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

10 In the Matter of the Accusation Against:

Case No. 4827

11 **LISA LESLIE ROMANOLO**
12 **17677 Berta Canyon Road**
13 **Prunedale, CA 93907**

A C C U S A T I O N

14 **Pharmacist License No. RPH 37131**

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 20, 1982, the Board of Pharmacy issued Pharmacist License
22 Number RPH 37131 to Lisa Leslie Romanolo (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on September
24 30, 2013, unless renewed.

25 **JURISDICTION**

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

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4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

". . . .

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

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 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

Unprofessional conduct shall include, but is not limited to, any of the following:

1 ". . . .

2 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
3 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
4 whether the act is a felony or misdemeanor or not.

5 ". . . .

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

11 ". . . .

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

14 ". . . .

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

19 ". . . ."

20 7. Section 4059 of the Code states, in pertinent part, that a person may not furnish any
21 dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist,
22 veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
23 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist,
24 veterinarian, or naturopathic doctor pursuant to Section 3640.7.

25 8. Section 4060 of the Code states:

26 "No person shall possess any controlled substance, except that furnished to a person upon
27 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
28 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified

1 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
2 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
3 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
4 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
5 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
6 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
7 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
8 labeled with the name and address of the supplier or producer.

9 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
10 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
11 devices."

12 9. Section 4021 of the Code states:

13 "Controlled substance" means any substance listed in Chapter 2 (commencing with Section
14 11053) of Division 10 of the Health and Safety Code.

15 10. Section 4022 of the Code states

16 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
17 humans or animals, and includes the following:

18 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
19 prescription," "Rx only," or words of similar import.

20 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale
21 by or on the order of a _____," "Rx only," or words of similar import, the blank to be filled
22 in with the designation of the practitioner licensed to use or order use of the device.

23 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
24 prescription or furnished pursuant to Section 4006."

25 COSTS

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 DRUGS

5 12. **Norco®** and **Lortab®** are brand names for compounds used for pain relief containing
6 dosages of acetaminophen and hydrocodone bitartrate, are Schedule III controlled substances as
7 designated by Health and Safety Code section 11056(e)(4), and are dangerous drugs as designated
8 by Business and Professions Code section 4022.

9 13. **Morphine Sulfate** is a controlled substance pursuant to California Health and Safety
10 Code section 11055(b)(1)(L) and a dangerous drug pursuant to California Business and
11 Professions Code section 4022.

12 14. **Percocet®** is the brand name for acetaminophen and oxycodone, a Schedule II
13 controlled substance as designated by Health and Safety Code section 11055(b)(1)(n), and a
14 dangerous drug as designated by Business and Professions Code section 4022, used for pain
15 relief.

16 15. **Vicoprofen®** is the brand name for a combination tablet of ibuprofen and
17 hydrocodone. It is a scheduled III controlled substance as designated by Health and Safety Code
18 section 11056(e)(4), and a dangerous drug pursuant to California Business and Professions Code
19 section 4022, used for pain relief.

20 BACKGROUND

21 16. Respondent, while working as a pharmacist at Good Samaritan Hospital in San Jose,
22 California, stole controlled substances from the hospital. Intermittently, over roughly a four-year
23 period, Respondent diverted small quantities of various narcotics including morphine sulfate,
24 Vicoprofen®, Percocet®, Lortab®, and Norco®. Respondent furnished some of these drugs to
25 her daughter for her daughter's use. Respondent also used some of the drugs herself.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Act Involving Dishonesty)**

3 17. Respondent is subject to disciplinary action under section 4301(f) of the Code in that
4 Respondent performed acts involving dishonesty. The circumstances are described above in
5 "Background."

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unlawful Possession of Controlled Substance)**

8 18. Respondent is subject to disciplinary action under sections 4301(j) and/or (o) of the
9 Code, in conjunction with section 4060, in that Respondent unlawfully possessed a controlled
10 substance without a valid prescription. The circumstances are described above in "Background."

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Self-Administration of Controlled Substance)**

13 19. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
14 Respondent self-administered a controlled substance. The circumstances are described above in
15 "Background."

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Unlawful Furnishing of Dangerous Drug)**

18 20. Respondent is subject to disciplinary action under sections 4301(j) and/or (o) of the
19 Code, in conjunction with section 4059, in that Respondent furnished a dangerous drug to another
20 person other than upon the prescription of a qualified person. The circumstances are described
21 above in "Background."

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 21. Respondent is subject to disciplinary action under section 4301 of the Code in that
25 Respondent engaged in unprofessional conduct. The circumstances are described above in
26 "Background."

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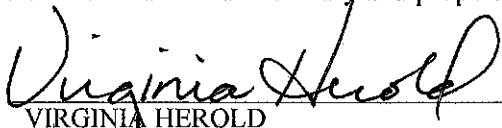
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PRAYER

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 37131, issued to Lisa Leslie Romanolo;
2. Ordering Lisa Leslie Romanolo 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 is deemed necessary and proper.

DATED: 10/21/13



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

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