

THE MATTER OF	*	BEFORE THE
ELIZABETH OKANG, P.D.	*	STATE BOARD
Respondent	*	OF PHARMACY
License No.: 12578	*	Case Nos. PI-14-062 & 15-041

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Code. Ann., Health Occupations ("Health Occ."). §§ 12-101, *et seq.*, (2014 Repl. Vol. and 2018 Supp.) (the "Act"), on January 16, 2019, the Board issued Charges against the pharmacist license of **Elizabeth Okang, P.D., License No. 12578** (the "Respondent"). On April 10, 2019, a Case Resolution Conference was held with the Respondent, who was represented by Counsel, members of the Board, along with Board Counsel, and the Administrative Prosecutor, in order to determine whether the matter could be resolved. As a result, the following settlement was reached.

The Board charged the Respondent with the following provisions of the Act:

Health Occ. §12-313.

(b) 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 pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(8) Willfully fails to file or record any report that is required by law;

(25) Violates any rule or regulation adopted by the Board [;].

The Board also charged the Respondent with violating its Pharmacist, Pharmacy Intern and Pharmacy Technician Code of Conduct, COMAR § 10.34.10:

- B. A pharmacist may not:
- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
 - (3) Engage in unprofessional conduct [;].

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first issued a Maryland pharmacist license on October 16, 1991. The Respondent's license expires on August 31, 2020.

2. At all times relevant herein, the Respondent was the owner and principal pharmacist at a retail pharmacy in Dundalk, Baltimore County, Maryland, hereinafter, the "Pharmacy"¹.

3. On June 10, 2010, Diversion Investigators from the Federal Drug Enforcement Administration (DEA), along with Members of the Office of Controlled Substances Administration,² executed an Administrative Inspection Warrant at the Pharmacy.

4. As a result of that seizure of records and material, and the subsequent investigation, the DEA, through the United States Attorney's Office for the District of Maryland, and the Respondent entered into a Settlement Agreement, which stated, *inter alia*:

¹ Names of individuals and facilities are confidential.

² Formerly the Maryland Division of Drug Control.

- A. The Pharmacy was registered with the DEA to dispense Controlled Dangerous Substances (CDS) and was required to be operated in accordance with statutory and regulatory provisions of the Controlled Substances Act, 21 USC 801 *et seq.*³;
- B. As a result of DEA's investigation, the United States contends that the [Respondent] committed multiple violations of the following record-keeping and reporting provisions of the CSA including:
 - (1) Between January 2, 2009 and May 31, 2011, dispensing Schedule II prescriptions for other than a legitimate medical purpose in violation of a pharmacist's corresponding responsibility to ensure such prescriptions were issued for a legitimate medical purpose;
 - (2) Failing to properly record the date of receipt of Schedule III-V substances between January 2, 2009 and June 15, 2010;
- C. The parties agreed to resolve the issues by the [Respondent] paying to the United States the sum of \$50,000 within 10 days of the effective date of the settlement agreement.

5. The Settlement agreement was signed on August 6, 2013 by the Respondent and August 9, 2013 by the Assistant United States Attorney.

³ The Respondent closed the Pharmacy on June 18, 2013.

6. As set forth above, by dispensing Schedule II prescriptions for other than a legitimate medical purpose in violation of a pharmacist's corresponding responsibility to do so, the Respondent violated COMAR § 10.34.10: B. ("A pharmacist may not: (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; (3) Engage in unprofessional conduct [;]").

7. As set forth above, by failing to properly record the date of receipt of Schedule III-V substances between January 2, 2009 and June 15, 2010, the Respondent violated §12-213 (b) (8) and (25) of the Act, respectively, (Willfully fails to file or record any report that is required by law); (Violates any rule or regulation adopted by the Board); as well as COMAR § 10.34.10: B. A pharmacist may not: (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; (3) Engage in unprofessional conduct [;].

8. As set forth above, the Respondent violated §§ 12-313 (b) (8) and (25) of the Act, and COMAR § 10.34.10: B (1) and (3).

CONCLUSIONS OF LAW

9. Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §§ violated §§ 12-313 (b) (8) and (25) of the Act, and COMAR § 10.34.10: B (1) and (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 23rd day of September 2019, by a majority of a quorum of the

Board,

ORDERED that the Respondent be placed on two years Probation, subject to the following conditions:

- A. Within the first three months of Probation, the Respondent shall take and pass a Board-pre-approved ethics course which would not count towards the CEUs needed for the next licensing renewal period;
- B. The Respondent shall take and pass the Maryland Jurisprudence Pharmacy Examination by the end of the first year of Probation and provide documentation to the Board thereof;
- C. The Respondent shall provide her pharmacy employer a copy of this Order and ensure that her pharmacist supervisor submit to the Board status reports on a quarterly basis throughout the probationary period;
- D. The Respondent shall pay a charitable donation of Five Thousand Dollars (\$5,000.00) to a non-profit drug abuse prevention or treatment program/organization, with proof of payment sent to the Board by the end of the probationary period;
- E. The Respondent may petition for termination of Probation after one year of Probation provided that she has fully complied with the terms of the Order and there are no outstanding complaints against her.
- F. The Respondent shall bear the costs of compliance with the Order.

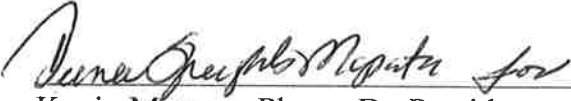
ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, should the Board receive information that the Respondent has violated the Act or, if the Respondent violates any conditions of this Order or of Probation,

after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that, for purposes of public disclosure, as permitted by Md. Code Ann., General Provisions §§ 4-101, *et seq.* (Vol. 2014 and 2018 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.


Kevin Morgan, Pharm.D., President
State Board of Pharmacy

CONSENT OF ELIZABETH OKANG, P.D.

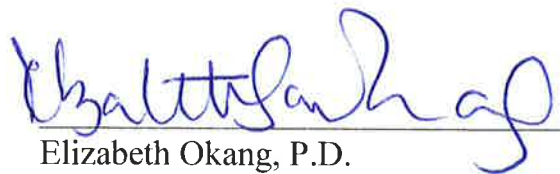
I, **ELIZABETH OKANG, P.D.**, acknowledge that I am represented by counsel, Brian R. Bregman, Esquire, and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

9/17/2019

Date


Elizabeth Okang, P.D.

STATE OF MARYLAND :

CITY/COUNTY OF Prince George's :

I HEREBY CERTIFY that on this 17th day of September 2019, before me, JOHN BASCIETTO, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared **Elizabeth Okang, P.D., License No. 12578**, 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.

John J. Basciello
Notary Public

My Commission Expires: 02-22-2023

