

IN THE MATTER OF	*	BEFORE THE MARYLAND
JESSICA R. McLAUGHLIN, Pharm.D.	*	STATE BOARD OF
LICENSE NO. 22852	*	PHARMACY
Respondent	*	Case No. 15-098
* * *	* * *	* * *

**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 June 24, 2015, in which it summarily suspended the pharmacist’s license held by Jessica R. McLaughlin, 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 July 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 September 25, 2014. The Respondent's license expires on September 30, 2016.

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

3. On or about May 1, 2015, the Board received information from Respondent's pharmacy employer, Pharmacy A, that the Respondent was terminated on March 3, 2015 for "employee pilferage". Specifically, the Respondent admitted to fraudulently filling prescriptions for herself and her husband.

4. According to information received from Pharmacy A, on or about March 2, 2015, the Regional Loss Prevention Manager received an email from the corporate ethics line regarding a possible prescription fraud observation made by a caller to the ethics line.

5. Pharmacy A conducted an internal investigation and determined via close caption television (CCTV) that the Respondent was fraudulently filling prescriptions for herself and her husband. The CCTV revealed that the Respondent would fill out the telephone prescription pad without being on the telephone with a prescriber. The Respondent would then fill the prescription and validate it before using the drive-thru register to ring herself up and complete the sale.

6. The Respondent admitted to fraudulently filling prescriptions for herself and her husband and confirmed the process by which she filled the prescriptions.

7. The Respondent filled prescriptions for a variety of medications, including two for

controlled dangerous substances (Tramadol¹ and Diazepam²).

8. The Respondent caused a total loss of \$518.83.

9. Pharmacy A filed criminal charges against the Respondent in the District Court of Maryland for Montgomery County (Case No. 5D00332456). The Respondent was charged with 21 separate counts relating to prescription fraud. A *nolle prosequi* was entered on all charges.

10. The Respondent is currently undergoing treatment for a mental health condition and is being medically managed.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-313(c)(2), (15), (21), and (25), and COMAR 10.34.10.01A(1) and B(3).

ORDER

Based on agreement of the parties, it is this 13th day of August, 2015, by an affirmative vote of the Board, hereby

ORDERED that the Order for Summary Suspension, dated June 24, 2015, is hereby TERMINATED; and be it further,

ORDERED that the Respondent's license be SUSPENDED for SIX (6) MONTHS, beginning June 24, 2015; and be it further,

ORDERED that 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

1 Tramadol is a narcotic-line pain reliever. It is a Schedule IV controlled dangerous substance.

2 Diazepam is a benzodiazepine and a Schedule IV controlled dangerous substance.

Board-approved evaluator; and be it further,

ORDERED that upon completion of the suspension period and an evaluation indicating that the Respondent is fit to practice safely, the Board shall place the Respondent's license on immediate PROBATION for at least THREE (3) YEARS 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 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.

8/13/15
Date

Mitra G. Gaugani
for Mitra Gavgani, 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.

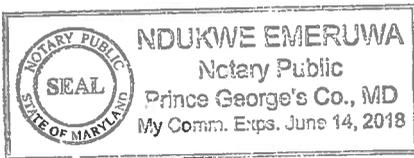
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

Aug 4, 2015
Date

Jessica R McLaughlin
Jessica R. McLaughlin, Pharm.D.

STATE OF MARYLAND
COUNTY/CITY OF MONTCOMERY

I hereby certify that on this 4th day of AUGUST, 2015, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared JESSICA R. McLAUGHLIN, and made an oath in due form that the foregoing Consent was her voluntary act and deed.



08/04/2015

Ndukwe Emeruwa
Notary Public
My commission expires: 06/14/2018