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8		RE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11		G N 4007
12	In the Matter of the Accusation Against:	Case No. 4827
13	LISA LESLIE ROMANOLO 17677 Berta Canyon Road	DEFAIL T DECISION AND ODDED
14	Prunedale, CA 93907 Pharmacist License No. RPH 37131	DEFAULT DECISION AND ORDER
15		[Gov. Code, §11520]
16	Respondent.	
17		
18	FINDINGS OF FACT	
19	1. On or about October 21, 2013, Complainant Virginia Herold, in her official capacity	
20	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed	
21	Accusation No. 4827 against Lisa Leslie Roman	olo (Respondent) before the Board of Pharmacy.
22	(Accusation attached as Exhibit A.)	
23	2. On or about August 20, 1982, the Bo	pard of Pharmacy (Board) issued Pharmacist
24	License No. RPH 37131 to Respondent. The Ph	armacist License was in full force and effect at
25	all times relevant to the charges brought in Accu	sation No. 4827, and expired on September 30,
26	2013. The lapse in licensure, pursuant to Busine	ss and Professions Code sections 118 and/or
27	4300.1, does not deprive the Board of its authori	ty to institute or continue this disciplinary
28	proceeding.	
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1	3. On or about October 29, 2013, Respondent was served by Certified and First Class		
2	Mail copies of the Accusation No. 4827, Statement to Respondent, Notice of Defense, Request		
3	for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and		
4	11507.7) at Respondent's address of record which, pursuant to Business and Professions Code		
5	section 4100, is required to be reported and maintained with the Board. Respondent's address of		
6	record was and is:		
.7	17677 Berta Canyon Road Prunedale, CA 93907.		
8	4. Service of the Accusation was effective as a matter of law under the provisions of		
9	Government Code section 11505, subdivision (c), and/or Business & Professions Code section		
10	124.		
11 12	5. Government Code section 11506 states, in pertinent part:		
13	(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall		
14 15	constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.		
16	6. Respondent failed to file a Notice of Defense within 15 days after service upon her of		
10	the Accusation and therefore waived her right to a hearing on the merits of Accusation No. 4827.		
18	7. California Government Code section 11520 states, in pertinent part:		
19	(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions		
20	or upon other evidence and affidavits may be used as evidence without any notice to respondent.		
21	8. Pursuant to its authority under Government Code section 11520, the Board finds		
22	Respondent is in default. The Board will take action without further hearing and, based on the		
23	relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as		
24	taking official notice of all the investigatory reports, exhibits and statements contained therein on		
25	file at the Board's offices regarding the allegations contained in Accusation No. 4827, finds that		
26	the charges and allegations in Accusation No. 4827 are, separately and severally, found to be true		
27	and correct by clear and convincing evidence.		
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DEFAULT DECISION AND ORDER

1	9.	Taking official notice of its own internal records, pursuant to Business and	
2	Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation		
3	and Enforcement is \$5,985.50 as of May 1, 2014.		
4	DETERMINATION OF ISSUES		
5	1.	1. Based on the foregoing findings of fact, Respondent Lisa Leslie Romanolo has	
6	subjected her Pharmacist License No. RPH 37131 to discipline.		
7	2. The agency has jurisdiction to adjudicate this case by default.		
8	3.	The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License	
9	based upon the following violations alleged in the Accusation which are supported by the		
10	evidence contained in the Default Decision Evidence Packet in this case.		
11	a.	Violation of Business and Professions Code (Code) section 4301, subdivision (f), in	
12	that Respondent performed acts involving dishonesty.		
13	b.	Violation of Code section 4301, subdivisions (j) and/or (o), in conjunction with	
14	section 4060, in that Respondent unlawfully possessed a controlled substance without a valid		
15	prescription.		
16	c. Violation of Code section 4301, subdivision (h), in that Respondent self-administered		
17	a controlled substance.		
18	d. Violation of Code section 4301(j) and/or (o), in conjunction with section 4059, in that		
19	Respondent furnished a dangerous drug to another person other than upon the prescription of a		
20	qualified person.		
21	e.	Violation of Code section 4301 in that Respondent engaged in unprofessional	
22	conduct.		
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DEFAULT DECISION AND ORDER

