

1 BILL LOCKYER, Attorney General
of the State of California
2 JANA L. TUTON, State Bar No. 78206
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5342
Facsimile: (916) 327-8643
6

Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 2776

12 LISA CAROL MECCHI
8810 Hollowstone Way
13 Sacramento, CA 95828

OAH No. 2005020289

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Original Pharmacist License No. RPH 33224

15 Respondent.
16

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

19 PARTIES

20 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
22 by Bill Lockyer, Attorney General of the State of California, by Jana L. Tuton, Deputy Attorney
23 General.

24 2. Respondent LISA CAROL MECCHI (Respondent) is represented in this
25 proceeding by attorney Robert J. Sullivan, whose address is Nossaman, Guthner, Knox & Elliott,
26 LLP, 915 L Street, Suite 1000, Sacramento, CA 95814-3701.

27 3. On or about August 16, 1979, the Board of Pharmacy issued Original
28 Pharmacist License No. RPH 33224 to LISA CAROL MECCHI (Respondent). The License was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 2776 and
2 will expire on February 28, 2006, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2776 was filed before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on October 14,
7 2004. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2776 is attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2776. Respondent has also carefully
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

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

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2776.

26 9. Respondent agrees that her Original Pharmacist License is subject to
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

[illegible]

2
3
4
5

6

7
8
9
0
1
2
3
4
5
6

7
8
9

20
21
22

23

24
25
26

27

28

1 1. **Actual Suspension - Pharmacist.** License number RPH 33224, issued to
2 Respondent LISA CAROL MECCHI is suspended for a period of sixty (60) days. Respondent
3 shall be credited with time in which she has not practiced while enrolled in the Pharmacist
4 Recovery Program.

5 During suspension, Respondent shall not enter any pharmacy area or any portion
6 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
7 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
8 drugs and devices or controlled substances are maintained. Respondent shall not practice
9 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
10 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or
11 be a consultant to any licensee of the Board, or have access to or control the ordering,
12 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

13 Respondent shall not engage in any activity that requires the professional
14 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
15 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
16 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
17 own or hold an interest in any pharmacy in which she holds an interest at the time this decision
18 becomes effective unless otherwise specified in this order.

19 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
20 regulations substantially related to or governing the practice of pharmacy.

21 Respondent shall report any of the following occurrences to the Board, in writing,
22 within 72 hours of such occurrence:

- 23 • an arrest or issuance of a criminal complaint for violation of any provision of the
24 Pharmacy Law, state and federal food and drug laws, or state and federal
25 controlled substances laws
- 26 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
27 any criminal complaint, information or indictment
- 28 • a conviction of any crime

- discipline, citation, or other administrative action filed by any state and federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or controlled substance.

3. **Reporting to the Board.** Respondent shall report to the Board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report **is not** made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the Board.

4. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall appear in person for interviews with the Board upon request at various intervals at a location to be determined by the Board. Failure to appear for a scheduled interview without prior notification to Board staff shall be considered a violation of probation.

5. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's inspection program and in the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of her probation. Failure to comply shall be considered a violation of probation.

6. **Continuing Education.** Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

7. **Notice to Employers.** Respondent shall notify all present and prospective employers of the decision in case number 2776 and the terms, conditions and restrictions imposed on Respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of Respondent undertaking new employment, Respondent shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging the employer has read the decision in case number 2776.

If Respondent works for or is employed by or through a pharmacy employment service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at

every pharmacy of the and terms conditions of the decision in case number 2776 in advance of the Respondent commencing work at each pharmacy.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist, whether the Respondent is considered an employee or independent contractor.

8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this order.

9. **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$6,000. Respondent shall make said payments as follows: \$300.00 per quarter.

The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility to reimburse the Board its costs of investigation and prosecution.

10. **Probation Monitoring Costs.** Respondent shall pay the costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

11. **Status of License.** Respondent shall, at all times while on probation, maintain an active current license with the Board, including any period during which suspension or probation is tolled.

If Respondent's license expires or is canceled by operation of law or otherwise, upon renewal or reapplication, Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

12. **License Surrender while on Probation/Suspension.** Following the effective date of this decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may

1 tender her license to the Board for surrender. The Board shall have the discretion whether to
2 grant the request for surrender or take any other action it deems appropriate and reasonable.
3 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
4 to the terms and conditions of probation.

