

IN THE MATTER OF	*	BEFORE THE MARYLAND
KATHERINE K. EMERY, P.D.	*	STATE BOARD
LICENSE NUMBER: 11691	*	OF PHARMACY
RESPONDENT	*	CASE NUMBER: 08-004

\* \* \* \* \*

**ORDER OF SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. § 10-226(c) (2) (2009 Repl. Vol. & 2010 Supp.), the Maryland Pharmacy Act ("the Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.*, (2009 Repl. Vol. & 2010 Supp.) and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby suspends the license of Katherine K. Emery, P.D. (the "Respondent"), D.O.B. 5/23/1958, license number: 11691 to practice pharmacy under the Act. This Order of Summary Suspension ("Order") is based on the following investigative findings that the Board has reason to believe are true:

**INVESTIGATIVE FINDINGS**

1. The Respondent was initially issued a license to practice pharmacy in Maryland on May 15, 1989.

I. Background

2. In or around December 2005, the Respondent was employed as a pharmacist at Walgreens Pharmacy ("Walgreens") located at 8050 Liberty Road, Baltimore, Maryland.

3. On or about April 24, 2007, the Respondent was recorded on a video camera located in the pharmacy area of Walgreens removing a bottle of medication from the pharmacy shelf, pouring the contents of the bottle into her hand, placing her

hand to her mouth, and taking a drink from a water bottle.

4. When confronted by Walgreens staff, the Respondent denied the events recorded by the video camera.

5. On or about June 5, 2007, the Respondent was observed by Walgreens staff displaying signs of drug and/or alcohol impairment.

6. Walgreens staff reported that the Respondent was unable to keep her balance, her speech was slurred, and she had improperly written prescription information that was called in by doctors' offices.

7. After a Walgreens district pharmacy manager was informed of the Respondent's behavior, she was ordered to leave the pharmacy. The pharmacy was immediately closed until a replacement for the Respondent could be found.

8. After being removed from the pharmacy, the Respondent was ordered to go to a drug testing facility to give a urine specimen.

9. The Respondent's behavior reflected such impairment that Walgreens would not allow the Respondent to drive her vehicle home and instead arranged for someone to pick the Respondent up.

10. On or about June 13, 2007, the drug testing facility that retrieved and analyzed the Respondent's urine specimen informed the Respondent's superiors that she had tested positive for hydrocodone.

11. On or about June 15, 2007, the Respondent admitted to Walgreens' investigators that she had taken hydrocodone and lorazepam on June 5, 2007.

12. The Respondent was subsequently fired by Walgreens.

13. On October 9, 2007, the Board issued an Order of Summary Suspension, suspending the Respondent's license to practice pharmacy.

14. On November 28, 2007, the Board held a show cause hearing to determine whether to continue the suspension of the Respondent's license. Following the hearing, the Board determined that the Respondent's license remain suspended.

15. On or about July 23, 2008, the Board and the Respondent entered into a Consent Order terminating the summary suspension of the Respondent's license.

16. Under the terms set forth in the July 23, 2008 Consent Order terminating the summary suspension of the Respondent's license, the Respondent's license was suspended for a period of at least one (1) year.

17. In addition, the July 23, 2008 Consent Order terminating the summary suspension of the Respondent's license, required that she complete the following conditions: (1) submit to random urine and breathalyzer screening, (2) continue participation in individual or group therapy, (3) insure that her therapist submits quarterly reports to the Board, (4) continue weekly participation in a 12-step program that is comprised of healthcare professionals, and (5) not work in a pharmacy prescription area as a technician

18. On March 12, 2009, the Board and the Respondent entered into a Consent Order lifting the July 23, 2008 suspension of the Respondent's license.

19. The Board placed the Respondent's license on probation for a period of three (3) years with conditions.

20. On or about April 21, 2009, the Board received the results of a toxicology report indicating that the Respondent had tested positive for the presence of alcohol in

her system.

21. The Respondent admitted to her therapist that she had ingested alcohol beverages on March 16, 2009, April 7, 2009, and April 16, 2009.

22. On May 20, 2009, the Board voted to consider summarily suspending the Respondent license based on the results of the April 21, 2009 toxicology report indicating the presence of alcohol in her system.

23. On or about June 19, 2009, the Board sent the Respondent an unexecuted Order of Summary Suspension.

24. On July 8, 2009, the Board held a hearing to provide the Respondent, with an opportunity to show cause, why it should not summarily suspend the Respondent's license.

25. On or about August 17, 2009, the Respondent and the Board entered into a Consent Order in Lieu of Summary Suspension.

26. The August 17, 2009 Consent Order states that the Respondent's urine screening test "shall be negative for drugs and alcohol".

27. The results of a toxicology report dated February 11, 2010 revealed that the Respondent tested positive for ethylglucuronide and ethyl sulfate.

28. On or about June 30, 2010, the Board sent the Respondent an unexecuted Order of Summary Suspension.

29. In July 2010 the Respondent provided a urine sample to be tested for the presence of drugs and/or alcohol.

30. After the July 8, 2009 Show Cause Hearing, the Board received the results of the Respondent which indicated the following:

Diluted urines:<sup>1</sup>

- a. July 1, 2010: diluted urine, creatinine 5.2 mg/dL,
- b. July 8, 2010: abnormally diluted urine, creatinine 1.8 mg/dL,
- c. July 22, 2010: diluted urine, 2.6 mg/dL.

31. On August 4, 2010, the Board held a hearing to provide the Respondent, with an opportunity to show cause, why it should not summarily suspend the Respondent's license.

32. On August 18, 2010, the Board voted to consider summarily suspending the Respondent license based on the result of toxicology reports dated July 14, 2010 and July 28, 2010.

33. On or about October 18, 2010, the Respondent and the Board entered into a Consent Order in Lieu of Summary Suspension.

34. Under the terms of the October 18, 2010 Consent Order, the Respondent was placed on probation for at least five (5) years with conditions.

35. The Respondent's long history of drug and alcohol abuse and her continued use of alcohol, while her license was in a probationary status, shows that there is a likelihood that she poses a risk of harm to the public health, safety, or welfare and her license should, therefore, be immediately suspended.

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<sup>1</sup> Low levels of Creatinine indicate that the urine has been diluted in an attempt to water down substances, such as alcohol. Urine creatinine levels below 2.0 mg/dL are classified as a "substituted specimen", as these specimens do not exhibit the clinical signs or characteristics associated with normal urine. The normal range for urine creatinine level is greater than 20 mg/dL.

CONCLUSIONS OF LAW

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety or welfare imperatively requires emergency action pursuant to, Md. St. Govt. Code Ann. § 10-226 (c) (2) ( 2009 Repl. Vol. & 2010 Supp).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is on this 17<sup>th</sup> day of November, by a majority of the Board considering this case:

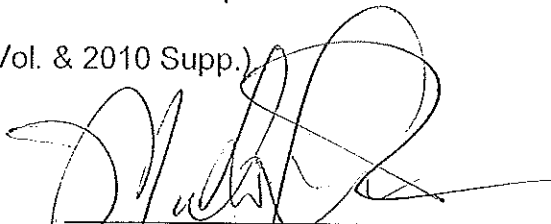
**ORDERED** that the license issued to Katherine K. Emery to practice pharmacy in the State of Maryland under license number 11691 is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and it is further

**ORDERED** that the Respondent immediately shall return her wall certificate and wallet licenses to the Board; and it is further

**ORDERED** that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. & 2010 Supp.)

Date 11/17/10

  
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Michael N. Souranis, P.D.  
President  
State Board of Pharmacy