

FILED  
STATE OF CALIFORNIA  
MEDICAL BOARD OF CALIFORNIA  
SACRAMENTO February 10 20 16  
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9  
10 **BEFORE THE**  
11 **MEDICAL BOARD OF CALIFORNIA**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

13 **In the Matter of the Accusation Against:**

Case No. 800-2014-007105

14 **ROSANNE CECILIA STATE, M.D.**  
15 **6730 N. Chapultapec Cir.**  
**Tucson, AZ 85750**

OAH No.

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

16 **Physician's and Surgeon's Certificate**  
17 **No. G77855,**

**Respondent.**

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Kimberly Kirchmeyer (complainant) brings this Accusation solely in her official  
22 capacity as the Executive Director of the Medical Board of California, Department of Consumer  
23 Affairs (Board).
- 24 2. On or about October 27, 1993, the Board issued Physician's and Surgeon's Certificate  
25 No. G77855 to Rosanne Cecilia State, M.D. (respondent). The Physician's and Surgeon's  
26 Certificate was in full force and effect at all times relevant to the charges and allegations brought  
27 herein and will expire on August 31, 2017, unless renewed.

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1 3. On December 4, 2015, a Stipulated Interim Order of Suspension was issued  
 2 immediately suspending respondent's Physician's and Surgeon's Certificate No. G77855 and  
 3 prohibiting her from practicing medicine in the State of California pending further order from the  
 4 Office of Administrative Hearings. Respondent remains suspended from the practice of medicine  
 5 as of the date of the filing of this Accusation.

6 **JURISDICTION**

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

10 5. Section 822 of the Code states:

11 "If a licensing agency determines that its licentiate's ability to practice his or  
 12 her profession safely is impaired because the licentiate is mentally ill, or physically ill  
 13 affecting competency, the licensing agency may take action by any one of the  
 14 following methods:

15 "(a) Revoking the licentiate's certificate or license.

16 "(b) Suspending the licentiate's right to practice.

17 "(c) Placing the licentiate on probation.

18 "(d) Taking such other action in relation to the licentiate as the licensing  
 19 agency in its discretion deems proper.

20 "The licensing agency shall not reinstate a revoked or suspended certificate or  
 21 license until it has received competent evidence of the absence or control of the  
 22 condition which caused its action and until it is satisfied that with due regard for the  
 23 public health and safety the person's right to practice his or her profession may be  
 24 safely reinstated."

25 6. Section 2227 of the Code states:

26 "(a) A licensee whose matter has been heard by an administrative law judge of  
 27 the Medical Quality Hearing Panel as designated in Section 11371 of the Government  
 28 Code, or whose default has been entered, and who is found guilty, or who has entered

1 into a stipulation for disciplinary action with the board, may, in accordance with the  
2 provisions of this chapter:

3 “(1) Have his or her license revoked upon order of the board.

4 “(2) Have his or her right to practice suspended for a period not to exceed one  
5 year upon order of the board.

6 “(3) Be placed on probation and be required to pay the costs of probation  
7 monitoring upon order of the board.

8 “(4) Be publicly reprimanded by the board. The public reprimand may include  
9 a requirement that the licensee complete relevant educational courses approved by the  
10 board.

11 “(5) Have any other action taken in relation to discipline as part of an order of  
12 probation, as the board or an administrative law judge may deem proper.

13 “(b) Any matter heard pursuant to subdivision (a), except for warning letters,  
14 medical review or advisory conferences, professional competency examinations,  
15 continuing education activities, and cost reimbursement associated therewith that are  
16 agreed to with the board and successfully completed by the licensee, or other matters  
17 made confidential or privileged by existing law, is deemed public, and shall be made  
18 available to the public by the board pursuant to Section 803.1.”

19 7. Section 2234 of the Code states, in pertinent part:

20 “The board shall take action against any licensee who is charged with  
21 unprofessional conduct. In addition to other provisions of this article, unprofessional  
22 conduct includes, but is not limited to, the following:

23 “(a) Violating or attempting to violate, directly or indirectly, assisting in or  
24 abetting the violation of, or conspiring to violate any provision of this chapter  
25 [Chapter 5, the Medical Practice Act].