5 Upon acceptance of the surrender, Respondent shall relinquish her pocket
6 license to the Board within 10 days of notification by the Board that the surrender is accepted.
7 Respondent may not reapply for any license from the Board for three years from the effective
8 date of the surrender. Respondent shall meet all requirements applicable to the license sought
9 as of the date the application for that license is submitted to the Board.

10 **13. Notification of Employment/Mailing Address Change.** Respondent
11 shall notify the Board in writing within 10 days of any change of employment. Said
12 notification shall include the reasons for leaving and/or the address of the new employer,
13 supervisor or owner and work schedule if known. Respondent shall notify the Board in
14 writing within 10 days of a change in name, mailing address or phone number.

15 **14. Tolling of Probation.** Should Respondent, regardless of residency, for
16 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
17 California, Respondent must notify the Board in writing within 10 days of cessation of the
18 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
19 shall not apply to the reduction of the probation period. It is a violation of probation for
20 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
21 period exceeding three years.

22 "Cessation of practice" means any period of time exceeding 30 days in which
23 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of
24 the Business and Professions Code.

25 **15. Violation of Probation.** If Respondent violates probation in any
26 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
27 probation and carry out the disciplinary order which was stayed. If a petition to revoke
28 probation or an accusation is filed against Respondent during probation, the Board shall have

continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

16. **Completion of Probation.** Upon successful completion of probation, Respondent's license will be fully restored.

17. **Psychotherapy.** Within 30 days of the effective date of this decision, Respondent shall submit to the Board, for its prior approval, the name and qualifications of a licensed mental health practitioner of Respondent's choice. Should Respondent, for any reason, cease treatment with the approved licensed mental health practitioner, Respondent shall notify the Board immediately and, within 30 days of ceasing treatment, submit the name of a replacement psychotherapist or licensed mental health practitioner of Respondent's choice to the Board for its prior approval.

Therapy shall be at least once a week unless otherwise determined by the Board. Respondent shall provide the therapist with a copy of the Board's accusation and decision no later than the first therapy session. Respondent shall take all necessary steps to ensure that the treating therapist submits written quarterly reports to the Board concerning Respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the Board. If the treating therapist finds that Respondent cannot practice safely or independently, the therapist shall notify the Board immediately by telephone and followed up by written letter within three working days.

Upon approval of the licensed mental health practitioner, Respondent shall undergo and continue treatment with that therapist and at Respondent's own expense, until the Board deems that no further psychotherapy is necessary. The Board may require Respondent

///

1 to undergo a mental health evaluation(s) by a Board-appointed or Board-approved licensed
2 mental health practitioner.

3 18. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**

4 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists
5 Recovery Program for evaluation and shall successfully participate in and complete the
6 treatment contract and any subsequent addendums as recommended and provided by the PRP
7 and as approved by the Board. The costs for PRP participation shall be borne by the
8 Respondent.

9 If Respondent is currently enrolled in the PRP, said participation is now
10 mandatory and is no longer considered a self-referral under Business and Professions Code
11 section 4363, as of the effective date of this decision. Respondent shall successfully
12 participate in and complete her current contract and any subsequent addendums with the PRP.
13 Probation shall be automatically extended until Respondent successfully completes her
14 treatment contract. Any person terminated from the program shall be automatically suspended
15 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified
16 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
17 probation for any violation of this term.

18 19. **Random Drug Screening.** Respondent, at her own expense, shall

19 participate in random testing, including but not limited to biological fluid testing (urine,
20 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
21 The length of time shall be for the entire probation period and the frequency of testing will be
22 determined by the Board. At all times Respondent shall fully cooperate with the Board, and
23 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
24 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
25 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
26 in the immediate suspension of practice by Respondent. Respondent may not resume the
27 practice of pharmacy until notified by the Board in writing.

28 ///

1 20. **Abstain from Drugs and Alcohol Use.** Respondent shall completely
2 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their
3 associated paraphernalia except when the drugs are lawfully prescribed by a licensed
4 practitioner as part of a documented medical treatment. Upon request of the Board,
5 Respondent shall provide documentation from the licensed practitioner that the prescription
6 was legitimately issued and is a necessary part of the treatment of the Respondent.

