
30		118982	3-4-76	Quaalude 300 mg	40
31	Harlen P[redacted]	216982	3-5-76	Quaalude 300 mg	40

Patient	Prescription No.	Date	Drug	Amount
Duane P[redacted]	216805	2-28-76	Dilaudid 4 mg	60
Rose P[redacted]	214073	1-26-76	Dilaudid 4 mg	50
Edward P[redacted]	214401	1-30-76	Dilaudid 4 mg	50
	214398	1-30-76	Quaalude 300 mg	30
Bernice R[redacted]	118100	2-9-76	Dilaudid 4 mg	60
	118099	2-9-76	Quaalude 300 mg	40
	216595	3-1-76	Quaalude 300 mg	40
Michael R[redacted]	218895	4-2-76	Quaalude 300 mg	30
	219930	4-17-76	Dilaudid 4 mg	60
	219931	4-17-76	Quaalude 300 mg	40
Verna R[redacted]	218505	3-28-76	Dilaudid 4 mg	60
	216498	2-27-76	Quaalude 300 mg	40
Roxie R[redacted]	218367	3-26-76	Dilaudid 4 mg	40
	218366	3-26-76	Quaalude 300 mg	30
Elisa R[redacted]	08273	8-5-75	Quaalude	30
Denise R[redacted]	06582	4-16-75	Dilaudid 4 mg	30
	06583	4-16-76	Quaalude 300 mg	30
Venita S[redacted]	216246	2-25-76	Dilaudid 4 mg	60
	216247	2-25-76	Quaalude 300 mg	40
Gary S[redacted]	214896	2-6-76	Dilaudid 4 mg	50
	214895	2-6-76	Quaalude 300 mg	40
	218147	3-22-76	Dilaudid 4 mg	60
Otis S[redacted]	219980	4-19-76	Dilaudid 4 mg	60
	219981	4-19-76	Quaalude 300 mg	40
Sue S[redacted]	113085	2-9-76	Quaalude 300 mg	40
Jeffrey S[redacted]	218301	3-25-76	Dilaudid 4 mg	60
	218300	3-25-76	Quaalude 300 mg	30
Raymond S[redacted]	118697	2-26-76	Dilaudid 4 mg	60
	219826	4-16-76	Dilaudid 4 mg	60
	219827	4-16-76	Quaalude 300 mg	40

Patient	Prescription No.	Date	Drug	Amount
Michael S[redacted]	219616	4-13-76	Dilaudid 4 mg	60
	219615	4-13-76	Quaalude 300 mg	40
Edna T[redacted]	218434	3-27-76	Dilaudid 4 mg	60
	218433	3-27-76	Quaalude 300 mg	40
Gloria T[redacted]	08223	8-1-75	Dilaudid 4 mg	40
Ernestine V[redacted]	216094	2-23-76	Dilaudid 4 mg	60
Gladys V[redacted]	118980	3-4-76	Dilaudid 4 mg	60
	118981	3-4-76	Quaalude 300 mg	40
Florence W[redacted]	219383	4-8-76	Dilaudid 4 mg	60
	219382	4-8-76	Quaalude 300 mg	40
Lula W[redacted]	218344	3-25-76	Dilaudid 4 mg	60
	218343	3-25-76	Quaalude 300 mg	40
	118869	3-2-76	Dilaudid 4 mg	60
	118867	3-2-76	Quaalude 300 mg	40
Ruth Y[redacted]	215369	2-12-76	Dilaudid 4 mg	50
	215368	2-12-76	Quaalude 300 mg	40
Sandy Y[redacted]	09657	10-20-75	Dilaudid 4 mg	30

11. Section 2361(c) of the Business and Professions Code provides that the commission of any act involving moral turptiude, dishonesty, or corruption, whether the act is committed in the course of the individual's activities as a certificate holder, or otherwise, or whether the act is a felony or a misdemeanor constitutes unprofessional conduct.

12. Respondent is subject to disciplinary action pursuant to sections 2360, 2361 and 2361(c) of the Business and Professions Code in that he is guilty of unprofessional conduct in that he has committed acts involving moral turpitude, dishonesty or corruption. The circumstances are as follows:

The allegations set forth hereinabove in paragraph 10 are incorporated herein as if set forth at length.

13. Section 2399.5 of the Business and Professions Code provides that prescribing, dispensing or furnishing dangerous drugs as defined in section 4211 of the Business and Professions Code without a good faith prior examination and medical indication therefor, constitutes unprofessional conduct within the meaning of this chapter.

14. Respondent is subject to disciplinary action pursuant to sections 2360 and 2361 of the Business and Professions Code in that he is guilty of unprofessional conduct within the meaning of section 2399.5 of the Business and Professions Code in that he has prescribed dangerous drugs without a good faith prior examination or medical indication therefor. The circumstances are as follows:

A. The allegations set forth hereinabove in paragraph 10 are incorporated herein as if set forth at length.

B. Respondent prescribed each of the drugs set forth hereinabove in paragraph 10 without a good faith physicial examination or a medical indication therefor.

C. Respondent wrote the following prescriptions for Joanell Von Bargen without a good faith physicial examination or a medical indication therefor:

Prescription	Date	Drug	Amount
05174	1-17-75	Dilaudid 4 mg	20
215602	2-17-76	Lopor 300 mg	40
215601	2-17-76	Dilaudid 4 mg	50
118867	3-2-76	Quaalude 300 mg	7
118869	3-2-76	Dilaudid 4 mg	7
119374	3-16-76	Dilaudid 4 mg	60
119376	3-16-76	Quaalude 300 mg	40

Prescription	Date	Drug	Amount
219932	4-18-76	Dilaudid 4 mg	60
219933	4-18-76	Quaalude 300 mg	40

WHEREFORE, complainant prays that the Division of Allied Health Professions of the Board hold a hearing on the matters alleged herein, and following said hearing issue an order:

1. Suspending or revoking the Podiatry Certificate No. E-1612 heretofore issued to respondent; and

2. Taking such other action as the Board in its discretion deems proper.

DATED: 9/14/76.

RAYMOND M. REID
Executive Officer
Board of Medical Quality Assurance

Complainant

DAG:ed
C3573101-LA76AD1238
9/7/76