



## STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

June 17, 1994

Anthony Lapolla, M.D.  
931 Las Alturas Road  
Santa Barbara, CA 93103

Dear Doctor Lapolla:

Please find enclosed a certified copy of the Findings, Order, and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on June 15, 1994.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

*Carla S. O'Day*  
Carla S. O'Day, M.D.  
Secretary

CS0:em  
Enclosures

CERTIFIED MAIL NO. P 290 319 209  
RETURN RECEIPT REQUESTED

*Mailed 6-17-94*



# STATE MEDICAL BOARD OF OHIO

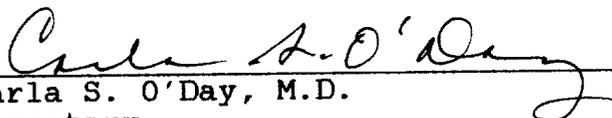
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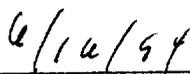
## CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on June 15, 1994, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of Anthony Lapolla, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

  
\_\_\_\_\_  
Carla S. O'Day, M.D.  
Secretary

  
\_\_\_\_\_  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

ANTHONY LAPOLLA, M.D.

\*

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was mailed to Anthony Lapolla, M.D., by the State Medical Board of Ohio on May 12, 1994.

By letter dated May 11, 1994, notice was given to Anthony Lapolla, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.09, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Anthony Lapolla, M.D., that being 931 Las Alturas Road, Santa Barbara, CA, 93103.

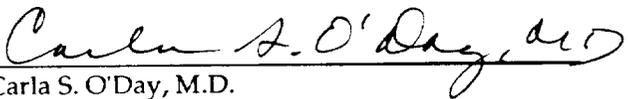
By letter dated May 18, 1994 and received in the Board's offices on May 23, 1994, Dr. Lapolla indicated that he did not wish to request a hearing.

WHEREFORE, it is hereby ORDERED that for the reasons outlined in the May 11, 1994 letter of notice, which is attached hereto and incorporated herein, accordingly, the license of Anthony Lapolla, M.D., to practice medicine and surgery in Ohio be PERMANENTLY  
REVOKED.

This ORDER shall become effective IMMEDIATELY.

This ORDER is hereby entered upon the Journal of the State Medical Board of Ohio for the 15th day of June, 1994, and the original thereof shall be kept with said Journal.

(SEAL)

  
Carla S. O'Day, M.D.  
Secretary

6/14/94  
Date

AFFIDAVIT

I, Debra L. Jones, being duly cautioned and sworn, do hereby depose and say:

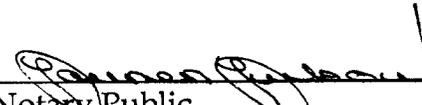
- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board");
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Anthony Lapolla, M.D.;
- 5) That based on such examination, I have found the last known address of record of Anthony Lapolla, M.D., to be:

931 Alturas Road  
Santa Barbara, CA 93103

- 6) Further, Affiant Sayeth Naught.

  
\_\_\_\_\_  
Debra L. Jones, Chief  
Continuing Medical Education,  
Records and Renewal

Sworn to and signed before me, Lauren Lubow  
Notary Public, this 7<sup>th</sup> day of June, 1994.

  
\_\_\_\_\_  
Notary Public

LAUREN LUBOW, Attorney At Law  
NOTARY PUBLIC, STATE OF OHIO  
My commission has no expiration date.  
Section 147.03 R.C.



## **STATE MEDICAL BOARD OF OHIO**

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

May 11, 1994

Anthony Lapolla, M.D.  
931 Las Alturas Road  
Santa Barbara, CA 93103

Dear Doctor Lapolla:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about September 23, 1993, the Medical Board of California issued a Decision and Order adopting the proposed Stipulation and Order accepting surrender of your California medical license. The Board's Order was based on your admission to the allegations contained in the Board's complaint against you, which included gross negligence, excessive prescribing, repeated negligent acts, prescribing without prior examination and incompetence. A copy of the Stipulated License Surrender and Disciplinary Order is attached hereto and fully incorporated herein.

