

IN THE MATTER OF
KATHERINE EMERY

LICENSE NO. 11691

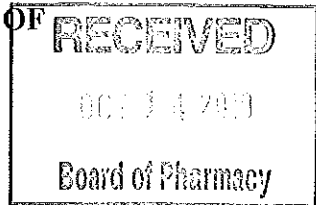
CASE NO. 08-004

* BEFORE THE MARYLAND

* STATE BOARD OF

* PHARMACY

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CONSENT ORDER IN LIEU OF SUMMARY SUSPENSION

HISTORY

On October 9, 2007, the Maryland State Board of Pharmacy (the "Board") issued an Order for Summary Suspension, in which it summarily suspended the pharmacist's license held by Katherine Emery, P.D. (the "Respondent"). Specifically, the Board found that Respondent's substance abuse affected the public's health, safety and welfare and required emergency action pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2004 Repl. Vol.).

On November 28, 2007, a quorum of the Board held a hearing to allow Respondent to show cause why she did not pose an imminent threat to the health, safety and welfare of the public. On July 23, 2008, in lieu of a continued summary suspension, Respondent signed a Consent Order Terminating Summary Suspension, which suspended her license for at least one year, effective October 9, 2007, and which required her to satisfy certain conditions that monitored Respondent's abstinence from drugs and alcohol.

On September 10, 2008, Respondent petitioned for an Order terminating the suspension. On March 12, 2009, Respondent and the Board entered into a Consent Order lifting the suspension of Respondent's license. The Consent Order for Lifting Summary Suspension placed Respondent's license on probation for at least three years and specified the terms of that probation. These terms included random weekly urine screenings to ensure abstinence from drugs and alcohol, as well as continued therapy and after-care for her addiction.

On or about April 21, 2009, the Board received the results of a toxicology report indicating that Respondent had tested positive for the presence of alcohol in her system. The urinalysis was conducted at the order of Respondent's therapist, who reported that Respondent had admitted having ingested alcohol on March 16, 2009, April 7, 2009, and April 16, 2009. As a result, the Board sent Respondent an unexecuted Order for Summary Suspension on June 16, 2009.

On July 8, 2009, a quorum of the Board held a hearing to allow Respondent to show cause why she did not pose an imminent threat to the health, safety and welfare of the public. On August 17, 2009 Respondent and the Board entered into a Consent Order in Lieu of Summary Suspension. That Consent Order placed Respondent's license on probation for at least five years and specified the terms of that probation. These terms included random weekly urine screenings to ensure abstinence from drugs and alcohol.

On or about February 11, 2010, the Board received the results of a toxicology report indicating that Respondent had tested positive for the presence of alcohol metabolites, ethylglucuronide and ethyl sulfate, in her system. As a result, the Board sent Respondent an unexecuted Order of Summary Suspension on June 30, 2010.

On August 4, 2010, a quorum of the Board held a hearing to allow Respondent to show cause why she did not pose an imminent threat to the health, safety and welfare of the public. Thereafter, the Board and Respondent agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

This Order is based on the following investigative findings, which the Board has reason to believe are true:

1. Upon Respondent's relapse with alcohol in March and April of 2009, when Respondent admitted to having consumed vanilla extract, Respondent and the Board entered into a Consent Order in Lieu of Summary Suspension on August 17, 2009. That Consent Order placed Respondent's license on probation for at least five years and required Respondent to submit to weekly random enhanced urinalysis for the detection of drugs and alcohol.
2. The August 17, 2009 Consent Order states that "[a]ll urine screening results shall be negative for drugs and alcohol."
3. The results of a toxicology report dated February 11, 2010 revealed that Respondent had tested positive for the presence of alcohol metabolites, ethylglucuronide and ethyl sulfate, in her system.
4. Respondent maintains that the presence of alcohol metabolites in her system was the result of having ingested a fondue meal prepared with alcohol.
5. Respondent maintains that she has not had another relapse.
6. Respondent remains active in Alcoholics Anonymous and continues to provide the Board with verification of her attendance on a weekly basis.