7 21. **Supervised Practice.** Respondent shall practice only under the
8 supervision of a pharmacist not on probation with the Board. Respondent shall not practice
9 until the supervisor is approved by the Board. The supervision shall be, as required by the
10 Board, either:

11 Continuous - 75% to 100% of a work week

12 Substantial - At least 50% of a work week

13 Partial - At least 25% of a work week

14 Daily Review - Supervisor's review of probationer's daily activities within 24
15 hours

16 Within 30 days of the effective date of this decision, Respondent shall have her supervisor
17 submit notification to the Board in writing stating the supervisor has read the decision in case
18 number 2776 and is familiar with the level of supervision as determined by the Board.


19 If Respondent changes employment, Respondent shall have her new supervisor,
20 within 15 days after employment commences, submit notification to the Board in writing
21 stating the direct supervisor and pharmacist-in-charge have read the decision in case number
22 2776 and is familiar with the level of supervision as determined by the Board.

23 Within 10, days of leaving employment, Respondent shall notify the Board in
24 writing.

25 22. **No Ownership of Premises.** Respondent shall not own, have any legal
26 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
27 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
28 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any

1 I have read and fully discussed with Respondent LISA CAROL MECCHI the
2 terms and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: 5/23/05.


5
6 
7 ROBERT J. SULLIVAN
8 Attorney for Respondent

9 ENDORSEMENT

10 The foregoing Stipulated Settlement and Disciplinary Order is hereby
11 respectfully submitted for consideration by the Board of Pharmacy of the Department of
12 Consumer Affairs.

13
14 DATED: June 3, 2005.

15 BILL LOCKYER, Attorney General
16 of the State of California

17 
18 JANA L. TUTON
19 Deputy Attorney General

20 Attorneys for Complainant
21
22
23
24
25
26

27 JLT:djd
28 5/9/05

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

In the Matter of the Accusation Against:

LISA CAROL MECCHI
8810 Hollowstone Way
Sacramento, CA 95828

Original Pharmacist License No. RPH 33224

Respondent.

Case No. 2776

OAH No. 2005020289

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 28, 2005.

It is so ORDERED June 28, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


STANLEY W. GOLDENBERG
Board President

Exhibit A

Accusation No. 2776

1 BILL LOCKYER, Attorney General
of the State of California
2 MARCIA A. FAY, State Bar No. 161614
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-1989
Facsimile: (916) 327-8643
6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 247

12 **LISA CAROL MECCHI**
8810 Hollowstone Way
13 Sacramento, CA 95828
14 **Original Pharmacist License No. RPH 33224**

ACCUSATION

Respondent.

15
16 Complainant alleges:

17 **PARTIES**

18 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
20 Affairs.

21 2. On or about August 16, 1979, the Board of Pharmacy ("Board") issued
22 Original Pharmacist License Number RPH 33224 to Lisa Carol Mecchi ("Respondent"). The
23 license will expire on February 28, 2005, unless renewed.

24 **STATUTORY PROVISIONS**

25 3. Section 4059, subdivision (a) of the Business and Professions Code
26 ("Code") provides:

27 "(a) A person may not furnish any dangerous drug, except upon the
28 prescription of a physician, dentist, podiatrist, optometrist, or veterinarian."

1 4. Section 4060 of the Code provides, in pertinent part:

2 "No person shall possess any controlled substance, except that furnished to
3 a person upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian, or
4 furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
5 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
6 Section 3502.1. This section shall not apply to the possession of any controlled substance by a
7 manufacturer, wholesaler, pharmacy, physician, podiatrist, dentist, optometrist, veterinarian,
8 certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers
9 correctly labeled with the name and address of the supplier or producer."

10 5. Section 4022 of the Code provides that a "dangerous drug" means any
11 drug unsafe for self-use in that under federal or state law the drug can be lawfully dispensed only
12 upon a prescription or furnished pursuant to section 4006 of the Code.

13 6. Section 4021 of the Code provides that a controlled substance means "any
14 substance listed in Chapter 2 . . . of Division 10 of the Health and Safety Code."

15 7. Section 4301 of the Code provides, in pertinent part:

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

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

23 (g) Knowingly making or signing any certificate or other document that
24 falsely represents the existence or nonexistence of a state of facts.

25 (h) The administering to oneself, of any controlled substance, or the use of
26 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
27 injurious to oneself, to a person holding a license under this chapter, or to any other person or to

28 ///

1 the public, or to the extent that the use impairs the ability of the person to conduct with safety to
2 the public the practice authorized by the license.

