

IN THE MATTER OF	*	BEFORE THE MARYLAND
JACKIE McCALL, JR., Pharm.D.	*	STATE BOARD OF
LICENSE NO. 21799	*	PHARMACY
Respondent	*	Case No. 15-045
* * *	* * *	* * *

**CONSENT ORDER TERMINATING
SUMMARY SUSPENSION**

Background

Based on information received and a subsequent investigation by the Maryland Board of Pharmacy (the “Board”), and subject to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2009 Repl. Vol.), and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated March 18, 2015, in which it summarily suspended the pharmacist’s license held by Jackie McCall, Jr., Pharm.D. (the “Respondent”). Specifically, the Board found reliable evidence demonstrated that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov’t §10-226(c)(2)(2009 Repl. Vol.).

On April 15, 2015, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in

Maryland. The Respondent was first licensed on August 2, 2013. The Respondent's license expires on November 30, 2016.

2. At all times relevant herein, the Respondent was employed as a pharmacist at a community pharmacy in Calvert County, Maryland ("Pharmacy A").

3. On or about October 15, 2014, the Board was notified by Pharmacy A that the Respondent had been terminated on September 9, 2014. The Respondent's termination occurred after Pharmacy A employees discovered that the Respondent had taken money from certain patients in exchange for filling the patients' fraudulent prescriptions.

4. An investigation conducted by Pharmacy A revealed that the Respondent had taken money and filled at least three fraudulent prescriptions, including fraudulent prescriptions for Oxycodone and Alprazolam, both controlled dangerous substances.

5. On or about August 21, 2014, a Calvert County Sheriff Department Detective originally informed Pharmacy A that the Respondent was involved with filling controlled dangerous substance prescriptions for two suspects under investigation for robbery.

6. During a September 5, 2014, interview with a Pharmacy A loss prevention investigator and the Sheriff's office, the Respondent admitted verbally and in writing that he had accepted \$150 to knowingly fill a fraudulent prescription for Xanax.

7. During a subsequent interview with the Pharmacy A loss prevention investigator, the Respondent admitted that he had knowingly filled fraudulent prescriptions for the two suspects who were involved in the Sheriff's ongoing robbery investigation in exchange for \$1,400.

8. The Respondent suffers from a gambling addiction, which motivated the Respondent's misconduct in order to obtain cash money.

9. The Respondent has been engaged in Gamblers Anonymous (GA) since September

2014 and attends meeting 1-2 times per week.

10. The Respondent attends weekly therapy sessions with an addictions counselor.
11. The Respondent is on the Voluntary Exclusion list for all Maryland, West Virginia and Delaware casinos.
12. The Respondent has no current pending criminal charges related to this matter.

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)(15), (21), and (25), and COMAR 10.34.10.01A(1) and B(3).

ORDER

Based on agreement of the parties, it is this 26th day of June, 2015, by an affirmative vote of the Board, hereby

ORDERED that the Order for Summary Suspension, dated March 18, 2015, is hereby **TERMINATED**; and be it further,

ORDERED that the Respondent's license be **SUSPENDED** for **SIXTY-FIVE (65)** days, effective March 18, 2015; and be it further,

ORDERED that upon completion of the suspension period, the Respondent's license shall be placed on immediate **PROBATION** for at least **FIVE (5) YEARS**, during which time the Respondent:

(1) Shall attend at least one (1) GA support group meeting per week and submit attendance slips to the Board on a monthly basis;

(2) Shall continue therapy with his addictions counselor at least once a week, and ensure

that the counselor submits monthly progress reports to the Board;

(3) May not practice in a pharmacy more than 40 hours per week;

(4) Shall disclose this Consent Order to his pharmacy employer(s) and cause the attached verification form to be executed and submitted to the Board prior to commencing employment with any pharmacy;

(5) Shall ensure that his pharmacist supervisor submits quarterly employer reports to the Board;

(6) Shall successfully complete six (6) continuing education credits in healthcare ethics within ninety (90) days of the date of this Order and submit proof of such completion; and

(7) May not own a pharmacy, in whole or in part, directly or indirectly, nor work for a pharmacy owned, in whole or in part, directly or indirectly, by a family member; and be it further,

ORDERED that the Respondent may petition the Board to modify the above conditions of probation after ONE (1) YEAR of probation provided that the Respondent has been fully compliant with the conditions and there are no pending complaints against the Respondent; and be it further,

ORDERED that the Respondent may petition the Board to terminate the probation after FIVE (5) YEARS of probation provided that the Respondent has been fully compliant with the conditions and there are no pending complaints against the Respondent; and be it further,

ORDERED that the Respondent's execution of this Consent Order shall constitute a release of any and all treatment records, including psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein. Further, the Respondent agrees and consents to the release by the Board of any information or data produced in relation to this Consent Order to any treatment provider; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and 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 the terms and a violation of this Consent Order; and be it further,

ORDERED that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of suspension herein, relapsed, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action against the Respondent, after notice and an opportunity for a hearing; and be it further,

ORDERED that the Respondent shall bear the expenses associated with this Order; and be it further,

ORDERED that this document constitutes a formal disciplinary action of the Maryland Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act., General Provisions Art. § 4-333.

Date 6/26/15

for Lenna Israbian-Jamgochian
Lenna Israbian-Jamgochian, Pharm.D.
President, Board of Pharmacy

CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order and its conditions.

1. 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 of fact and conclusions of law contained in this Consent Order.

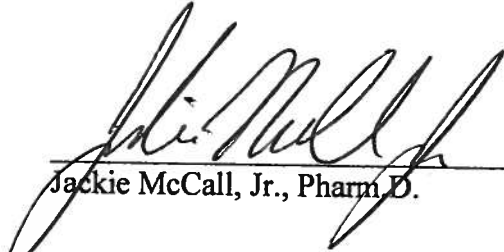
2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

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.

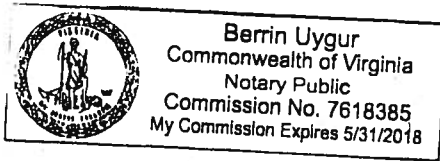
6-26-2015
Date



Jackie McCall, Jr., Pharm.D.

STATE OF MARYLAND
COUNTY/CITY OF Fairfax :

I hereby certify that on this 26 day of June, 2015, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared JACKIE McCALL, JR., and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Berrin Uygur

Notary Public

My commission expires: 05-31-2018