26 “...”

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1 8. Section 2236 of the Code states, in pertinent part:

2 “(a) The conviction of any offense substantially related to the qualifications,  
3 functions, or duties of a physician and surgeon constitutes unprofessional conduct  
4 within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record  
5 of conviction shall be conclusive evidence only of the fact that the conviction  
6 occurred.

7 “...

8 “(c) The clerk of the court in which a licensee is convicted of a crime shall,  
9 within 48 hours after the conviction, transmit a certified copy of the record of  
10 conviction to the board. The division may inquire into the circumstances surrounding  
11 the commission of a crime in order to fix the degree of discipline or to determine if  
12 the conviction is of an offense substantially related to the qualifications, functions, or  
13 duties of a physician and surgeon.

14 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere  
15 is deemed to be a conviction within the meaning of this section and Section 2236.1.  
16 The record of conviction shall be conclusive evidence of the fact that the conviction  
17 occurred.”

18 9. Section 2239 of the Code states, in pertinent part:

19 “(a) The use or prescribing for or administering to himself or herself, of any  
20 controlled substance; or the use of any of the dangerous drugs specified in Section  
21 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous  
22 or injurious to the licensee, or to any other person or to the public, or to the extent that  
23 such use impairs the ability of the licensee to practice medicine safely or more than  
24 one misdemeanor or any felony involving the use, consumption, or self  
25 administration of any of the substances referred to in this section, or any combination  
26 thereof, constitutes unprofessional conduct. The record of the conviction is  
27 conclusive evidence of such unprofessional conduct.

28 “...”

1 10. California Code of Regulations, title 16, section 1360, states:

2 “For the purposes of denial, suspension or revocation of a license, certificate or  
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime  
4 or act shall be considered to be substantially related to the qualifications, functions or  
5 duties of a person holding a license, certificate or permit under the Medical Practice  
6 Act if to a substantial degree it evidences present or potential unfitness of a person  
7 holding a license, certificate or permit to perform the functions authorized by the  
8 license, certificate or permit in a manner consistent with the public health, safety or  
9 welfare. Such crimes or acts shall include but not be limited to the following:  
10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
11 violation of, or conspiring to violate any provision of the Medical Practice Act.”

12 **SECTION 822 CAUSE FOR ACTION**

13 **(Mental Illness, and/or Physical Illness Affecting Competency)**

14 11. Respondent is subject to action under section 822 of the Code in that her ability to  
15 practice medicine safely is impaired due to mental illness, and/or physical illness affecting  
16 competency, as more particularly alleged hereinafter:

17 (a) On or about October 30, 2013, the San Diego Police Department contacted  
18 respondent due to a report of a potential suicide attempt by respondent. Respondent  
19 admitted a past suicide attempt, but denied being suicidal at that time. Police officers  
20 contacted respondent’s treating physician, Dr. R.F., who asked the officers to place a  
21 72-hour hold on respondent, pursuant to Welfare and Institutions Code section 5150.  
22 Respondent was then transported and admitted to S.M.V. Hospital, where she was  
23 treated for major depressive disorder.

24 (b) On or about July 20, 2014, at approximately 4:38 p.m., San Diego Police  
25 Department Officer F.W. responded to N.V.C. Center regarding a driver who  
26 appeared intoxicated and who had repeatedly struck a fence with her vehicle. When  
27 Officer F.W. arrived on scene, he observed respondent sitting in the driver’s seat of a  
28 vehicle that had fresh damage to the front bumper. When Officer F.W. spoke with

1 respondent, she appeared disoriented and confused, and was fumbling for her  
2 identification. Respondent then handed the officer a prescription pad and said, "Here  
3 is my ID." When Officer F.W. explained to respondent that her prescription pad was  
4 not proper identification, respondent stated she was a physician and that she had  
5 never had a problem with abusing or being addicted to any substance. After  
6 respondent performed poorly on the field sobriety tests, Officer F.W. arrested  
7 respondent for suspicion of driving under the influence. Respondent admitted taking  
8 benzodiazepines to sleep the night before at approximately 10:00 p.m. Respondent  
9 later informed Officer F.W. that she may have taken benzodiazepines that morning as  
10 well, and that she may have Dilaudid<sup>1</sup> in her system from two days ago when she was  
11 treated at S. Hospital for a kidney infection. Throughout the contact with Officer  
12 F.W., respondent displayed droopy eyes and slurred speech, and appeared lethargic,  
13 slow to respond to questions, and confused. A blood sample was obtained from  
14 respondent that was later tested and yielded positive results for amphetamines<sup>2</sup> and  
15 benzodiazepines<sup>3</sup>.