Your acts, conduct, and/or omissions as alleged in paragraph (1) above, individually and/or collectively constitute "the limitation, revocation or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that would also have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(2), (B)(6)(a) and (B)(20), Ohio Revised Code, to wit: Rule 4731-11-02(D), Ohio Administrative Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

Mailed 5/12/94

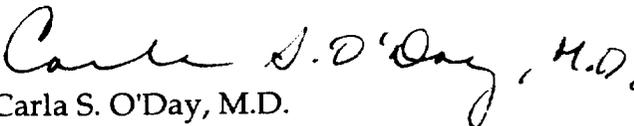
May 11, 1994

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

  
Carla S. O'Day, M.D.  
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 489  
RETURN RECEIPT REQUESTED

I do hereby certify that this document is true and correct copy of the original on file in this office.

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 ADRIAN K. PANTON,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, 10th Floor-North  
4 Los Angeles, California 90013-1204  
Telephone: (213) 897-2580  
5 Attorneys for Complainant

*[Signature]* 3-30-94  
SIGNED DATE

ASST. CUSTODIAN OF FILES  
TITLE

7 BEFORE THE  
8 DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: )  
12 ANTHONY LAPOLLA, M.D. )  
13 931 Las Alturas Road )  
Santa Barbara, CA 93103 )  
14 Physician's and Surgeon's )  
15 Certificate No. C17845, )  
16 Respondent. )

NO. D-5157  
OAH NO. L-59989  
STIPULATED LICENSE  
SURRENDER AND  
DISCIPLINARY ORDER

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

20 PARTIES

21 1. The complainant, DIXON ARNETT, is the Executive  
22 Director of the Medical Board of California (hereinafter referred  
23 to as "the Board"), and he brings this action solely in his  
24 official capacity. The complainant is represented by Attorney  
25 General DANIEL E. LUNGREN, by and through Deputy Attorney General  
26 ADRIAN K. PANTON, and the respondent, ANTHONY LAPOLLA, M.D., is  
27



1 WAIVER

2 6. Respondent ANTHONY LAPOLLA, M.D., having made the  
3 decision to represent himself, freely, voluntarily, knowingly and  
4 intelligently waives each and every right set out in paragraph 4  
5 herein.

6 CULPABILITY

7 7. Respondent ANTHONY LAPOLLA, M.D. admits each of  
8 the allegations contained in the Accusation attached hereto as  
9 Exhibit A and incorporated herein by reference as though fully  
10 set forth.

11 8. Respondent ANTHONY LAPOLLA, M.D. admits that his  
12 Physician's and Surgeon's Certificate is subject to discipline  
13 pursuant to the sections of the California Business and  
14 Professions Code provided in paragraph 3 herein and that the  
15 Board may order that his license be revoked. Respondent agrees  
16 to be bound by the Board's Order as set forth below.

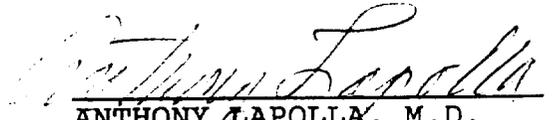
17 9. Respondent fully understands that in the event he  
18 seeks reinstatement of his Physician's and Surgeon's certificate  
19 or applies for a new license as a physician and surgeon or any  
20 other related license, his application shall be considered a  
21 petition for reinstatement of his license and he must comply with  
22 all of the applicable laws, regulations and procedures.

23 10. Respondent fully understands and agrees that the  
24 Board shall have the discretion to accept or reject any petition  
25 for reinstatement submitted by him for reinstatement or issuance  
26 of a Physician's and Surgeon's certificate or any other related  
27 license.



1 admitting culpability, and agreeing to the aforementioned  
2 discipline. I enter into this Stipulation and Waiver freely,  
3 intelligently, knowingly and voluntarily.

4  
5 DATED: July 15, 1993

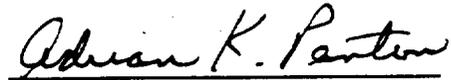
  
ANTHONY LAPOLLA, M.D.  
Respondent

7 ENDORSEMENT

8 The foregoing Stipulation and Waiver is hereby  
9 respectfully submitted for the consideration of the Medical Board  
10 of California.