7. Respondent asserts that she has not practiced pharmacy since June, 2007.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board concludes that Respondent is not an imminent threat to the public health, safety and welfare with the restrictions placed on her license as set forth below. Respondent is subject to disciplinary action pursuant to Md. Code Ann., Health Occ. § 12-313(b)(21).

ORDER

Based on an affirmative vote of the Board, it is this 18th day of October, 2010, hereby:

ORDERED that Respondent's license shall be immediately placed on PROBATION until at least August 17, 2014, subject to the following conditions:

1. Respondent shall submit to random weekly enhanced urine screenings for both drugs and alcohol to be ordered by the Board and conducted at a CLIA-certified laboratory;
2. Respondent shall submit to observed urinalysis within 24 hours of being instructed by the Board's compliance staff to do so;
3. Respondent shall use a CLIA-certified laboratory which provides results to the Board within seven days of her submission of a urine specimen;
4. The results of all of Respondent's urine screens shall be negative for alcohol and any controlled dangerous substance, narcotics, cocaine, or other mood-altering substance, except as provided in #5 below.

5. Respondent shall abstain from the ingestion of alcohol and controlled dangerous substances, narcotics, cocaine, or other mood-altering substances, except as specifically provided below. Respondent may only ingest prescribed controlled dangerous substances for legitimate medical reasons under the following conditions:
 - a. Respondent must be a bona fide patient of a licensed Maryland prescriber who has received a copy of this Order;
 - b. The medication must be lawfully prescribed by Respondent's physician or other authorized medical practitioner;
6. Respondent must provide the Board, in writing, within seventy-two (72) hours of receiving a controlled dangerous substance prescription: (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 Respondent from the prescriber to the Board;
7. Respondent shall continue weekly participation in a 12-step aftercare or other group substance abuse program that is comprised of healthcare professionals and shall provide the Board with verification of attendance on a weekly basis;
8. Respondent shall not practice pharmacy in a retail setting;
9. Respondent shall not work in a pharmacy during the night shift;
10. Respondent shall not work more than forty (40) hours per week;
11. Respondent shall not work longer than an eight (8) hour shift; and

12. Respondent shall ensure her pharmacy employer(s) submit quarterly performance reports to the Board; and

ORDERED that Respondent's execution of this Order shall constitute a release to the Board of any and all medical health related records, substance abuse treatment records, and mental health records pertaining to Respondent's compliance with the terms and conditions set forth herein; and be it further,

ORDERED that 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 Respondent's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Consent Order; and be it further,

ORDERED that in the event the Respondent fails to fully cooperate with the Board, violates any condition of probation, or if the Board receives credible evidence that the Respondent has relapsed, she shall be immediately summarily suspended with an opportunity for a post-deprivation show cause hearing; and be it further,

ORDERED that the Respondent may petition the Board for release from probation on or after August 17, 2014, provided that she has been fully compliant with all of the terms of probation and there are no pending complaints against her; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., State Gov't, § 10-617(h).

Oct. 18, 2010

Date

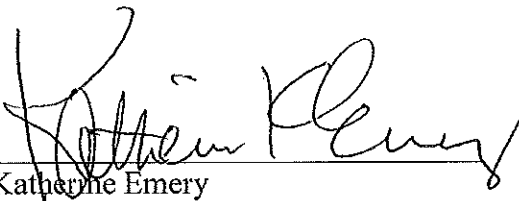
LaVerne G. Naesea

LaVerne G. Naesea, Executive Director
Maryland State Board of Pharmacy

CONSENT

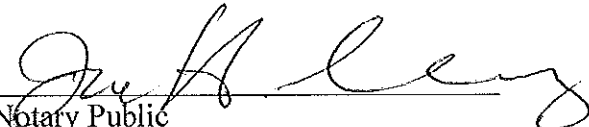
1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. 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.

10/12/10
Date


Katherine Emery

STATE OF MARYLAND
COUNTY/CITY OF MC:

I hereby certify that on this 12 day of Oct, 2010, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KATHERINE EMERY, and made an oath in due form that the foregoing Consent was her voluntary act and deed.


Notary Public
My commission expires: _____

JAE H. KANG
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 6, 2011