

IN THE MATTER OF	*	BEFORE THE MARYLAND
KERI CALVERT, R.P.T.	*	STATE BOARD OF
REGISTRATION NO. T02041	*	PHARMACY
Respondent	*	Case No.
* * * * *	*	* * * * *

MODIFICATION OF CONSENT ORDER TERMINATING SUMMARY SUSPENSION

Background

Based on an investigation performed by the Maryland Board of Pharmacy (the “Board”) and subject to the Maryland Pharmacy Act (the “Act”), Md. Code, Health Occ. §§ 12-101, *et seq.*, (2005 Repl. Vol.), and the Maryland Administrative Procedure Act, Health Occ. §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated March 19, 2009 against the pharmacy technician registration held by Keri Calvert, R.P.T. The Board’s Summary Suspension was based on Ms. Calvert’s theft of controlled dangerous substances while employed as a pharmacy technician at a Rite Aid pharmacy in 2008. The Board found reliable evidence demonstrated that a threat to the public health, safety or welfare required emergency action pursuant to State Gov’t §10-226(c)(2)(2004 Repl. Vol.).

Thereafter, on July 8, 2009, the Board and Ms. Calvert entered into a Consent Order Terminating Summary Suspension in which Ms. Calvert’s registration would remain suspended until February 27, 2010 provided she was compliant with the terms of the Consent Order. One of the terms of the Consent Order required that Ms. Calvert submit to random weekly urine screenings, as ordered by the Board, for the purpose of monitoring her compliance with her substance abuse treatment plan. On January 6, 2010 Ms. Calvert submitted to urinalysis, the results of which were positive for controlled dangerous substances.

In lieu of issuing charges against Ms. Calvert's registration, Ms. Calvert and the Board agree to resolve the matter by way of modifying the July 8, 2009 Consent Order with the terms contained herein.

FINDINGS OF FACT

1. Ms. Calvert is a registered pharmacy technician in the State of Maryland under Registration Number T02041. Ms. Calvert was first registered on August 13, 2008. Ms. Calvert's registration expires on April 30, 2010.

2. The Board issued an Order for Summary Suspension on March 19, 2009 based on Ms. Calvert's theft of controlled dangerous substances¹ from her Rite Aid employer in or about July 2008. Ms. Calvert was found guilty in the Circuit Court for Baltimore County of a theft scheme of more than \$500 and received supervised probation before judgment with the condition that she submits to weekly random urinalysis.

3. The Board held a Show Cause hearing on May 20, 2009 to provide Ms. Calvert with the opportunity to show cause as to why she did not pose an imminent threat to the health, safety and welfare of the public.

4. On July 8, 2009, the Board and Ms. Calvert entered into a Consent Order Terminating Summary Suspension. The Consent Order continued the suspension of Ms. Calvert's registration until February 27, 2010 provided she remained fully compliant with the terms of the Consent Order.

¹ On July 29, 2008, Ms. Calvert informed Rite Aid she had stolen various controlled dangerous substances from the pharmacy, including Xanax, Hydrocodone, Norco, and Ambien. Xanax (alprazolam) is indicated for the management of anxiety disorders. Hydrocodone is used to relieve moderate to severe pain. Ambien is a sedative commonly prescribed for insomnia. Norco is classified as a Schedule III controlled substance and is indicated for the relief of moderate to severely moderate pain.

5. Pursuant to the Consent Order, Ms. Calvert is required to submit to random weekly urine screenings, as ordered by the Board, for the purpose of monitoring Ms. Calvert's compliance with her substance abuse treatment plan.

6. Further, the Consent Order also stipulates that "in the event [Ms. Calvert] shows credible evidence of a relapse or fails to comply with the terms and conditions of this Order, the Board may impose additional disciplinary action against [Ms. Calvert's] registration, including extension of the suspension period or revocation of the registration...."

7. On September 19, 2009 Ms. Calvert submitted to a urinalysis, as instructed by the Board, and the results were positive for hydrocodone. Ms. Calvert informed the Board she was prescribed hydrocodone by an emergency room physician for severe abdominal pain.

8. The prescribing physician informed that Board that Ms. Calvert did not disclose her substance abuse history during the course of her emergency room visit.

9. On or about October 27, 2009 Ms. Calvert informed the Board that she would no longer be able to remain compliant with the terms of the Consent Order due to financial constraints. Subsequently, the Board ceased directing Ms. Calvert to submit to urinalysis or provide the other reports required under the Consent Order.

10. On or about December 29, 2009, Ms. Calvert informed the Board that she had received a loan and would resume complying with the terms of the Consent Order. The Board again initiated monitoring Ms. Calvert's compliance.

