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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. 4692

13 **ROBERT MICHAEL BELLUOMINI**  
14 **80874 Camino San Lucas**  
**Indio, CA 92203**

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

15 **Pharmacist License No. RPH 24484**

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 12, 1966, the Board of Pharmacy issued Pharmacist License  
24 Number RPH 24484 to Robert Michael Belluomini (Respondent). The Pharmacist License was  
25 in full force and effect at all times relevant to the charges brought herein and will expire on  
26 January 31, 2015, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a) of the Code states "Every license issued may be  
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states:

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

18 . . . .

19 (n) The revocation, suspension, or other discipline by another state of a license  
20 to practice pharmacy, operate a pharmacy, or do any other act for which a license is  
21 required by this chapter.

22 . . . .

21 **COSTS**

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

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1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline Against Respondent's Nevada Pharmacist License)**

3 8. Respondent has subjected his license to discipline under section 4301, subdivision  
4 (m) of the Code in that his pharmacist license issued by the State of Nevada was revoked. The  
5 circumstances are as follows:

6 a. On or about March 30, 2010, in the matter of the *Nevada State Board of*  
7 *Pharmacy v Robert M. Belluomini*, in case number 09-098-RPH-N, the Nevada State Board of  
8 Pharmacy (Nevada Board) filed a Notice of Intended Action and Accusation. The Accusation  
9 alleged that while Respondent was employed at a Carson City, Nevada pharmacy, he fraudulently  
10 filled numerous prescriptions for his wife without physician authorization. Respondent admitted  
11 to Nevada Board investigators that he falsified prescriptions for his wife as a matter of  
12 convenience. Respondent's conduct violated Nevada Revised Statutes 454.311 and/or 639.210,  
13 subdivisions (1), (4) and (12), and Nevada Administrative Code 639.945, subdivisions (1)(g),  
14 (1)(h), and (1)(i).

15 b. As a result of the Accusation, on or about May 10, 2010, Respondent entered  
16 into a Stipulation and Agreement with the Nevada Board. Respondent admitted the facts and  
17 violations in the Notice of Intended Action and Accusation. Respondent agreed to surrender his  
18 pharmacist license. The Nevada Board ordered Respondent's license revoked effective June 2,  
19 2010.

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**PRAYER**

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

1. Revoking or suspending Pharmacist License Number RPH 24484, issued to Robert Michael Belluomini;
2. Ordering Robert Michael Belluomini to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

8/14/13



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

SD2013705378