3 (j) The violation of any of the statutes of this state or of the United States
4 regulating controlled substances and dangerous drugs.

5 (o) Violating or attempting to violate, directly or indirectly, or assisting in
6 or abetting the violation of or conspiring to violate any provision or term of this chapter or of the
7 applicable federal and state laws and regulations governing pharmacy, including regulations
8 established by the board.

9 8. Section 4327 of the Code provides that any person who, while on duty,
10 sells, dispenses or compounds any drug while under the influence of any dangerous drug or
11 alcoholic beverages shall be guilty of a misdemeanor.

12 9. Health and Safety Code section 11157 provides that no person shall issue a
13 prescription that is false or fictitious in any respect.

14 10. Health and Safety Code section 11158, which provides that no Schedule II,
15 III, IV or V controlled substance may be dispensed without a prescription.

16 11. Health and Safety Code section 11170 provides that no person shall
17 prescribe, administer, or furnish a controlled substance for himself.

18 12. Health and Safety Code section 11171 provides that no person shall
19 prescribe, administer, or furnish a controlled substance except under the conditions and in the
20 manner provided by this division.

21 13. Health and Safety Code section 11173, subdivision (a) provides that no
22 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure
23 the administration of or prescription for controlled substances, (1) by fraud, deceit,
24 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

25 14. Health and Safety Code section 11350, subdivision (a) provides that
26 except as otherwise provided in this division, every person who possesses (1) any controlled
27 substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054,
28 specified in paragraph (14), ~~(15)~~, or (20) of subdivision (d) of Section 11054, or specified in

subdivision (b), (c), or (g) of Section 11055, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in the state prison.

15. Health and Safety Code section 11377, subdivision (a) provides that except as authorized by law and as otherwise provided in subdivision (b) or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (4) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year or in the state prison.

16. Health and Safety Code section 11550, subdivision (a) provides, in pertinent part:

"(a) No person shall use, or be under the influence of any controlled substance which is (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in Schedule III, IV, or V, except when administered by or under the direction of a person licensed by the state to dispense, prescribe, or administer controlled substances."

17. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

1 DRUGS

2 18. "Flexeril" is a brand for Cyclobenzaprine, and a dangerous drug pursuant
3 to section 4022 of the Code, in that under federal or state law it can be lawfully dispensed only
4 on prescription or furnished pursuant to section 4006 of the Code.

5 19. "Norco" is a compound consisting of Hydrocodone, a Schedule III
6 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),
7 and Acetaminophen, and a dangerous drug pursuant to section 4022 of the Code in that under
8 federal or state law it can be lawfully dispensed only on prescription or furnished pursuant to
9 section 4006 of the Code.

10 20. "Vicodin" is a compound containing Hydrocodone, a Schedule III
11 controlled substance as designated by Health and Safety Code section 11056(e)(4), and
12 Ibuprofen, and a dangerous drug pursuant to section 4022 of the Code in that
13 under federal or state law it can be lawfully dispensed only on prescription or furnished pursuant
14 to section 4006 of the Code.

15 21. "Vicoprofen" is a compound containing Hydrocodone, a Schedule III
16 controlled substance as designated by Health and Safety Code section 11056, subdivision (e)(4),
17 and Acetaminophen, and a dangerous drug pursuant to section 4022 of the Code in that under
18 federal or state law it can be lawfully dispensed only on prescription or furnished pursuant to
19 section 4006 of the Code.

20 FACTUAL BACKGROUND

21 22. In 1993, Respondent became the Pharmacist-in-Charge of Bel Air
22 Pharmacy #516, located in Elk Grove, California and remained in the position to the date of her
23 termination in or about December 2003. From approximately 1997, through her termination in
24 December 2003, Respondent wrote fraudulent prescriptions for, and stole quantities for self-
25 administration of, approximately 3,600 tablets of drugs containing Hydrocodone (Norco,
26 Vicodin, and Vicoprofen), and approximately 1,800 tablets of the drug Cyclobenzaprine
27 (Flexeril). In addition, on multiple occasions during this period, Respondent dispensed or
28 compounded drugs while under the influence of the drug Hydrocodone (Vicodin), which she

1 took, without a prescription, from pharmacy bottles and then self-administered, while she was on
2 duty at Bel Air Pharmacy #516.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Dishonest/Corrupt Acts)

