

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

In the Matter of the Accusation Against:

**AMANDA MARIE ROME  
4620 Knollpark Circle  
Antioch, CA 94531**

**Pharmacy Technician Registration No. TCH  
137190**

Respondent.

Case No. 5583

OAH No. 2015110719

**DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 March 11, 2016.

It is so ORDERED on February 10, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
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7 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. 5583

12 **AMANDA MARIE ROME**  
13 4620 Knollpark Circle  
Antioch, CA 94531

OAH No. 2015110719

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Pharmacy Technician Registration No. TCH  
15 137190

Respondent.

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

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Kamala D. Harris, Attorney General of the State of California, by Nicholas Tsukamaki, Deputy  
24 Attorney General.

25 2. Amanda Marie Rome (Respondent) is represented in this proceeding by attorney  
26 Steven Whitworth, whose address is: 517 7th St., Sacramento, CA 95814.

27 3. On or about February 13, 2014, the Board issued Pharmacy Technician Registration  
28 No. TCH 137190 to Respondent. The Pharmacy Technician Registration was in full force and

1 effect at all times relevant to the charges brought in Accusation No. 5583 and will expire on May  
2 31, 2017, unless renewed.

3 JURISDICTION

4 4. Accusation No. 5583 was filed before the Board and is currently pending against  
5 Respondent. The Accusation and all other statutorily required documents were properly served  
6 on Respondent on October 9, 2015. Respondent timely filed her Notice of Defense contesting the  
7 Accusation. A copy of Accusation No. 5583 is attached as Exhibit A and incorporated by  
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 5583. Respondent also has carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
13 Order.

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

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

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Accusation  
25 No. 5583, agrees that cause exists for discipline, and hereby surrenders her Pharmacy Technician  
26 Registration No. TCH 137190 for the Board's formal acceptance.

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1 9. Respondent understands that by signing this stipulation she enables the Board to issue  
2 an order accepting the surrender of her Pharmacy Technician Registration without further  
3 process.

4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Board. Respondent understands  
6 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
7 with the Board regarding this stipulation and surrender, without notice to or participation by  
8 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that  
9 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
10 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
11 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
12 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
13 be disqualified from further action by having considered this matter.

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
15 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

17 12. This Stipulated Surrender of License and Order is intended by the parties to be an  
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
20 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
21 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
22 executed by an authorized representative of each of the parties.

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 137190,  
27 issued to Respondent Amanda Marie Rome, is surrendered and accepted by the Board of  
28 Pharmacy.

1           1.     The surrender of Respondent's Pharmacy Technician Registration and the acceptance  
2 of the surrendered license by the Board shall constitute the imposition of discipline against  
3 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
4 Respondent's license history with the Board.

5           2.     Respondent shall lose all rights and privileges as a pharmacy technician in California  
6 as of the effective date of the Board's Decision and Order.

7           3.     Respondent shall cause to be delivered to the Board her pocket license and, if one was  
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9           4.     Respondent understands and agrees that if she ever files an application for licensure  
10 or a petition for reinstatement in the State of California, the Board shall treat it as a new  
11 application for licensure.

12          5.     Respondent may not apply for any license, permit, or registration from the Board for  
13 three (3) years from the effective date of this decision. Respondent stipulates that should she  
14 apply for any license from the Board on or after the effective date of this decision, all allegations  
15 set forth in Accusation No. 5583 shall be deemed to be true, correct and admitted by Respondent  
16 when the Board determines whether to grant or deny the application. Respondent shall satisfy all  
17 requirements applicable to that license as of the date the application is submitted to the Board,  
18 including, but not limited to, certification by a nationally recognized body prior to the issuance of  
19 a new license. Respondent is required to report this surrender as disciplinary action.

20          6.     Respondent shall pay the Board its costs of investigation and enforcement in the  
21 amount of \$4,884.00 prior to the issuance of a new or reinstated license.