16 (c) On or about August 17, 2014, the San Diego Police Department was  
17 contacted about a possible suicide attempt by respondent. Responding officers placed  
18 respondent on a 72-hour hold pursuant to Welfare and Institutions Code section 5150,  
19 and transported respondent to UCSD Hospital, where she was admitted and treated  
20 for major depressive disorder until she was discharged on or about August 18, 2014.

21 (d) On or about August 22, 2014, the San Diego City Attorney's Office filed a  
22 criminal complaint against respondent in the matter of *The People of the State of*

23 <sup>1</sup> Dilaudid is a brand name for hydromorphone, is a Schedule II controlled substance pursuant to  
24 Health and Safety Code section 11055, subdivision (b), and a dangerous drug pursuant to Business and  
Professions Code section 4022.

25 <sup>2</sup> Amphetamines are Schedule II controlled substances pursuant to Health and Safety Code section  
26 11055, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022.

27 <sup>3</sup> Benzodiazepines are Schedule IV controlled substances pursuant to Health and Safety Code  
28 section 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section  
4022.

1 *California v. Rosanne Cecilia State*, San Diego County Superior Court Case No.  
2 M188608. Count one of the complaint charged respondent with driving under the  
3 influence of drugs, in violation of Vehicle Code section 23152, subdivision (e), a  
4 misdemeanor. Count two of the complaint charged respondent with driving without a  
5 valid driver's license, in violation of Vehicle Code section 12500, subdivision (a), a  
6 misdemeanor.

7 (e) On or about December 18, 2014, respondent spoke with Division of  
8 Investigations Health Quality Investigation Unit Investigator (Investigator) T.C.  
9 During that conversation, respondent admitted that she had been under the care of Dr.  
10 R.F. for the last seven (7) years for depression and Behcet's<sup>4</sup> disease. Respondent  
11 also admitted that she had been prescribed Clonazepam<sup>5</sup> and Adderall<sup>6</sup> for the past ten  
12 (10) years, for treatment of depression, fatigue, and concentration. Throughout the  
13 conversation, Investigator T.C. noticed respondent's speech was delayed and she had  
14 difficulty putting words together.

15 (f) On or about February 18, 2015, Investigator T.C. received a CURES<sup>7</sup>  
16 patient profile report for respondent from February 1, 2012, through February 18,  
17 2015. Of the 112 prescriptions listed on the report, 87 were benzodiazepines and  
18

19  
20 <sup>4</sup> Behcet's disease, also called Behcet's syndrome, is a rare disorder that causes inflammation in  
21 blood vessels throughout your body. The inflammation of Behcet's disease leads to numerous symptoms  
22 that may initially seem unrelated. The signs and symptoms of Behcet's disease — which may include  
mouth sores, eye inflammation, skin rashes and lesions, and genital sores — vary from person to person  
and may come and go on their own.

23 <sup>5</sup> Clonazepam is a Schedule IV controlled substance pursuant to Health and Safety Code section  
24 11057, subdivision (d), and a dangerous drug pursuant to Business and Professions Code section 4022. It  
is an anti-anxiety medication in the benzodiazepine family.

25 <sup>6</sup> Adderall is a brand name for dextroamphetamine and amphetamine, a Schedule II controlled  
26 substance pursuant to Health and Safety Code section 11055, subdivision (d), and a dangerous drug  
pursuant to Business and Professions Code section 4022. It is an amphetamine salts used for attention-  
deficit hyperactivity disorder and narcolepsy.

27 <sup>7</sup> Controlled Substance Utilization Review and Evaluation System, compiled by the Department of  
28 Justice, Bureau of Narcotic Enforcement.