11 DANIEL E. LUNGREN  
Attorney General

12 DATED: July 15, 1993

  
ADRIAN K. PANTON  
Deputy Attorney General  
Attorneys for Complainant  
Medical Board of California  
Complainant

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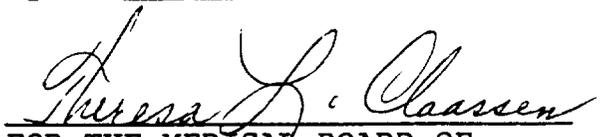
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DECISION AND ORDER  
OF THE  
MEDICAL BOARD OF CALIFORNIA

The foregoing Stipulation and Order, in Case Number D-5157, is hereby adopted as the Order of the Medical Board of California. An effective date of October 23, 1993, has been assigned to this Decision and Order.

Executed this 23rd day of September, 1993.

  
FOR THE MEDICAL BOARD OF  
CALIFORNIA

THERESA CLAASSEN  
Secretary/Treasurer

MAILED  
OCT 5 1993  
PM 6:17



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 ADRIAN K. PANTON,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Fifth Floor-North  
4 Los Angeles, California 90013-1204  
Telephone: (213) 897-2580  
5  
6 Attorneys for Complainant

7 **BEFORE THE**  
8 **MEDICAL BOARD OF CALIFORNIA**  
9 **DIVISION OF MEDICAL QUALITY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation ) NO. D-5157  
Against: )  
12 )  
13 ANTHONY LAPOLLA ) A C C U S A T I O N  
827 State Street, #21 )  
Santa Barbara, CA 93101 )  
14 )  
15 Physician and Surgeon's )  
Certificate No. C17845 )  
16 Respondent. )

17 The Complainant alleges:

18 PARTIES

19 1. Complainant, Dixon Arnett, is the Executive  
20 Director of the Medical Board of California (hereinafter the  
21 "Board") and brings this accusation solely in his official  
22 capacity.

23 2. On or about July 30, 1956, Physician and Surgeon's  
24 Certificate No. C17845 was issued by the Board to Anthony  
25 Lapolla, M.D. (hereinafter "respondent"), and at all times  
26 relevant to the charges brought herein, said license has been in  
27

RECEIVED  
MAY 19 1956  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

1 full force and effect.

2 JURISDICTION

3 3. This accusation is brought under the authority of  
4 the following sections of the California Business and Professions  
5 Code (hereinafter the "Code"):

6 4. Sections 2003 and 2004 of the Code provide, in  
7 pertinent part, that the Division of Medical Quality (hereinafter  
8 the "Division") within the Medical Board of California is  
9 responsible for the enforcement of the disciplinary provisions of  
10 the Medical Practice Act, for the administration and hearing of  
11 disciplinary actions, for carrying out disciplinary actions  
12 appropriate to findings made by a medical quality review  
13 committee, the division or an administrative law judge, and for  
14 suspending, revoking or otherwise limiting certificates after the  
15 conclusion of disciplinary actions.

16 5. Code section 2227 provides that the Board may  
17 revoke, suspend for a period not to exceed one year, or place on  
18 probation, the license of any licensee who has been found guilty  
19 under the Medical Practice Act.

20 6 Section 2234 of the Code provides that  
21 unprofessional conduct includes, but is not limited to, the  
22 following:

- 23 "(a) Violating or attempting to violate, directly or  
24 indirectly, or assisting in or abetting the violation of, or  
25 conspiring to violate, any provision of this chapter,  
26 (b) Gross negligence.  
27 (c) Repeated negligent acts.

11-19-10 5:01 PM  
11-19-10 5:01 PM

1 (d) Incompetence.

2 (e) The commission of any act involving dishonesty or  
3 corruption which is substantially related to the  
4 qualifications, functions, or duties of a physician and  
5 surgeon.

6 (f) Any action or conduct which would have warranted  
7 the denial of a certificate."