1	ORDER	
2	IT IS ORDERED that Pharmacist License No. RPH 37131, heretofore issued to Respondent	
3	Lisa Leslie Romanolo, is revoked.	
4	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a	
5	written motion requesting that the Decision be vacated and stating the grounds relied on within	
6	seven (7) days after service of the Decision on Respondent. The agency in its discretion may	
7	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.	
8	This Decision shall become effective on June 27, 2014.	
9	It is so ORDERED May 28, 2014.	
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11	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
12	STATE OF CALIFORNIA	
13	Bu G. alussi	
14	By <u>TAN C. WEISSER</u> Board President	
15	40958261,DOC DOJ Matter 1D:SF2013405492	
16	Attachment:	
17	Exhibit A: Accusation	
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	4 DEFAULT DECISION AND ORDER	

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Exhibit A

Accusation

1	KAMALA D. HARRIS	
2	Attorney General of California Joshua Room	
3 ·	Supervising Deputy Attorney General BRETT A. KINGSBURY	
4	Deputy Attorney General State Bar No. 243744	
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004	
6	Telephone: (415) 703-1192 Facsimile: (415) 703-5480	
7	Attorneys for Complainant	
8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
- 11	In the Matter of the Accusation Against: Case No. 4827	
12	LISA LESLIE ROMANOLO 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.	
16		
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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	Accusation	

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4. Section 4300 of the Code states: 1 "(a) Every license issued may be suspended or revoked. 2 "(b) The board shall discipline the holder of any license issued by the board, whose default 3 4 has been entered or whose case has been heard by the board and found guilty, by any of the following methods: 5 "(1) Suspending judgment. 6 "(2) Placing him or her upon probation. 7 "(3) Suspending his or her right to practice for a period not exceeding one year. 8 "(4) Revoking his or her license. 9 "(5) Taking any other action in relation to disciplining him or her as the board in its 10 discretion may deem proper. 11 ". . . . 12 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5 13 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board 14 shall have all the powers granted therein. The action shall be final, except that the propriety of the 15 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil 16 Procedure." 17 5. Section 4300.1 of the Code states: 18 19 "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 20 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board 21 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary 2223 proceeding against, the licensee or to render a decision suspending or revoking the license." STATUTORY PROVISIONS 24 6. Section 4301 of the Code states: 25 "The board shall take action against any holder of a license who is guilty of unprofessional .26 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. 27 Unprofessional conduct shall include, but is not limited to, any of the following: 28 2

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.

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.

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

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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.

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

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Section 4060 of the Code states:

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

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

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."

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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.

10. Section 4022 of the Code states

9.

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.

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

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

COSTS

11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate 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

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

DRUGS

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

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

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BACKGROUND

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

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1 FIRST CAUSE FOR DISCI	PLINE
2 (Act Involving Dishones	ty)
3 17. Respondent is subject to disciplinary action under	er section 4301(f) of the Code in that
4 Respondent performed acts involving dishonesty. The circu	mstances are described above in
5 "Background."	
6 SECOND CAUSE FOR DISC	CIPLINE
7 (Unlawful Possession of Controlle	d Substance)
8 18. Respondent is subject to disciplinary action under	er 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 a	re described above in "Background."
11 THIRD CAUSE FOR DISC	IPLINE
12 (Self-Administration of Controlle	d Substance)
13 19. Respondent is subject to disciplinary action under	er section 4301(h) of the Code in that
14 Respondent self-administered a controlled substance. The c	ircumstances are described above in
15 "Background."	
16 FOURTH CAUSE FOR DISC	CIPLINE
17 (Unlawful Furnishing of Dange	rous Drug)
18 20. Respondent is subject to disciplinary action und	er 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	n. The circumstances are described
21 above in "Background."	
22 FIFTH CAUSE FOR DISC	PLINE
23 (Unprofessional Condu	et)
24 21. Respondent is subject to disciplinary action und	er section 4301 of the Code in that
25 Respondent engaged in unprofessional conduct. The circum	nstances are described above in
26 "Background."	
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1	PRAYER	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board of Pharmacy issue a decision:	
4	1. Revoking or suspending Pharmacist License Number RPH 37131, issued to Lisa	
5	Leslie Romanolo;	
6	2. Ordering Lisa Leslie Romanolo to pay the Board of Pharmacy the reasonable costs of	
7	the investigation and enforcement of this case, pursuant to Business and Professions Code section	
8	125.3;	
9	3. Taking such other and further action as is deemed necessary and proper.	
10	[DATTER IDE IDE IDE IDE N[]]	
11	DATED: 10/21/13 (rena Aud VIRGIMAHEROLD	
12	Executive Officer Board of Pharmacy	
13	Department of Consumer Affairs State of California	
14	Complainant	
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	7 Accusation	