

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3552

12 **ROSANNE MARIE LAMOTT**
315 Young Ct.
13 Pomona, CA 91766

A C C U S A T I O N

14 Pharmacy Technician Registration
15 No. TCH 33869

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about July 11, 2000, the Board of Pharmacy issued Pharmacy Technician
23 Registration No. TCH 33869 to Rosanne Marie Lamott (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on October 31, 2011, unless renewed.

26 //

27 //

28 //

JURISDICTION

1
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 unless otherwise indicated.

STATUTORY PROVISIONS

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

9 5. Section 4300 provides, in pertinent part, that every license issued by the Board is
10 subject to discipline, including suspension or revocation.

11 6. Section 4301 states:

12 “The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

14

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

20

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

23

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

28 (p) Actions or conduct that would have warranted denial of a license.”

FIRST CAUSE FOR DISCIPLINE

(Use/Under Influence of a Controlled Substance)

11. Respondent is subject to disciplinary action under section 4301, subdivision (h) in conjunction with Health and Safety Code section 11550, subdivision (a), and California Code of Regulations, title 16, section 1770, in that Respondent used and/or was under the influence of a controlled substance in a manner as to be dangerous or injurious to herself, or to any other person or to the public.

a. On or about April 1, 2008, Respondent pleaded guilty to violating Health and Safety code section 11550(a) [use/under the influence of controlled substances] in the criminal proceeding entitled *The People of the State of California v. Rosanne Marie Lamott* (Super. Ct. San Bernardino Co., 2008, No. MCH800124). The Court deferred entry of judgment for 18 months pending the court's order that Respondent complete a drug diversion program. The Respondent was also ordered to pay approximately \$300.00 in fees and restitution.

b. The underlying circumstances are that on or about November 27, 2007, during the course of an investigation of a pedestrian by the Chino Police Department, Respondent was contacted by police officers at a Motel 6. The officers smelled a "strong odor of burnt chemicals" emitting from inside the room. Respondent was observed to have a dry mouth and thick speech. Respondent appeared nervous and could not stop fidgeting. Respondent was asked if she was taking any medications and she said she was not. When asked by the police officer, when the last time was that she used any illegal drugs, Respondent admitted that she had smoked "meth" on November 26, 2007 at about 2300 hours and again on November 27, 2007, about four hours prior to the police officer contacting her. Respondent was subsequently arrested for being under the influence of a controlled substance. During the booking procedure, Respondent submitted to a blood test and tested positive for Methamphetamine.

//

//

//

//

1 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
2 enforcement of this case, pursuant to section 125.3; and

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

4 DATED: 8/26/10 Virginia Herold
5 VIRGINIA HEROLD
6 Executive Officer
7 Board of Pharmacy
8 Department of Consumer Affairs
9 State of California
10 *Complainant*

8 LA2009604706
9 50716641.docx

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28