8 7. Code section 725 in relevant part  
9 states:

10 "Repeated acts of clearly excessive prescribing or  
11 administering of drugs or treatment . . . as determined  
12 by the standard of the community of licensees is  
13 unprofessional conduct for a physician and  
14 surgeon . . . . "

15 8. Subdivision (a) of Code section 2242  
16 provides:

17 "Prescribing, dispensing, or furnishing dangerous  
18 drugs as defined in Section 4211 without a good faith  
19 prior examination and medical indication therefor,  
20 constitutes unprofessional conduct."

21 9. Code section 4211 in relevant part states:

22 "'Dangerous drug' means any drug unsafe for self-  
23 medication, except veterinary drugs that are labeled as  
24 such, and includes the following:

25 "(a) Any drug that bears the legend: 'Caution:  
26 federal law prohibits dispensing without prescription'  
27 or words of similar import.

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\* \* \* \* \*

"(c) Any drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4240."

CAUSES OF ACTION

I

GROSS NEGLIGENCE

10. Respondent is subject to disciplinary action under subdivision (b) of Code section 2234 in that he (a) repeatedly wrote clearly excessive prescriptions for Barbara Cuellar, a patient with a known history of attempted suicide and overdosing on prescription medication, and (b) prescribed medication for Cuellar without a determination of the medical necessity for the pharmaceuticals. The circumstances are as follows:

*Excessive Prescribing*

A. Cuellar had been under the care of respondent for her manic-depressive illness since March, 1975. On or about September 26, 1989, Cuellar died from combined Lithium and Amitriptyline toxicity. Lithium is prescribed for treatment of manic episodes in manic-depressive illness and Amitriptyline is the chemical name for antidepressant medication. The coroner ruled that the death was a suicide.

B. Respondent was aware that Cuellar had attempted suicide just prior to becoming his patient and again in the late 1970s while she was under his

STATE OF MISSISSIPPI  
DEPARTMENT OF HEALTH  
DIVISION OF PROFESSIONAL REGULATION  
JAN 13 1990

1 care. Respondent was also aware, or should have been  
2 aware, that Cuellar had overdosed on Elavil (an  
3 antidepressant) in August, 1977 and on a combination of  
4 Amitriptyline and sleeping pills in November, 1987 when  
5 very large amounts of Flurazepam, Diazepam and Halcion  
6 (sleeping pills) were found in Cuellar's residence at  
7 the time of the overdose.

8 C. From October, 1986 through September, 1989,  
9 respondent, through 65 separate prescriptions,  
10 prescribed in excess of 7,900 tablets and capsules for  
11 Cuellar. Of the 65 prescriptions written by  
12 respondent, 46 were either for psychotropic medication  
13 or sleeping pills. The prescriptions written are as  
14 follows:

<u>DATE</u>	<u>DRUG</u>	<u>STRENGTH</u>	<u>QUANTITY</u>
15 10/07/86	Potassium cl	5gr	100
16 same	Amitriptyline	50mg	180
17 same	Flurazepam	30mg	50
18 same	Chlordiazepoxide	25mg	50
19 same	Tetracycline	500mg	100
20 10/30/86	Eskalith	300mg	100
21 11/04/86	Amitriptyline	50mg	180
22 same	Flurazepam	30mg	30
23 11/19/86	Potassium cl	5gr	180
24 same	Sparine	50mg	100
25 11/25/86	Naprosyn	250mg	50
26 12/02/86	Sparine	50mg	100

1	same	Potassium cl	5gr	100
2	12/31/86	BR	----	200
3	01/22/87	Flurazepam	30mg	60
4	<u>DATE</u>	<u>DRUG</u>	<u>STRENGTH</u>	<u>QUANTITY</u>
5	02/24/87	Flurazepam	30mg	60
6	same	Amitriptyline	50mg	200
7	04/24/87	Flurazepam	30mg	60
8	05/07/87	Sparine	50mg	200
9	same	Chlordiazepoxide	25mg	50
10	05/18/87	Amitriptyline	50mg	200
11	same	Flurazepam	30mg	60
12	06/09/87	Amitriptyline	50mg	100
13	10/05/87	Slow-K	----	200
14	10/13/87	Tagament	300mg	100
15	12/23/87	Vasodilan	20mg	100
16	02/16/88	Chlordiazepoxide	25mg	100
17	03/08/88	Sparine	50m	100
18	05/09/88	Lithium carb.	300mg	200
19	06/10/88	Motrin	600mg	200
20	same	Slow-K	----	200
21	06/28/88	Sparine	50mg	100
22	10/21/88	Breonisin	----	100
23	10/27/88	Lithium carb.	300mg	100
24	10/29/88	Sparine	50mg	100
25	12/08/88	Halcion	.25mg	120
26	02/02/89	Halcion	.25mg	120
27	03/23/89	Halcion	.25mg	120



