

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

In the Matter of the Accusation
Against:

Lorenzo Marianella, M.D.

Physician's and Surgeon's
Certificate No. G 38835

Respondent.

Case No. 800-2020-071487

DECISION

The attached Stipulated Surrender of License and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 10, 2025. IT IS SO ORDERED February 3, 2025.

MEDICAL BOARD OF CALIFORNIA



Reji Varghese
Executive Director

1 ROB BONTA
Attorney General of California
2 MACHAELA M. MINGARDI
Supervising Deputy Attorney General
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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2020-071487

13 **LORENZO MARIANELLA, M.D.**
14 **1515 Montgomery Drive, Suite C**
Santa Rosa, CA 95405

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Physician's and Surgeon's Certificate No. G**
38835

16 Respondent.
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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. Reji Varghese (Complainant) is the Executive Director of the Medical Board of
22 California (Board). He brought this action solely in his official capacity and is represented in this
23 matter by Rob Bonta, Attorney General of the State of California, by C. Hay-Mie Cho, Deputy
24 Attorney General.

25 2. LORENZO MARIANELLA, M.D., (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about February 26, 1979, the Board issued Physician's and Surgeon's
28 Certificate No. G 38835 to Respondent. That license was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 800-2020-071487 and is currently delinquent
2 with no practice permitted.

3 JURISDICTION

4 4. Accusation No. 800-2020-071487 was filed before the Board and is currently pending
5 against Respondent. The Accusation and all other statutorily required documents were properly
6 served on Respondent on October 5, 2023. Respondent timely filed his Notice of Defense
7 contesting the Accusation. A copy of Accusation No. 800-2020-071487 is attached as Exhibit A
8 and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read and understands the charges and allegations in
11 Accusation No. 800-2020-071487. Respondent also has carefully read and understands the
12 effects of this Stipulated Surrender of License and Order.

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

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

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 800-2020-071487, agrees that cause exists for discipline, and hereby surrenders his
25 Physician's and Surgeon's Certificate No. G 38835 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation, he enables the Board to issue
27 an order accepting the surrender of his Physician's and Surgeon's Certificate without further
28 process.

CONTINGENCY

10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board "shall delegate to its executive director the authority to adopt a ... stipulation for surrender of a license."

11. Respondent understands that, by signing this stipulation, he enables the Executive Director of the Board to issue an order, on behalf of the Board, accepting the surrender of his Physician's and Surgeon's Certificate No. G 38835 without further notice to, or opportunity to be heard by, Respondent.

12. This Stipulated Surrender of License and Disciplinary Order shall be subject to the approval of the Executive Director on behalf of the Board. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director for his consideration in the above-entitled matter and, further, that the Executive Director shall have a reasonable period of time in which to consider and act on this Stipulated Surrender of License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon it.

13. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall be null and void and not binding upon the parties unless approved and adopted by the Executive Director on behalf of the Board, except for this paragraph, which shall remain in full force and effect. Respondent fully understands and agrees that in deciding whether or not to approve and adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or the Board may receive oral and written communications from its staff and/or the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the Board, any member thereof, and/or any other person from future participation in this or any other matter affecting or involving respondent. In the event that the Executive Director on behalf of the Board does not, in his discretion, approve and adopt this Stipulated Surrender of License and Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of no evidentiary value whatsoever, and shall not be relied

1 upon or introduced in any disciplinary action by either party hereto. Respondent further agrees
2 that should this Stipulated Surrender of License and Disciplinary Order be rejected for any reason
3 by the Executive Director on behalf of the Board, Respondent will assert no claim that the
4 Executive Director, the Board, or any member thereof, was prejudiced by its/his/her review,
5 discussion and/or consideration of this Stipulated Surrender of License and Disciplinary Order or
6 of any matter or matters related hereto.

7 **ADDITIONAL PROVISIONS**

8 14. This Stipulated Surrender of License and Disciplinary Order is intended by the parties
9 herein to be an integrated writing representing the complete, final, and exclusive embodiment of
10 the agreements of the parties in the above-entitled matter.

11 15. The parties agree that copies of this Stipulated Surrender of License and Disciplinary
12 Order, including copies of the signatures of the parties, may be used in lieu of original documents
13 and signatures and, further, that such copies shall have the same force and effect as originals.

14 16. In consideration of the foregoing admissions and stipulations, the parties agree the
15 Executive Director of the Board may, without further notice to or opportunity to be heard by
16 Respondent, issue and enter the following Disciplinary Order on behalf of the Board:

17 **ORDER**

18 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 38835, issued
19 to Respondent LORENZO MARIANELLA, M.D., is surrendered and accepted by the Board.

20 1. The surrender of Respondent's Physician's and Surgeon's Certificate and the
21 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
22 against Respondent. This stipulation constitutes a record of the discipline and shall become a part
23 of Respondent's license history with the Board.

