

IN THE MATTER OF
VICKI COUTROS, P.D.
LICENSE NO.: 14959

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* CASE NO.: 11-105

Respondent

* * * * *

FINAL CONSENT ORDER

BACKGROUND

On October 18, 2006, the State Board of Pharmacy (the "Board"), entered into a Consent Order with the Respondent, Vicki Coutros, P.D. (the "Respondent"), for having diverted controlled drugs for her personal use from her employer, resulting in her termination from her pharmacy employment. The Respondent admitted that she had stolen narcotics for three years before she was caught, approximately 30 to 40 pills per week. She signed a document acknowledging the theft of cash and/or merchandise in the amount of \$4000, which she agreed to pay the company back, as well as a \$1000 civil penalty for a total of \$5000, which amount she paid. The Consent Order further summarily suspended her for six months, which suspension was immediately Stayed, and she was placed on Probation for a minimum period of two years, subject to conditions, which included, *inter alia*, random monthly urine screens and quarterly progress reports by the Pharmacists Education and Advocacy Council (PEAC) to the Board.

In May 2011 the Board received a DEA report of theft and loss that an employee had pilfered drugs from a National chain pharmacy located in Mount Airy, Maryland, but the pharmacy did not identify the employee. In May 2012, the Board learned, through an inspection of the pharmacy, that the employee that had occasioned the DEA report

a year earlier was the Respondent. It also learned that the Respondent was terminated from employment as a result of this incident and that she was subsequently found guilty of prescription fraud.

Accordingly, on July 20, 2012, the Board, by a majority of its full authorized membership, voted to issue a Notice of Intent to Revoke the Respondent's license to practice pharmacy.

BASIS FOR NOTICE OF INTENT TO REVOKE PHARMACIST LICENSE

Pursuant to the Administrative Procedure Act (APA), Md. State Govt. Code Ann. §§ 10-201, *et seq.*, (2009 Repl. Vol., and 2012 Supp.), and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, *et seq.*, (the "Act") (2009 Repl. Vol. and 2012 Supp.), the Board notified the Respondent of the Board's intent to revoke the Respondent's license to practice pharmacy.

The pertinent provisions of the APA stated:

§ 10-226 (c)

(1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

(i) written notice of the facts that warrant suspension
revocation; and

(ii) an opportunity to be heard.

Specifically, the Board intended to revoke the Respondent's license to practice pharmacy based upon the following provisions of §12-313 the Act:

(a) In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of *nolo contendere* followed by a sentence.

- (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:
 - (22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside [;].

The Respondent was advised of the issues underlying the Board's Notice by a letter dated November 28, 2012. Accordingly, a Case Resolution Conference was held on February 13, 2013, and was attended by David Chason, P.D., Richard W, Matens, Consumer Member, Board Members, Courtney Jackson, Board Staff, and Brett Felter, Board Counsel. Also in attendance were the Respondent and her attorney, Carolyn Jacobs, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

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:

BACKGROUND

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times relevant to the charges herein, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed on August 19, 1998. The Respondent's license expires on September 30, 2013.

2. On October 18, 2006, the Board entered into a Consent Order with the Respondent for having diverted controlled drugs for her personal use from her employer, resulting in her termination from her pharmacy employment. The Respondent admitted that she had stolen narcotics for three years before she was caught, approximately 30 to 40 pills per week. She signed a document acknowledging the theft of cash and/or merchandise in the amount of \$4000, which she agreed to pay the company back, as well as a \$1000 civil penalty for a total of \$5000, which amount she paid. The Consent Order further summarily suspended her for six months, which suspension was immediately Stayed, and she was placed on Probation for a minimum period of two years, subject to conditions, which included, *inter alia*, random monthly urine screens and quarterly progress reports by PEAC to the Board.

3. On May 2, 2011, a call was made by the pharmacy's Loss Prevention staff to a physician's office to verify two prescriptions filled at the pharmacy in Mount Airy, Maryland where the Respondent was employed. The prescriptions were found to be not valid. As a result, the Respondent was interviewed and admitted that she should not have filled the prescriptions. As a result, the Respondent was terminated from employment with the pharmacy and the pharmacy sent a DEA report of theft and loss to the Division of Drug Control.

4. On November 9, 2011, the Respondent was convicted of prescription forgery and given 18 months supervised probation, and ordered to do 25 hours of community service.

5. The Board did not become aware of this occurrence until May 2012, when an

inspection was done of the pharmacy by a Board inspector which led to a subsequent Board investigation.

6. As set forth above, the Respondent violated the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-313 (a), (b) (22).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17th day of July, 2013, by a majority of a quorum of the Board,

ORDERED, that the Respondent shall be **SUSPENDED** for a period of Two (2) years, during which the following shall occur:

1. The Respondent shall comply with random, Board-ordered, urine screens on a monthly basis;
2. In the first year of the Suspension, the Respondent shall take a Board-pre-approved Continuing Education Course (CEU) in Ethics, which shall not count in fulfilling other continuing education requirements for continued licensure;
3. The Respondent shall take and pass the Multi-State Pharmacy Jurisprudence Examination (MPJE); and,
4. Comply with all continuing educational requirements for continued licensure.

ORDERED, that following suspension, the Respondent shall be placed on Probation

for at least two (2) years, during which the Respondent shall:

1. Comply with random, Board-ordered urine screens, on a monthly basis, before she begins working as a pharmacist, and twice a month once she begins working as a pharmacist;
2. Notify the Board in writing before she begins working as a pharmacist in Maryland;
3. During the first year of working as a practicing pharmacist:
 - A. Be limited to 40 hours a week; and,
 - B. Work under the direct supervision of a licensed pharmacist; and
4. Not own a pharmacy or work in a pharmacy that is owned, in whole or in part, by a family member;
5. Ensure that her supervising pharmacist provide quarterly progress reports to the Board;
6. After completion of one year of Probation, the Respondent may petition the Board for modification of the probationary terms, provided she has been fully compliant with the terms of Probation and there are no pending complaints filed against her;
7. After completion of at least two years of Probation, which period must include one year of working as a pharmacist under the restrictions listed above, the Respondent may petition the Board for termination of Probation, provided that the Respondent has been fully compliant with the terms of Probation and there are no pending complaints against her.

8. The Respondent shall provide the Board's Compliance Coordinator with written notification, by email, if necessary, in advance of any period of time during which she may be unreachable due to travel or other reason.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

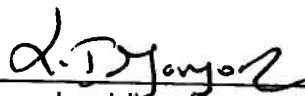
ORDERED that, should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Suspension/ Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action 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/Suspension 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 be reinstated without 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 and 2012 Supp.), 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, P.^{Pharm.}D
President
State Board of Pharmacy

CONSENT OF VICKI COUTROS, P.D.

I, Vicki Coutros, P.D., acknowledge that I am represented by counsel, Carolyn Jacobs, 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.

7-10-13
Date

Vicki Lynn Coutros
Vicki Coutros, P.D.

STATE OF MARYLAND _____:

CITY/COUNTY OF FREDERICK _____:

I HEREBY CERTIFY that on this 10th day of July, 2013, before
Me, [Signature], a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared **Vicki Coutros, P.D., License No. 14959**, 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.

[Signature]
Notary Public

My Commission Expires: June 16 2017