

IN THE MATTER OF * **BEFORE THE MARYLAND**
NESHEKA N. JESSUP * **STATE BOARD OF**
Respondent * **PHARMACY**
License No. 18182 * **Case No. 18-324**

* * * * *

CONSENT ORDER IN LIEU OF SUMMARY SUSPENSION

Background

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-201 *et seq.*, the Board issued a Notice of Intent to Summarily Suspend License dated November 21, 2018, in which it notified Nesheka N. Jessup (the "Respondent") of its intent to summarily suspend her license to practice pharmacy in Maryland, License No. 18182. Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

On December 19, 2018, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should not be issued. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that she comply with the terms and conditions set forth in this Consent Order.

FINDINGS OF FACT

1. The Respondent is a licensed pharmacist in the State of Maryland under License Number 18182. The Respondent was first licensed on November 14, 2006, and her license expires on September 30, 2020.

2. On June 15, 2018, the Board received information indicating that the Respondent voluntarily surrendered her license to practice pharmacy in North Carolina. A review of the North Carolina Board of Pharmacy's website showed that the Respondent's license, which was first issued on January 16, 2007, is currently inactive.

3. On May 24, 2018, the North Carolina Board of Pharmacy issued a Voluntary Surrender of Pharmacist License for Cause against the Respondent, which states that the Respondent "admits committing acts that give the North Carolina Board [of] Pharmacy sufficient cause to revoke [her] license." The Voluntary Surrender also states that the Respondent's license will remain surrendered for an unspecified time until the North Carolina Board of Pharmacy decides to issue an order of reinstatement.

4. The North Carolina Board of Pharmacy's investigative file revealed that the Respondent was terminated from the hospital pharmacy where she worked after appearing to be intoxicated during two meetings on May 16, 2018. Other hospital staff noted that the Respondent was slurring her speech, swaying as she walked, and falling asleep in the meetings. At the end of her shift, the Respondent took a breathalyzer test, which indicated a blood alcohol content above the legal limit. During an interview with the North Carolina Board of Pharmacy, the Respondent admitted to putting a shot of alcohol in her morning coffee on May 16 and admitted to "drinking more to maintain her sanity."

5. On November 21, 2018, the Board issued a Notice of Intent to Summarily Suspend License, notifying the Respondent of its intent to summarily suspend her license to practice pharmacy in Maryland, based on a finding that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

6. The Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on December 19, 2018, to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should not be issued.

7. At the Show Cause Hearing, the Respondent discussed some personal issues she was dealing with that contributed to increased alcohol consumption. The Respondent also stated that she had no intention to move to Maryland to practice pharmacy.

8. The Respondent also informed the Board that she had entered into an agreement with the North Carolina Physicians Health Program, a pharmacist rehabilitation program, which would include, among other things, a 90-day drug treatment program. The Respondent stated that she was not currently attending AA or a similar 12-step program, but that she was receiving individual counseling two or three times a week.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-313(b)(5)(i), (24), and (25), and COMAR 10.34.10.01B.

ORDER

Based on agreement of the parties, it is this 8th 15th DSN day of January, 2019, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's license to practice pharmacy in Maryland be

SUSPENDED until the North Carolina Board of Pharmacy reinstates her license to practice pharmacy in North Carolina; and be it further,

ORDERED that during her period of suspension, the Respondent shall comply with her agreement with the North Carolina Physicians Health Program, including any substance abuse treatment or monitoring, and shall comply with any and all terms and conditions placed on her by the North Carolina Board of Pharmacy; and be it further,

ORDERED that the Respondent may petition the Board to lift the suspension once her license to practice pharmacy in North Carolina has been reinstated, provided that the Respondent has fully complied with all of the conditions set forth herein during the suspension period; and be it further,

ORDERED that upon the Board's lifting of the suspension, the Respondent shall be placed on immediate PROBATION, with terms and conditions, including the duration of the probationary period, to be determined by the Board upon lifting the suspension; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,

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

ORDERED that in the event the Board finds in good faith that the Respondent has violated any of the terms or conditions of this Consent Order, the Board may impose further disciplinary action against the Respondent's license, including but not limited to revoking the respondent's license, provided that the Respondent is first given the opportunity for a hearing; and be it further,

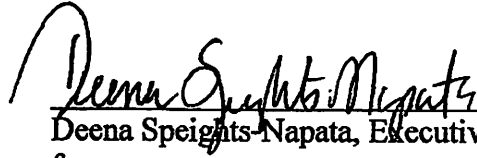
ORDERED that the Respondent shall bear all expenses associated with this Consent

Order; 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 Maryland Code Ann., General Provisions § 4-333(b).

1-3-19

Date

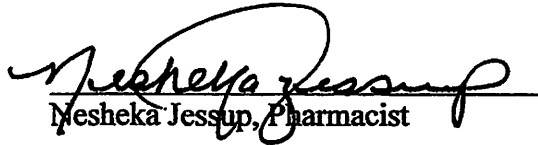


Deena Speights-Napata, Executive Director
for
Kevin Morgan, President
Maryland Board of Pharmacy

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 that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. 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.


01/15/2019
Date


Mesheka Jessup, Pharmacist

STATE OF Georgia
COUNTY/CITY OF Lawrenceville:

I hereby certify that on this 15TH day of January, 2019, before me, a Notary Public of the State and County/City aforesaid, personally appeared Mesheka Jessup and made an oath in due form that the foregoing Consent was her voluntary act and deed.

KAREN E SHOGREN
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMM. EXPIRES
04/28/2021


Notary Public
My commission expires: 4/28/21