

IN THE MATTER OF	*	BEFORE THE
ANNE MARIE GINGHER, R.Ph.	*	MARYLAND BOARD
LICENSE No: 10638	*	OF PHARMACY
Respondent	*	Case No.: 16-054

* * * * *

CONSENT ORDER

On January 18, 2017, the Maryland State Board of Pharmacy (the “Board”) charged **ANNE MARIE GINGHER, R.Ph. (the “Respondent”)** (License No: **10638**), under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. II (“Health Occ. II”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

The pertinent provisions of §12-313 the Act provide as follows:

(b) *In general.* – 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 for a pharmacists license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

- (5) Provides pharmacy services while:
 - (i) Under the influence of alcohol;
- (21) Is professionally, physically, or mentally incompetent; [and]
- (25) Violates any rule or regulation adopted by the Board, to wit:
 - COMAR 10.34.10.01 B. A pharmacist may not: (3) Engage in unprofessional conduct.

On March 1, 2017, the Respondent participated in a Case Resolution Conference (CRC) before a panel of Board members to discuss the potential resolution of the Charges by consent. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense

and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds:

1. The Respondent is licensed to practice pharmacy in the State of Maryland under license number 10638. The Respondent was first licensed on November 12, 1985. The Respondent's license is currently suspended.

2. At all times relevant, Respondent was employed with a staffing agency. She was assigned to work as a pharmacist at Hospital A in Baltimore, Maryland.¹

3. On or about December 14, 2015, the Board received information from the staffing agency that Respondent intoxicated on her first day of work at Hospital A.

4. Thereafter, the Board initiated an investigation.

5. The Board's investigation revealed that on December 14, 2015, the Respondent reported to Hospital A for her first day of employment.

6. According to the Pharmacy Supervisor, when the Respondent reported to the pharmacy for a tour, the Pharmacy Supervisor noticed that the Respondent smelled of alcohol.

7. The Pharmacy Supervisor contacted human resources, who instructed the Pharmacy Supervisor to send the Respondent to Occupational Health. The Respondent reported to Occupational Health and submitted to two breathalyzer tests.

¹ In order to maintain confidentiality, names will be used in this Consent Order.

The first result was .112 and the second result, approximately 17 minutes later, was .111. A test result of .02 or higher is deemed positive.

8. As a result of her positive breathalyzer tests, the Respondent was sent home in a taxi.

9. Subsequently, the Respondent contacted the staffing agency for a new work placement.

10. Based upon this information, on January 12, 2016, the Board issued an Order for Summary Suspension of the Respondent's license to practice pharmacy. The Respondent requested a show cause hearing, which was scheduled and rescheduled multiple times pursuant to the Respondent's requests.

11. A show cause hearing was held on June 15, 2016.

12. On June 21, 2016, the Board notified the Respondent by letter that it continued the summary suspension of her license to practice pharmacy. In addition, the Board directed the Respondent to submit to an evaluation by a health care provider.

13. On July 29, 2016, the Respondent left a voice message for the Board's investigator stating that she made an appointment in early August for a psychiatric evaluation with Dr. A, a psychiatrist.

14. The Respondent cancelled the appointment with Dr. A due to the Respondent's hospitalization and rescheduled for August 25, 2016.

15. On August 25, 2016, the Board received correspondence from Dr. A stating that the Respondent failed to appear for her appointment and failed to call to cancel or reschedule the appointment.

16. On November 16, 2015, the Respondent submitted to a psychiatric evaluation with Dr. B, a psychiatrist.²

17. Dr. B opined that "the best hypothesis that accounts for" Respondent's clinical presentation, both medically and psychiatrically, is chronic alcohol abuse.

18. Dr. B recommended that the Respondent participate in an "Abstinence Challenge" during which she refrains from drinking any alcohol for over one year, as confirmed by random toxicology screens. Furthermore, Dr. B stated that the Respondent should not return to practicing pharmacy "until there has been at least a 3-6 month period of no alcohol found on the screens and then she should continue to be monitored for at least another year thereafter." Dr. B finally stated that the Respondent should participate in a program to support sobriety.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provision of the Act: Health Occ. II §§ 12-313(b)(5), (21), and (25) and of COMAR 10.34.10.01B(3).

ORDER

Based on agreement of the parties, it is therefore this 19th day of May 2017, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's license to practice pharmacy in the State of Maryland shall be **SUSPENDED** for a period of **ONE (1) YEAR**; and it is further

ORDERED that the Respondent shall enroll in a substance abuse treatment

² Dr. A was not available to see the Respondent.

program, for a period of at least **ONE (1) year**, to include random urinalysis. The Respondent shall follow any and all recommendations of her providers, including but not limited to, group therapy, support group meetings, individual therapy, abstinence from mood altering drugs with appropriate monitoring; and it is further

ORDERED that no later than ten (10) business days from the date of this Consent Order, the Respondent shall sign any written release/consent forms, and update them, as required by the Board and her substance abuse recovery program. Specifically, she shall sign any written release/consent forms required by the Board to authorize his substance abuse recovery program to make verbal and written disclosures to the Board, including disclosure of any and all records and files and confidential drug and alcohol abuse information about the Respondent; and it is further

ORDERED that the Respondent shall completely abstain from the ingestion of alcohol, unprescribed controlled dangerous substances (“CDS”), narcotics, illegal drugs and other mood-altering substances. The Respondent may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS medication prescription from a licensed health care provider, the Respondent shall provide the licensed health care provider with a copy of the Consent Order. Within 48 hours of being prescribed CDS, the Respondent shall notify the Board of the CDS prescribed, the prescriber, the medical conditions prescribed for, the pharmacy at which the prescription was filled, and the amount and dosage prescribed; and it is further

ORDERED that the Respondent may petition to lift the suspension upon the

completion of the suspension period provided that the Respondent first submit to a mental evaluation by a Board-approved evaluator; and it is further,


ORDERED that upon completion of the suspension period and an evaluation indicating that the Respondent is fit to practice safely, the Board may place the Respondent's license on immediate **PROBATION** at its discretion under terms and conditions to be determined at that time, and that may be based on recommendations from the Board-assigned evaluator; and be it further

ORDERED that failure to comply with the terms and conditions of this Consent Order, including but not limited to failure comply with the recommendations of her substance abuse treatment program or a positive urinalysis or breathalyzer result, constitutes a violation of this Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board may impose any appropriate sanction under the Act; and it is further

ORDERED that the Respondent shall bear all expenses associated with this Order; and it is further

ORDERED that the Respondent shall practice according to the Maryland Pharmacy Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of pharmacy; and it is further

ORDERED that this document constitutes a formal disciplinary action of the State Board of Pharmacy and is therefore a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4–101 *et seq.*


Deena Speights-Napata
Executive Director
State Board of Pharmacy

CONSENT

I, Anne Marie Gingher, acknowledge that I did not consult with legal counsel before signing this document. By this Consent, I agree to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 his own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I waive any right to appeal any adverse ruling of the Board that might have followed any such hearing.

I do not admit the allegations in the amended charges but accept the Findings of Fact and enter into this agreement for purposes of compromise and settlement, and the execution and delivery of this consent order shall not constitute or be construed as an

admission of any liability or wrongdoing on my behalf.

I sign this Consent Order and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

May 19, 2017
Date

Anne Marie Gingher
Anne Marie Gingher

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 19th day of May, 2017, before me, a Notary Public of the foregoing State personally appeared **Anne Marie Gingher** 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.

Heather McLaughlin
Notary Public

My Commission Expires: 12/20/2020