22          7.     If Respondent should ever apply or reapply for a new license or certification, or  
23 petition for reinstatement of a license, by any other health care licensing agency in the State of  
24 California, all of the charges and allegations contained in Accusation No. 5583 shall be deemed to  
25 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
26 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Steven Whitworth. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 1.6.16 Amanda Marie Rome  
AMANDA MARIE ROMÉ  
Respondent

I have read and fully discussed with Respondent Amanda Marie Rome the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 1/6/16 [Signature]  
STEVEN WHITWORTH  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 1/7/16 Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JOSHUA A. ROOM  
Supervising Deputy Attorney General  
Nicholas Tsukamaki  
NICHOLAS TSUKAMAKI  
Deputy Attorney General  
Attorneys for Complainant

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
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E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Accusation Against:

Case No. 5583

12 **AMANDA MARIE ROME**  
13 **4620 Knollpark Circle**  
**Antioch, CA 94531**

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

14 **Pharmacy Technician Registration No. TCH**  
15 **137190**

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 February 13, 2014, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 137190 to Amanda Marie Rome (Respondent). The Pharmacy  
24 Technician Registration was in full force and effect at all times relevant to the charges brought  
25 herein and will expire on May 31, 2017, unless renewed.

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## JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

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

...”

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1           7.     Section 4301 of the Code provides, in relevant part:

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

5           ...

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

9           ...”

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

12          ...

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

17          ...”

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

22                 **Controlled Substances and Dangerous Drugs**

23          9.     Tramadol is a dangerous drug as designated by Business and Professions Code  
24     section 4022.

25          10.    Alprazolam is a Schedule IV controlled substance as designated by Health and Safety  
26     Code section 11057, subdivision (d)(1) and a dangerous drug as designated by Business and  
27     Professions Code section 4022.

28     ///

1 **COSTS**

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

8 **FACTUAL BACKGROUND**

9 12. Between October 2014 and June 2015, Respondent was employed as a pharmacy  
10 technician at a CVS Pharmacy in Antioch, California. During that time period, Respondent  
11 diverted at least 640 tablets of tramadol 50 mg and at least two (2) or three (3) tablets of  
12 alprazolam 1 mg from the pharmacy. Respondent diverted those medications for her own  
13 personal use.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Commission of an Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, and/or**  
16 **Corruption)**

17 13. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
18 Code in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit,  
19 and/or corruption when she diverted tramadol 50 mg and alprazolam 1 mg tablets from the  
20 pharmacy where she was employed. The circumstances of Respondent's conduct are set forth  
21 above in paragraph 12.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Possession of a Controlled Substance Without a Prescription)**

24 14. Respondent is subject to disciplinary action under section 4301, subdivisions (j)  
25 and/or (o) and/or section 4060 of the Code in that Respondent possessed a controlled substance  
26 without a prescription. The circumstances of Respondent's conduct are set forth above in  
27 paragraph 12.

28 ///

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Obtaining Controlled Substance by Fraud, Deceit, or Subterfuge)**

3 15. Respondent is subject to disciplinary action under section 4301, subdivisions (j)  
4 and/or (o) of the Code, and/or Health and Safety Code section 11173, subdivision (a), in that  
5 Respondent obtained or attempted to obtain a controlled substance by fraud, deceit,  
6 misrepresentation, subterfuge, and/or concealment of a material fact. The circumstances of  
7 Respondent's conduct are set forth above in paragraph 12.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

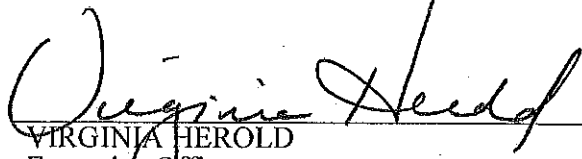
10 16. Respondent is subject to disciplinary action under section 4301 of the Code in that  
11 Respondent engaged in unprofessional conduct. The circumstances of Respondent's conduct are  
12 set forth above in paragraph 12.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 137190
- 17 issued to Amanda Marie Rome;
- 18 2. Ordering Amanda Marie Rome to pay the Board of Pharmacy the reasonable costs of
- 19 the investigation and enforcement of this case pursuant to Business and Professions Code section
- 20 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: 9/25/15



24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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