

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE STATE</b>
<b>ANNE MARIE GINGHER</b>	*	<b>BOARD OF</b>
<b>License No: 10636</b>	*	<b>PHARMACY</b>
<b>Respondent</b>	*	<b>CASE No.: 16-054</b>

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. ("S.G.") §10-226 (c) (2014 Repl. Vol.), the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol.), and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby summarily suspends the license of **ANNE MARIE GINGHER, License Number 10636, (the "Respondent")**, to practice as a pharmacist under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:<sup>1</sup>

**FINDINGS OF FACT**

1. The Respondent is licensed to practice as a pharmacist in the State of Maryland under license number 10636. The Respondent was first licensed on November 12, 1985. The Respondent's license is current and is scheduled to expire on August 31, 2016.
  
2. At all times relevant, Respondent was employed with a staffing agency. She was assigned to work as a pharmacist at t Hospital A in Baltimore, Maryland.

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<sup>1</sup> The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

3. On or about December 14, 2015, the Board received information from the staffing agency that Respondent was found to be 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, where the Respondent was administered two breathalyzer tests. 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 test, the Respondent was sent home in a taxi.

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

### CONCLUSIONS OF LAW

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) (2014 Repl. Vol.).

### ORDER

Based on the foregoing, it is this 12<sup>th</sup> day of January 2016, by a majority vote of a quorum of the Board, hereby:

**ORDERED** that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2), the Respondent's license (10636) to practice as a pharmacist in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN 30 DAYS** of her receipt of this notice. The written request should be made to: Richard Proctor, Interim Executive Director, Maryland Board of Pharmacy, Department of Health & Mental Hygiene, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, Health Occupations Prosecution and Litigation Unit, 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, and Linda Bethman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

**ORDERED** that if the Respondent fails to request a post-deprivation show cause hearing, the Respondent's registration will remain suspended; and it is further

**ORDERED** that the Respondent shall immediately turn over to the Board her license to practice pharmacy issued by the Board; and be it further

**ORDERED** that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. § 10-617(h) (2014 Repl. Vol.).



Richard Proctor  
Richard Proctor, Interim Executive Director  
Maryland Board of Pharmacy