11. On January 6, 2010 Ms. Calvert submitted to a urinalysis, as instructed by the Board, and the results were positive for extremely elevated levels for opiates, morphine and codeine.

12. The Board finds that these elevated levels are credible evidence of a relapse and are inconsistent with the prescription Ms. Calvert was issued at an urgent care facility on January 4, 2010 for Guaifenesin and Codein 118mL.

13. It is unclear whether Ms. Calvert disclosed her substance abuse history to the prescribing physician.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Ms. Calvert is subject to further discipline pursuant to Md. Code, Health Occ. §§ 12-6B-09(21) and 12-6B-09(25).

ORDER

Based on agreement of the parties, it is this 11th day of May, 2010, by an affirmative vote of the Board, hereby:

ORDERED that Ms. Calvert's registration continue to remain SUSPENDED for at least ONE YEAR, beginning retroactively on January 6, 2010; and be it further,

ORDERED that during the suspension period, Ms. Calvert shall satisfy the following conditions:

1. Ms. Calvert shall not work behind a pharmacy counter in any capacity;
2. Ms. Calvert shall submit to random observed urine screenings to be ordered by the Board and conducted at a CLIA-certified laboratory on a weekly basis, the results of which shall be negative for any controlled dangerous substance, narcotics, cocaine, or other mood-altering substance, except as provided in #8 below;
3. The Respondent shall submit to urinalysis within 24-hours of being instructed by the Board's Compliance staff to do so;

4. Ms. Calvert shall continue weekly participation in NA or a similar substance abuse rehabilitation support group and submit proof of attendance on a quarterly basis;
5. Ms. Calvert shall continue monthly appointments with her psychiatrist;
6. Ms. Calvert shall ensure the Board receives quarterly reports from her employer regarding her overall performance;
7. Ms. Calvert shall maintain the continuing education requirements necessary for renewal of her pharmacy technician registration; and
8. The Respondent shall abstain from the ingestion of controlled dangerous substances, narcotics, cocaine, or other mood-altering substances, except as specifically provided below. The Respondent may only ingest prescribed controlled dangerous substances for legitimate medical reasons under the following conditions:
 - a. The Respondent must be a bona fide patient of a licensed Maryland prescriber who is aware of this Order;
 - b. The medication must be lawfully prescribed by the Respondent's physician or other authorized medical practitioner;
 - c. The Respondent must provide the Board, in writing, within seventy-two (72) hours of receiving the medication: (1) the name and address of the prescriber; (2) the illness or medical condition diagnosed; (3) the type, strength, amount and dosage of the medication; (4) and a signed statement consenting to the release of all medical information about the Respondent from the prescriber to the Board.

ORDERED that Ms. Calvert may petition the Board to lift the suspension no earlier than January 6, 2011, provided that Ms. Calvert has fully complied with all of the conditions set forth herein during the suspension period; and be it further,

ORDERED that upon the Board's lifting of the suspension, Ms. Calvert shall be placed on immediate PROBATION for at least TWO (2) years with the terms of such probation to be determined upon the Board's lifting of the suspension; and be it further

ORDERED that Ms. Calvert shall bear all expenses associated with this Order; and be it further,

ORDERED that Ms. Calvert's execution of this Order shall constitute a release to the Board of any and all medical and mental health records, substance abuse treatment records, psychological/psychiatric records, and employment records pertaining to Ms. Calvert as necessary for compliance with the terms and conditions set forth herein; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of her compliance with the terms and conditions of this Consent Order, including contacting the Board prior to leaving the State; and be it further,

ORDERED that in the event Ms. Calvert shows credible evidence of a relapse or fails to comply with the terms and conditions of this Order, the Board may impose additional disciplinary action against Ms. Calvert's registration, including extension of the suspension period or revocation of the registration, after notice and an opportunity for a hearing.

ORDERED that this document constitutes a formal disciplinary action of the Maryland State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act., State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

May 11, 2010
Date

LaVerne G. Naesea
LaVerne G. Naesea, Executive Director
for Donald Taylor, R.Ph., President, Board of
Pharmacy



CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Modification of Consent Order Terminating Summary Suspension ("Consent Order") and its conditions.

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

4/19/10
Date

Keri Calvert
Keri Calvert
Keri Calvert, R.P.T.

STATE OF MARYLAND
COUNTY/CITY OF Baltimore :

I hereby certify that on this 14 day of April, 2010, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KERI CALVERT, and made an oath in due form that the foregoing Consent was her voluntary act and deed.



Sharon M. Greenbeck

Notary Public

My commission expires: 7/21/11