24 2. Respondent shall lose all rights and privileges as a Physician and Surgeon in
25 California as of the effective date of the Board's Decision and Order.

26 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
27 issued, his wall certificate on or before the effective date of the Decision and Order.
28

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 800-2020-071487 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$26,862.25 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 800-2020-071487 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. 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 Medical Board of California.

DATED:

12/30/24

Lorenzo Mariannella
LORENZO MARIANELLA, M.D.
Respondent

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ENDORSEMENT

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

DATED: January 9, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
MACHAELA M. MINGARDI
Supervising Deputy Attorney General

C. Hay-Mie Cho
C. HAY-MIE CHO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 800-2020-071487

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8 **BEFORE THE**
9 **MEDICAL BOARD OF CALIFORNIA**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 800-2020-071487

13 **Lorenzo Marianella, M.D.**
14 **1515 Montgomery Dr.**
Santa Rosa, CA 95405

A C C U S A T I O N

15 **Physician's and Surgeon's Certificate**
16 **No. G 38835,**

17 **Respondent.**

18
19 **PARTIES**

20 1. Reji Varghese (Complainant) brings this Accusation solely in his official capacity as
21 the Executive Director of the Medical Board of California, Department of Consumer Affairs
22 (Board).

23 2. On or about February 26, 1979, the Medical Board issued Physician's and Surgeon's
24 Certificate Number G 38835 to Lorenzo Marianella, M.D. (Respondent). The Physician's and
25 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2024, 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 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code, states:

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

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

(b) Gross negligence.

(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

(d) Incompetence.

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

(f) Any action or conduct that would have warranted the denial of a certificate.

(g) The failure by a certificate holder, in the absence of good cause, to attend and participate in an interview by the board. This subdivision shall only apply to a certificate holder who is the subject of an investigation by the board.

6. Section 2242 of the Code states:

1 (a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section
2 4022 without an appropriate prior examination and a medical indication, constitutes
3 unprofessional conduct. An appropriate prior examination does not require a
4 synchronous interaction between the patient and the licensee and can be achieved
5 through the use of telehealth, including, but not limited to, a self-screening tool or a
6 questionnaire, provided that the licensee complies with the appropriate standard of
7 care.

8 7. Section 2266 of the Code states: The failure of a physician and surgeon to maintain
9 adequate and accurate records relating to the provision of services to their patients constitutes
10 unprofessional conduct.
11

12 COST RECOVERY

13 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
18 included in a stipulated settlement.
19

20 DEFINITIONS

21 9. Lorazepam (Ativan) is used for anxiety and sedation in the management of anxiety
22 disorder for short-term relief from the symptoms of anxiety or anxiety associated with depressive
23 symptoms. It is a dangerous drug as defined in Code section 4022 and a Schedule IV controlled
24 substance as defined by section 11057 of the Health and Safety Code. Lorazepam is not
25 recommended for use in patients with primary depressive disorders.
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27 10. Norco is a trade name for hydrocodone bitartrate with acetaminophen, which is a
28 semi-synthetic opioid analgesic. It is a Schedule II controlled substance as defined by Section
11055, subdivision (b) of the Health and Safety Code and by section 1308.13 (e) of Title 21 of the
Code of Federal Regulations, and is a dangerous drug as defined in Code section 4022.

11. Percocet is a trade name for the combination of oxycodone hydrochloride and
acetaminophen. It is a semisynthetic opioid analgesic with multiple actions qualitatively similar

1 to those of morphine. It is a Schedule II controlled substance as defined by section 11055,
2 subdivision (b)(1)(N), of the Health and Safety Code, and by Section 1308.12 (b)(1) of Title 21 of
3 the Code of Federal Regulations, and is a dangerous drug as defined in Code section 4022.

4 12. Temazepam (Restoril) is a medication of the benzodiazepine class which is generally
5 used to treat severe or debilitating insomnia. It is a dangerous drug as defined in Code section
6 4022 and a Schedule IV controlled substance as defined by section 11057 of the Health and
7 Safety Code.

8 9 FACTUAL ALLEGATIONS

10 13. On or about October 8, 2020, an online complaint was made to the Medical Board of
11 California from an Adult Protective Services social worker reporting sexual misconduct by
12 Respondent against Patient 1¹ in 2016. During the investigation into this complaint, it was
13 discovered that Respondent had been treating Patient 1 for many years, beginning in 2006.²

14 14. In 2016, Patient 1 was 96-years-old. On August 11, 2016, Respondent treated Patient
15 1 in her home. Throughout 2016, until November 2016, Respondent was regularly prescribing
16 Patient 1 multiple controlled substances, including Temazepam, Percocet and Lorazepam. Patient
17 1's medical records do not reflect a legitimate need for Patient 1 to be prescribed these controlled
18 substances, which can be life-threatening when taken together. Respondent failed to document a
19 physical history or examination and assessment that would justify the use of narcotics for Patient
20 1. In addition, Respondent failed to obtain a narcotics contract, conduct any urine drug screens or
21 create a plan of care for Patient 1's chronic narcotic use.