1 exam testing which would reflect the proper monitoring  
2 of Cuellar's medications. In addition, respondent  
3 failed to properly monitor Cuellar's thyroid function  
4 and prescribed Synthroid while failing to document in  
5 Cuellar's records the ordering of and the results of a  
6 thyroid function test as well as failing to document  
7 any examination for clinical evidence of  
8 Hypothyroidism.

9 E. Respondent continued to write prescriptions  
10 for Cuellar for Halcion even though a prescription he  
11 had written for this drug on July 6, 1989 contained  
12 the notation "do not increase or repeat" and he should  
13 have been aware of the consequences of prolonged  
14 Halcion addiction. Respondent also continued to write  
15 prescriptions for Elavil (amitriptyline), an  
16 antidepressant, without ordering an amitriptyline blood  
17 level when he should have been aware that on prior  
18 emergency room admissions, Cuellar's amitriptyline  
19 levels were significantly elevated. Lastly, respondent  
20 prescribed Lithium while failing to monitor Cuellar's  
21 serum Lithium level.

## 22 II

### 23 EXCESSIVE PRESCRIBING

24 11. Respondent is subject to disciplinary action under  
25 Code section 725 in that with respect to Cuellar, he engaged in  
26 repeated acts of clearly excessive prescribing of drugs. The  
27 circumstances are:



# **STATE MEDICAL BOARD OF OHIO**

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

May 11, 1994

Anthony Lapolla, M.D.  
931 Las Alturas Road  
Santa Barbara, CA 93103

Dear Doctor Lapolla:

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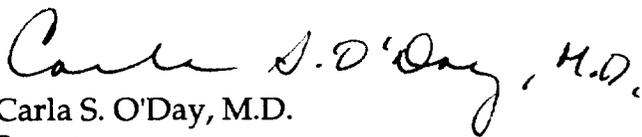
May 11, 1994

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Copies of the applicable sections are enclosed for your information.

Very truly yours,

  
Carla S. O'Day, M.D.  
Secretary

CSO:jmb

Enclosures:

CERTIFIED MAIL #P 348 885 489  
RETURN RECEIPT REQUESTED

I do hereby certify that this document is true and correct copy of the original on file in this office.

1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 ADRIAN K. PANTON,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, 10th Floor-North  
4 Los Angeles, California 90013-1204  
Telephone: (213) 897-2580

[Signature] 3-30-94  
SIGNED DATE

5 Attorneys for Complainant

ASST. CUSTODIAN OF FILES  
TITLE

7 BEFORE THE  
8 DIVISION OF MEDICAL QUALITY  
9 MEDICAL BOARD OF CALIFORNIA  
10 DEPARTMENT OF CONSUMER AFFAIRS  
11 STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
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15 Physician's and Surgeon's )  
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NO. D-5157  
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STIPULATED LICENSE  
SURRENDER AND  
DISCIPLINARY ORDER

17 IT IS HEREBY STIPULATED AND AGREED by and between the  
18 parties to the above-entitled proceedings that the following  
19 matters are true:  
20

21 PARTIES

22 1. The complainant, DIXON ARNETT, is the Executive  
23 Director of the Medical Board of California (hereinafter referred  
24 to as "the Board"), and he brings this action solely in his  
25 official capacity. The complainant is represented by Attorney  
26 General DANIEL E. LUNGREN, by and through Deputy Attorney General  
27 ADRIAN K. PANTON, and the respondent, ANTHONY LAPOLLA, M.D., is



1 WAIVER

2 6. Respondent ANTHONY LAPOLLA, M.D., having made the  
3 decision to represent himself, freely, voluntarily, knowingly and  
4 intelligently waives each and every right set out in paragraph 4  
5 herein.

