

IN THE MATTER OF
SHARON BAKER, P.D.
License No.: 12454
Respondent

* BEFORE THE
* STATE BOARD
* OF
* PHARMACY
* Case No. 13-057

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. §§ 12-101, *et seq.*, (2009 Repl. Vol.) (the "Act"), the Board charged **SHARON BAKER, P.D.** (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 12-313 of the Act:

- (b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:
 - (2) Fraudulently or deceptively uses a license;
 - (8) Willfully fails to file or record any report that is required by law;
 - (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
 - (21) Is professionally, physically, or mentally incompetent;
 - (25) Violates any rule or regulation adopted by the Board [;].

The Board further charged the Respondent with violating its Pharmacist and Pharmacy Technician Code of Conduct, COMAR 10.34.10:

.01 Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03[;].

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (3) Engage in unprofessional conduct [;].

The Respondent was given notice of the issues underlying the Board's charges by letter dated December 20, 2013. Accordingly, a Case Resolution Conference was held on February 12, 2014.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 31, 1991. The Respondent's license expires on January 31, 2016.

2. At all times relevant hereto, the Respondent was employed as a pharmacist at a hospital in Southern Maryland ("Hospital A").

3. In or about February 2013, the Board received information from Hospital A that the Respondent had been terminated from employment for stealing drugs, as set forth below:

A. In January 2013, Hospital A undertook an investigation regarding controlled drugs.

B. As a result of the investigation, it was determined that all of the controlled substances and paperwork were accounted for except Oxycodone¹ 5mg, Oxycodone, 15 mg, and Percocet² 5/325 mg. tablets pulled by the Respondent, who had recently been warned of violations of the hospital policy regarding drugs.

C. The above drugs had been pulled by the Respondent without any documentation that they were delivered to the units. These discrepancies occurred between November 23, 2012 and January 7, 2013.

D. The following medications were pulled by the Respondent, but not accounted for:

¹Oxycodone is an opioid medication used to treat moderate to severe pain.

(1) 11/23/12---100 Oxycodone, 5mg tablets;

(2) 11/28/12—100 Oxycodone, 5 mg tablets;

(3) Between 11/23/12-1/7/13, there were 19 occasions when the Respondent pulled 276 Oxycodone, 15 mgs, tablets without any refill sheets documenting the need for same. For example, one Oxycodone, 15 mg, pull was for a weekend when the Respondent was taking a training course.

(4) In summary, Hospital A's investigation determined that the Respondent failed to account for the following medications: 276 Oxycodone, 15mg, tablets; 236 Oxycodone, 5 mg, tablets; and, 225 tablets of Percocet, 5/325 mg.

4. Subsequently, the Respondent was charged in the District Court of Maryland for Calvert County, as follows:

Count 1	CDS-Obtain by Fraud
Count 2	CDS-Obtain by Fraud
Count 3	CDS-Theft Scheme, less \$1000
Count 4	Theft, less \$1000 value.

The case was transferred to the Circuit Court of Maryland for Calvert County and, on 11/12/13, the Respondent entered an Alford plea to Count One. On 12/7/13, the Judge, based upon the Respondent's Motion for Reconsideration, struck the guilty plea and granted a Judgment of Probation Before Judgment (PBJ). He further

² Percocet contains a combination of acetaminophen and oxycodone and is used to relieve moderate to

sentenced the Respondent to one year imprisonment, with all of it suspended, and placed her on five years' unsupervised probation through the Pharmacists Education and Advocacy Council (PEAC) regarding urinalyses and conditions "as they (sic) see fit." The Respondent pled "not guilty" to the other three counts, which were nolle prossed. The Respondent was ordered to reimburse Hospital A \$144.13.

5. The Respondent currently teaches and does not work in a dispensing capacity.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §12-313 (b) (2), (8), (15), (21), (25); and COMAR 10.34.10.01A (1) (a), (b), (c), (d), (e); B (1) and (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 18th day of June, 2014, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice pharmacy is hereby suspended for one year and that suspension is STAYED.

ORDERED that the Respondent is placed on two years' Probation, beginning March 19, 2014, subject to the following conditions:

severe pain.

1. During the first year of Probation, the Respondent shall take and pass the Multistate Pharmacist Jurisprudence Examination (MPJE);

2. During the probationary period, the Respondent shall not practice in a dispensing role or any other capacity in which she has access to controlled substances;

3. The Respondent shall be subject to random, Board-ordered urine screenings (all urine screenings to be conducted pursuant to standard Board protocols, e.g., dropped within 24 hours of order, use of CLIA laboratory, negative for all controlled substances and other mood-altering substances unless pursuant to a valid prescription);

4. Should the Respondent wish to transition to a dispensing role or any other capacity in which she has access to controlled substances, she shall submit a written request for Board approval prior to commencing such role;

5. The Respondent understands and agrees that, should the Board approve the Respondent's request, the Board reserves the right to amend the probationary conditions to ensure appropriate controlled substances monitoring;

6. The Respondent shall bear all costs of compliance with the Order;

7. The Respondent may petition the Board for termination of Probation after two years, provided that she has fully complied with all probationary terms and does not have any outstanding complaints filed against her; and,

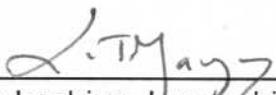
ORDERED that, should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation,

after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to remove any conditions or restrictions on her license, provided that she can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Lenna Israbian-Jamgochian, Pharm.D
President
Maryland State Board of Pharmacy

CONSENT OF SHARON BAKER, P.D.

I, Sharon Baker, P.D., acknowledge that I am represented by counsel, Robyn Riddle, and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

5/30/2014
Date

Sharon Baker, P.D.
Sharon Baker, P.D.

STATE OF Maryland _____:

CITY/COUNTY OF Calvert _____:

I HEREBY CERTIFY that on this 30th day of May, 2014, before me, Julie A. Hughes, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Sharon Baker, License No. 12354, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Julie A. Hughes
Notary Public

My Commission Expires: 6/19/17