22 15. In his interview with the Medical Board, Respondent stated that he felt Patient 1's
23 judgment was "impaired," yet he failed to document this fact in Patient 1's medical records. If
24 Patient 1 was, in fact, impaired, then by Respondent's own admission, he continued to prescribe

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27 ¹ The patient is referred to by number to protect privacy. Respondent is aware of the
identity of the patient.

28 ² For the purposes of this Accusation, the relevant time period is Respondent's treatment
of Patient 1 in 2016.

1 serious controlled substances that have dangerous interactions when combined to a 96-year-old
2 woman, despite her visible "impairment."

3 16. In addition, Respondent's medical records for Patient 1 contain many illegible
4 handwritten notes. Many of these handwritten notes are incomplete and difficult to decipher,
5 with excessive use of unknown abbreviations. In fact, during his interview with the Medical
6 Board, Respondent could not read some of his own handwritten medical records for Patient 1. In
7 another instance, Respondent wrote the wrong controlled substance in Patient 1's medical record,
8 documenting that he prescribed her Norco when he actually prescribed her Percocet.

9 10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct: Repeated Negligent Acts)**

12 17. Respondent Lorenzo Marianella, M.D. is subject to disciplinary action under section
13 2234 of the Code in that he committed repeated negligent acts in his care and treatment of Patient

14 1. The facts as set forth in paragraphs 9 through 16 are incorporated as if fully set forth herein.

15 18. The standard of care for prescribing long-term use of opioids includes, at a minimum,
16 a clear documentation of medical history and physical examination, as well as an assessment for
17 risk of addictive disorders. The standard of care requires physicians to establish a narcotics
18 contract, conduct periodic urine drug screens and to create a plan of care for the patient's chronic
19 narcotic use.

20 19. Respondent's failure to meet the standard of care as detailed above constitutes
21 repeated negligent acts and unprofessional conduct pursuant to Code section 2234 (c).

22 23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct: Prescribing Without an Adequate Exam/Medical Basis)**

25 20. Respondent Lorenzo Marianella, M.D. is subject to disciplinary action under section
26 2242 of the Code in that he prescribed dangerous drugs as defined in Code section 4022 without
27 an appropriate prior examination and a medical indication, and his actions constitute
28

1 unprofessional conduct. The facts as set forth in paragraphs 9 through 19 are incorporated as if
2 fully set forth herein.

3 21. The standard of care for prescribing the controlled substances Respondent prescribed
4 to Patient 1 on a long-term basis require an appropriate prior examination, a medical history, and
5 a medical indication. Respondent failed to conduct and document an appropriate prior
6 examination, failed to gather and document a proper medical history and failed to provide a
7 legitimate medical indication for his prescriptions for controlled substances to Patient 1.

8 22. Respondent's failure to meet the standard of care as detailed above constitutes
9 unprofessional conduct pursuant to Code section 2242.

10

11

THIRD CAUSE FOR DISCIPLINE

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(Unprofessional Conduct: Failure to Maintain Adequate and Accurate Records)

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23. Respondent is subject to disciplinary action under section 2234 and/or 2266 of the
Code in that Respondent failed to maintain medical records for Patient 1. The facts as set forth in
paragraphs 9 through 22 are incorporated as if fully set forth herein.

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24. The standard of care requires physicians to keep timely, accurate and legible medical
records. Proper documentation includes appropriate history, physical examination and
assessment. When abbreviations are used, they should be legible and medically accepted.

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25. As set forth above, Respondent's medical records for Patient 1 contain many illegible
handwritten notes. Many of the notes are brief and hard to decipher, with excessive use of
unknown abbreviations. Respondent himself could not read some of his notes. In addition,
Respondent's records failed to reflect aspects of treatment required to meet the standard of care,
including medical history, physical examination and proper assessment. Respondent's actions
constitute unprofessional conduct pursuant to Code section 2234 and/or failure to maintain
adequate medical records pursuant to Code section 2266.

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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 Medical Board of California issue a decision:

4 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 38835,
5 issued to Respondent Lorenzo Marianella, M.D.;

6 2. Revoking, suspending or denying approval of Respondent Lorenzo Marianella,
7 M.D.'s authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Respondent Lorenzo Marianella, M.D., to pay the Board the costs of the
9 investigation and enforcement of this case, and if placed on probation, the costs of probation
10 monitoring; and

11 4. Taking such other and further action as deemed necessary and proper.
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14 DATED: OCT 05 2023

JENNA JONES FOR
REJI VARGHESE
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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