6 CULPABILITY

7 7. Respondent ANTHONY LAPOLLA, M.D. admits each of  
8 the allegations contained in the Accusation attached hereto as  
9 Exhibit A and incorporated herein by reference as though fully  
10 set forth.

11 8. Respondent ANTHONY LAPOLLA, M.D. admits that his  
12 Physician's and Surgeon's Certificate is subject to discipline  
13 pursuant to the sections of the California Business and  
14 Professions Code provided in paragraph 3 herein and that the  
15 Board may order that his license be revoked. Respondent agrees  
16 to be bound by the Board's Order as set forth below.

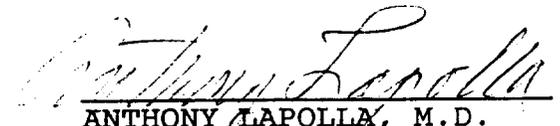
17 9. Respondent fully understands that in the event he  
18 seeks reinstatement of his Physician's and Surgeon's certificate  
19 or applies for a new license as a physician and surgeon or any  
20 other related license, his application shall be considered a  
21 petition for reinstatement of his license and he must comply with  
22 all of the applicable laws, regulations and procedures.

23 10. Respondent fully understands and agrees that the  
24 Board shall have the discretion to accept or reject any petition  
25 for reinstatement submitted by him for reinstatement or issuance  
26 of a Physician's and Surgeon's certificate or any other related  
27 license.



1 admitting culpability, and agreeing to the aforementioned  
2 discipline. I enter into this Stipulation and Waiver freely,  
3 intelligently, knowingly and voluntarily.

4  
5 DATED: July 15, 1993

  
ANTHONY LAPOLLA, M.D.  
Respondent

7 ENDORSEMENT

8 The foregoing Stipulation and Waiver is hereby  
9 respectfully submitted for the consideration of the Medical Board  
10 of California.

DANIEL E. LUNGREN  
Attorney General

11  
12 DATED: July 15, 1993

  
ADRIAN K. PANTON  
Deputy Attorney General  
Attorneys for Complainant  
Medical Board of California  
Complainant

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DECISION AND ORDER  
OF THE  
MEDICAL BOARD OF CALIFORNIA

The foregoing Stipulation and Order, in Case Number D-5157, is hereby adopted as the Order of the Medical Board of California. An effective date of October 23, 1993, has been assigned to this Decision and Order.

Executed this 23rd day of September, 1993.

  
FOR THE MEDICAL BOARD OF  
CALIFORNIA

THERESA CLAASSEN  
Secretary/Treasurer

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1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
2 ADRIAN K. PANTON,  
Deputy Attorney General  
3 California Department of Justice  
300 South Spring Street, Fifth Floor-North  
4 Los Angeles, California 90013-1204  
Telephone: (213) 897-2580  
5 Attorneys for Complainant

7 **BEFORE THE**  
**MEDICAL BOARD OF CALIFORNIA**  
8 **DIVISION OF MEDICAL QUALITY**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

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In the Matter of the Accusation	)	NO. D-5157
Against:	)	
ANTHONY LAPOLLA	)	A C C U S A T I O N
827 State Street, #21	)	
Santa Barbara, CA 93101	)	
Physician and Surgeon's	)	
Certificate No. C17845	)	
Respondent.	)	

The Complainant alleges:

PARTIES

1. Complainant, Dixon Arnett, is the Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.
2. On or about July 30, 1956, Physician and Surgeon's Certificate No. C17845 was issued by the Board to Anthony Lapolla, M.D. (hereinafter "respondent"), and at all times relevant to the charges brought herein, said license has been in

RECEIVED  
 DIVISION OF MEDICAL QUALITY  
 DEPARTMENT OF CONSUMER AFFAIRS  
 STATE OF CALIFORNIA

1 full force and effect.