1 opiates prescribed by Dr. R.F. The most recent prescription was for Clonazepam  
2 prescribed by Dr. R.F. and was filled on or about December 11, 2014.

3 (g) On or about July 20, 2015, respondent was transported to S.M. Hospital  
4 due to a reported suicide attempt.

5 (h) On or about August 7, 2015, respondent was found guilty and convicted by  
6 a jury on both counts of the criminal complaint in San Diego County Superior Court  
7 Case No. M188608, i.e., driving under the influence of drugs, in violation of Vehicle  
8 Code section 23152, subdivision (e), and driving without a valid license, in violation  
9 of Vehicle Code section 12500, subdivision (a). On that same date, respondent was  
10 sentenced to probation for five years subject to various terms and conditions,  
11 including: (1) pay approximately \$2,383.00 in fines and fees; (2) complete forty (40)  
12 hours of volunteer work service; and (3) enroll in and complete a First Conviction  
13 Program.

14 (i) On or about August 8, 2015, respondent reportedly made another suicide  
15 attempt by overdosing.

16 (j) On or about November 15, 2015, after an extensive review of additional  
17 investigative and medical records, Dr. A.A. opined that respondent suffers severe  
18 medical disorders and severe mental health disorders that can affect her emotional,  
19 behavioral and cognitive functioning. Dr. A.A. further opined that respondent suffers  
20 from various impairments in her functioning, including mood instability, suicidal  
21 threats, social impairments, history of psychosis and anxiety. Dr. A.A. ultimately  
22 opined that respondent is impaired due to mental illness, and/or physical illness  
23 affecting competency, and therefore presents a danger to the public health, safety, or  
24 welfare if allowed to practice medicine.

25 (k) On or about December 4, 2015, an Interim Order of Suspension was ordered  
26 wherein respondent admitted by stipulation that she suffers a mental condition that  
27 impairs her ability to practice medicine safely.

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**FIRST CAUSE FOR DISCIPLINE**

**(Conviction of a Crime Substantially Related to the Qualifications,  
Functions, or Duties of a Physician and Surgeon)**

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3 12. Respondent has subjected her Physician's and Surgeon's Certificate No. G77855  
4 to disciplinary action under sections 2227 and 2234, as defined by section 2236, of the Code, in  
5 that she has been convicted of a crime substantially related to the qualifications, functions, or  
6 duties of a physician and surgeon, as more particularly alleged in paragraph 11, above, which is  
7 hereby incorporated by reference and realleged as if fully set forth herein.

**SECOND CAUSE FOR DISCIPLINE**

**(Use of Dangerous Drugs to an Extent, or in a Manner, as to be  
Dangerous or Injurious to Herself, Others, or the Public)**

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9  
10  
11 13. Respondent has further subjected her Physician's and Surgeon's Certificate No.  
12 G77855 to disciplinary action under sections 2227 and 2234, as defined by section 2239,  
13 subdivision (a), of the Code, in that she has used, or administered to herself, a dangerous drug to  
14 the extent, or in such a manner, as to be dangerous or injurious to herself, others, or the public, as  
15 more particularly alleged in paragraph 11, above, which is hereby incorporated by reference and  
16 realleged as if fully set forth herein.

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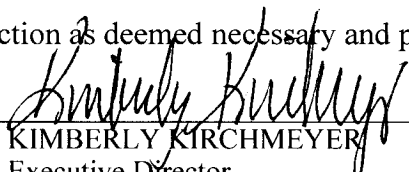
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**PRAYER**

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

1. Taking action as authorized by section 822 of the Code as the Board, in its discretion, deems necessary and proper;
2. Revoking or suspending Physician's and Surgeon's Certificate No. G77855, issued to respondent Rosanne Cecilia State, M.D.;
3. Revoking, suspending or denying approval of respondent Rosanne Cecilia State, M.D.'s authority to supervise physician assistants, pursuant to section 3527 of the Code;
4. Ordering respondent Rosanne Cecilia State, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
5. Taking such other and further action as deemed necessary and proper.

DATED: February 10, 2016

  
KIMBERLY KIRCHMEYER  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*