5 23. Respondent is subject to discipline for unprofessional conduct under
6 section 4301, subdivision (f) of the Code in that Respondent committed dishonest and corrupt
7 acts by making fraudulent prescriptions and stealing controlled substances and dangerous drugs
8 while on duty as a licensed pharmacist at Bel Air Pharmacy #516, as set forth above in paragraph
9 22.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Unlawful Administration of Controlled Substances)

12 24. Respondent is subject to discipline for unprofessional conduct under
13 section 4301, subdivision (g), of the Code in that Respondent knowingly made or signed a
14 documents that false represented the existence or nonexistence of a state of facts by making out
15 fraudulent prescriptions for herself for drugs containing Hydrocodone (Norco, Vicodin, and
16 Vicoprofen), and tablets of the drug Cyclobenzaprine (Flexeril), as set forth above in paragraph
17 22.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Working While Under the Influence)

20 25. Respondent is subject to discipline for unprofessional conduct under
21 section 4301, subdivisions (h), of the Code, in that Respondent, while on-duty as the Pharmacist
22 in-Charge, she self-administered the drug Hydrocodone (Vicodin) and then dispensed or
23 compounded drugs under circumstances that such usage was dangerous or injurious to
24 Respondent, any other person, or to the public, and to the extent that such usage impaired
25 Respondent's ability to safely conduct the practice of pharmacy, as set forth above in paragraph
26 22.

27 ///

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)

3 26. Respondent is subject to discipline for unprofessional conduct under
4 section 4301, subdivision (j), of the Code in that Respondent, as set forth above in paragraph 22,
5 violated statutes regulating controlled substances and dangerous drugs, as follows:

6 a. Health and Safety Code section 11157, which provides that no
7 person shall issue a prescription that is false or fictitious in any respect.

8 b. Health and Safety Code section 11158, which provides that no
9 Schedule II, III, IV or V controlled substance may be dispensed without a prescription.

10 c. Health and Safety Code section 11170, which provides that "[n]o
11 person shall prescribe, administer or furnish a controlled substance for himself.

12 d. Health and Safety Code section 11171, which provides that no
13 person shall prescribe, administer, or furnish a controlled substance except under the conditions
14 and in the manner provided by this division.

15 e. Health and Safety Code section 11173, subdivision (a), which
16 provides that no person shall obtain or attempt to obtain controlled substances, or procure or
17 attempt to procure the administration of or prescription for controlled substances, (1) by fraud,
18 deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

19 f. Health and Safety Code section 11350, subdivision (a), which
20 provides that except as otherwise provided in this division, every person who possesses certain
21 controlled substances, unless upon the written prescription of a physician, dentist, podiatrist, or
22 veterinarian licensed to practice in this state, shall be punished by imprisonment in the state
23 prison.

24 g. Health and Safety Code section 11377, subdivision (a), which
25 provides, that except as authorized by law, every person who possesses certain controlled
26 substances, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian,
27 licensed to practice in this state, shall be punished by imprisonment in a county jail for a period
28 of not more than one year or in the state prison.

1 h. Health and Safety Code section 11550, subdivision (a), which
2 provides that no person shall use, or be under the influence of a certain controlled substance
3 except when administered by or under the direction of a person licensed by the state to dispense,
4 prescribe, or administer controlled substances.

5 i. Section 4059, subdivision (a), of the Code, which provides that no
6 person shall furnish to herself dangerous drugs without a valid prescription.

7 j. Section 4060 of the Code, which provides that no person shall have
8 possession of controlled substances without authorization or valid prescription therefor.

9 k. Section 4327 of the Code, which provides that any person who,
10 while on duty, sells, dispenses or compounds any drug while under the influence of any
11 dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 (Violating Laws and Regulations Governing Pharmacy)

14 27. Respondent is subject to discipline for unprofessional conduct under
15 section 4301, subdivision (o), of the Code in that Respondent violated the laws and regulations
16 governing pharmacy, as set forth above in paragraphs 22-26.

17 **PRAYER**

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

20 1. Revoking or suspending Original Pharmacist License Number RPH 33224
21 issued to Lisa Carol Mecchi;

22 2. Ordering Lisa Carol Mecchi to pay the reasonable costs incurred by the
23 Board in the investigation and enforcement of this case pursuant to section 125.3 of the Code;
24 and,

25 ///

26 ///

27 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 9/15/04

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

03583110-SA2004101792
10068745.wpd