2 JURISDICTION

3 3. This accusation is brought under the authority of  
4 the following sections of the California Business and Professions  
5 Code (hereinafter the "Code"):

6 4. Sections 2003 and 2004 of the Code provide, in  
7 pertinent part, that the Division of Medical Quality (hereinafter  
8 the "Division") within the Medical Board of California is  
9 responsible for the enforcement of the disciplinary provisions of  
10 the Medical Practice Act, for the administration and hearing of  
11 disciplinary actions, for carrying out disciplinary actions  
12 appropriate to findings made by a medical quality review  
13 committee, the division or an administrative law judge, and for  
14 suspending, revoking or otherwise limiting certificates after the  
15 conclusion of disciplinary actions.

16 5. Code section 2227 provides that the Board may  
17 revoke, suspend for a period not to exceed one year, or place on  
18 probation, the license of any licensee who has been found guilty  
19 under the Medical Practice Act.

20 6 Section 2234 of the Code provides that  
21 unprofessional conduct includes, but is not limited to, the  
22 following:

23 "(a) Violating or attempting to violate, directly or  
24 indirectly, or assisting in or abetting the violation of, or  
25 conspiring to violate, any provision of this chapter.

26 (b) Gross negligence.

27 (c) Repeated negligent acts.

1 (d) Incompetence.

2 (e) The commission of any act involving dishonesty or  
3 corruption which is substantially related to the  
4 qualifications, functions, or duties of a physician and  
5 surgeon.

6 (f) Any action or conduct which would have warranted  
7 the denial of a certificate."

8 7. Code section 725 in relevant part  
9 states:

10 "Repeated acts of clearly excessive prescribing or  
11 administering of drugs or treatment . . . as determined  
12 by the standard of the community of licensees is  
13 unprofessional conduct for a physician and  
14 surgeon . . . . "

15 8. Subdivision (a) of Code section 2242  
16 provides:

17 "Prescribing, dispensing, or furnishing dangerous  
18 drugs as defined in Section 4211 without a good faith  
19 prior examination and medical indication therefor,  
20 constitutes unprofessional conduct."

21 9. Code section 4211 in relevant part states:

22 "'Dangerous drug' means any drug unsafe for self-  
23 medication, except veterinary drugs that are labeled as  
24 such, and includes the following:

25 "(a) Any drug that bears the legend: 'Caution:  
26 federal law prohibits dispensing without prescription'  
27 or words of similar import.

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1 care. Respondent was also aware, or should have been  
2 aware, that Cuellar had overdosed on Elavil (an  
3 antidepressant) in August, 1977 and on a combination of  
4 Amitriptyline and sleeping pills in November, 1987 when  
5 very large amounts of Flurazepam, Diazepam and Halcion  
6 (sleeping pills) were found in Cuellar's residence at  
7 the time of the overdose.

8 C. From October, 1986 through September, 1989,  
9 respondent, through 65 separate prescriptions,  
10 prescribed in excess of 7,900 tablets and capsules for  
11 Cuellar. Of the 65 prescriptions written by  
12 respondent, 46 were either for psychotropic medication  
13 or sleeping pills. The prescriptions written are as  
14 follows:

<u>DATE</u>	<u>DRUG</u>	<u>STRENGTH</u>	<u>QUANTITY</u>
15 10/07/86	Potassium cl	5gr	100
16 same	Amitriptyline	50mg	180
17 same	Flurazepam	30mg	50
18 same	Chlordiazepoxide	25mg	50
19 same	Tetracycline	500mg	100
20 10/30/86	Eskalith	300mg	100
21 11/04/86	Amitriptyline	50mg	180
22 same	Flurazepam	30mg	30
23 11/19/86	Potassium cl	5gr	180
24 same	Sparine	50mg	100
25 11/25/86	Naprosyn	250mg	50
26 12/02/86	Sparine	50mg	100

