

IN THE MATTER OF
FRANCISCA ONOBOBI, R.Ph.
LICENSE NO. 18666

Respondent

BEFORE THE MARYLAND
STATE BOARD OF
PHARMACY

Case No. 16-001

* * * * *

**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 October 5, 2015, in which it summarily suspended the pharmacist's license held by Francisca Onobobi, R.Ph. (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 December 16, 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 April 2, 2008. The Respondent's license expired on October 31, 2015.

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

3. On or about March 25, 2015, the Board received notice from Pharmacy A indicating that Pharmacy A had discovered a theft or loss of a controlled dangerous substance (CDS) on March 10, 2015.

4. Specifically, Pharmacy A's internal investigation revealed the following:

a. An "ethics line" call was received by an investigator working for Pharmacy A alleging that, in January 2015, the Respondent had filled a family member's prescription, rang it up herself, and picked it up herself.

b. Pharmacy A's records showed that the Respondent purchased Adderall, a Schedule II controlled dangerous substance, on or about January 21, 2015. Video footage shows that the Respondent completed the transaction herself at the register and then asked the pharmacy technician to hand her the receipt.

c. The prescription medication purchased by the Respondent was for Adderall XR 25 mg, quantity 90. The prescription was a handwritten "telephone order prescription" by the Respondent on December 3, 2014. Pharmacy A never received a hard copy for the prescription as required by both federal and state law.

5. Although the Respondent contends that the prescription was originally requested from the prescriber telephonically on December 3, 2014, due to emergency circumstances related to the family member, those circumstances ceased to exist on January 21, 2015, when the Respondent finally dispensed and picked up the medication on the family member's behalf.

Thus, without the emergency conditions at issue, a quantity of 90 Adderall was not necessarily appropriate, and may not have been authorized by the prescriber.

6. In addition, the above prescription medication was returned to stock 14 days after filling since it had not been picked up, thus cancelling any emergency oral prescription authorization. In order to dispense the Adderall prescription after it was returned to stock, the Respondent was required to obtain a new hard copy prescription from the prescriber in the normal course, which was not done.

7. The Respondent was terminated from Pharmacy A on or about March 13, 2015, for not following company policy.

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) and (25), COMAR 10.34.10.01A(1) and B(1) and COMAR 10.19.03.08A(4)(d).

ORDER

Based on agreement of the parties, it is this 9th day of February 2016, by an affirmative vote of the Board, hereby

ORDERED that the Order for Summary Suspension, dated October 5, 2015, is hereby **TERMINATED**; and be it further,

ORDERED that the Respondent's license be **SUSPENDED** for the period already served during the summary suspension of the Respondent's license; and be it further,

ORDERED that, provided the Respondent comply with all licensure reinstatement requirements at COMAR 10.34.13, the Respondent's license shall be placed on immediate

PROBATION for at least TWO (2) YEARS, during which time the Respondent:

(1) May not fill or dispense prescriptions for controlled dangerous substances to the Respondent's family members;

(2) Shall successfully complete three (3) continuing education credits in healthcare ethics within six (6) months of the date of this Order and submit proof of such completion to the Board;

(3) Shall successfully complete three (3) continuing education credits in controlled dangerous substance regulation within six (6) months of the date of this Order and submit proof of such completion to the Board; and,

(4) Abide by all other applicable laws governing pharmacy practice and the dispensing of controlled dangerous substances; and be it further,

ORDERED that the Respondent may petition the Board to terminate the probation after TWO (2) 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 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 of probation 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 herein, 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.

2/9/16
Date

Mitra Gavgani
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.

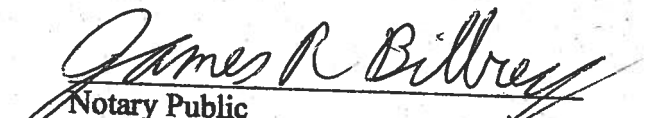
1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order.
2. I acknowledge the validity of this Consent Order as if it were 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.

1/22/2016
Date

Francisca Onobobi
Francisca Onobobi, R.Ph.

STATE OF MARYLAND
COUNTY/CITY OF Howard:

I hereby certify that on this 22nd day of January, 2016, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared FRANCISCA ONOBOBI and made an oath in due form that the foregoing Consent was her voluntary act and deed.


Notary Public
My commission expires: Sept 27, 2019