1	same	Potassium cl	5gr	100
2	12/31/86	BR	----	200
3	01/22/87	Flurazepam	30mg	60
4	<u>DATE</u>	<u>DRUG</u>	<u>STRENGTH</u>	<u>QUANTITY</u>
5	02/24/87	Flurazepam	30mg	60
6	same	Amitriptyline	50mg	200
7	04/24/87	Flurazepam	30mg	60
8	05/07/87	Sparine	50mg	200
9	same	Chlordiazepoxide	25mg	50
10	05/18/87	Amitriptyline	50mg	200
11	same	Flurazepam	30mg	60
12	06/09/87	Amitriptyline	50mg	100
13	10/05/87	Slow-K	----	200
14	10/13/87	Tagament	300mg	100
15	12/23/87	Vasodilan	20mg	100
16	02/16/88	Chlordiazepoxide	25mg	100
17	03/08/88	Sparine	50m	100
18	05/09/88	Lithium carb.	300mg	200
19	06/10/88	Motrin	600mg	200
20	same	Slow-K	----	200
21	06/28/88	Sparine	50mg	100
22	10/21/88	Breonisin	----	100
23	10/27/88	Lithium carb.	300mg	100
24	10/29/88	Sparine	50mg	100
25	12/08/88	Halcion	.25mg	120
26	02/02/89	Halcion	.25mg	120
27	03/23/89	Halcion	.25mg	120

STAFF REPORT  
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1	04/14/89	Motrin	600mg	200
2	same	Lithium carb.	300mg	200
3	05/04/89	Halcion	.25mg	120
4	<u>DATE</u>	<u>DRUG</u>	<u>STRENGTH</u>	<u>QUANTITY</u>
5	05/07/89	Lithium carb.	300mg	200
6	same	Synthroid	.1mg	100
7	same	Mellaril	50mg	200
8	05/23/89	Synthroid	.1mg	100
9	same	Dilantin	100mg	200
10	same	Lithium carb.	300mg	200
11	06/15/89	Halcion	.25mg	120
12	07/03/89	Amitriptyline	50mg	200
13	07/06/89	Halcion	.25mg	120
14	07/17/89	Premarin	1.25mg	200
15	same	Mellaril	50mg	200
16	same	Synthroid	.1mg	100
17	same	Motrin	600mg	120
18	08/01/89	Elavil	50mg	200
19	same	Halcion	.25mg	120
20	08/17/89	Amitriptyline	50mg	200
21	same	Halcion	.25mg	120
22	09/07/89	Halcion	.25mg	120
23	same	Elavil	50mg	200

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***Prescribing Without Medical Evaluations***

24

25 D. Respondent prescribed medication to Cuellar

26 without documenting in her medical records a complete

27 psychiatric history and proper laboratory or physical

1 exam testing which would reflect the proper monitoring  
2 of Cuellar's medications. In addition, respondent  
3 failed to properly monitor Cuellar's thyroid function  
4 and prescribed Synthroid while failing to document in  
5 Cuellar's records the ordering of and the results of a  
6 thyroid function test as well as failing to document  
7 any examination for clinical evidence of  
8 Hypothyroidism.

9 E. Respondent continued to write prescriptions  
10 for Cuellar for Halcion even though a prescription he  
11 had written for this drug on July 6, 1989 contained  
12 the notation "do not increase or repeat" and he should  
13 have been aware of the consequences of prolonged  
14 Halcion addiction. Respondent also continued to write  
15 prescriptions for Elavil (amitriptyline), an  
16 antidepressant, without ordering an amitriptyline blood  
17 level when he should have been aware that on prior  
18 emergency room admissions, Cuellar's amitriptyline  
19 levels were significantly elevated. Lastly, respondent  
20 prescribed Lithium while failing to monitor Cuellar's  
21 serum Lithium level.

## 22 II

### 23 EXCESSIVE PRESCRIBING

24 11. Respondent is subject to disciplinary action under  
25 Code section 725 in that with respect to Cuellar, he engaged in  
26 repeated acts of clearly excessive prescribing of drugs. The  
27 circumstances are:



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INCOMPETENCE

14. Respondent is subject to disciplinary action under subdivision (d) of Code section 2234 in that with respect to Cuellar, his conduct demonstrated a general lack of knowledge, ability and skill required of practitioners in the medical and psychiatric community. The circumstances are:

A. The facts and allegations in paragraph 10, subsections A through E, are incorporated here by reference.

PRAYER

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

1. Revoking or suspending Certificate Number C17845, heretofore issued to respondent Anthony Lapolla; and
2. Taking such other and further action as the deems proper.

DATED: April 7 1993



DIXON ARNETT  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant

STATE MEDICAL BOARD  
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