

IN THE MATTER OF

*** BEFORE THE**

SUN PARK, R.PH.

*** MARYLAND BOARD**

Respondent

*** OF PHARMACY**

License No. 10586

*** Case No.: 23-419**

*** * * * ***

CONSENT ORDER

PROCEDURAL 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.*, 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 20, 2023, in which it summarily suspended the pharmacist license held by Sun Park, 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).

In response to the Board's Order for Summary Suspension, the Respondent, represented by counsel, requested that the Board hold a Pre-Charge Case Resolution Conference in lieu of a Post-Deprivation Show Cause Hearing.

The Pre-Charge Case Resolution Conference was held remotely on March 13, 2024, before a Panel of members of the Board. In lieu of the continuance of the Order for Summary Suspension and the issuance of charges, the Respondent agreed to resolve this matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. At all times relevant, the Respondent was licensed to practice as a pharmacist in the State of Maryland. The Respondent was originally licensed to practice in Maryland on or about July 31, 1985. The Respondent's license is active and is set to expire on September 30, 2024.

2. At all times relevant, the Respondent was employed as a pharmacist at a national chain pharmacy ("the Pharmacy")¹ location ("Store 1") in Ellicott City, Maryland.

3. On or about May 18, 2023, the Pharmacy notified the Board that one of its pharmacists, the Respondent, signed a written statement in which she admitted to filling phentermine² prescriptions for herself without a prescription.

4. In response, the Board initiated an investigation of the Respondent under Case Number 23-419. As part of its investigation, the Board obtained and reviewed, *inter alia*, documents from the Pharmacy's internal investigation.

5. The Pharmacy initiated an internal investigation in April 2023 after an employee flagged several prescriptions for phentermine from Store 1 and connected to the RX Manager of Store 1, the Respondent, as potentially fraudulent.

6. The Pharmacy's electronic record system revealed seven phentermine prescriptions dating back to July 2022 under Patient Profile 1 listed as phoned in by one

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. The Respondent has been provided with the names of all individuals referenced in this document.

² Phentermine, a Schedule IV controlled substance, is a sympathomimetic medication (sympathetic nervous system stimulant) prescribed for weight-management.

specific prescriber (“Dr. L.K.”) and processed by the Respondent, as well as several additional phentermine prescriptions with similar characteristics, also ostensibly prescribed by Dr. L.K., under Patient Profile 2.

7. The Pharmacy’s purchase/payment tender records link the Respondent to the purchase of several of the fraudulent prescriptions from both patient profiles.

8. Video footage from Store 1’s security cameras shows the Respondent paying for one of the fraudulent phentermine prescriptions in April 2023 without any patient present at the register and taking it from the store.

9. In May 2023, a representative of the Pharmacy met with Dr. L.K., the prescriber listed for the phentermine prescriptions under investigation. Dr. L.K. stated that she does not phone in prescriptions, she has not prescribed phentermine, and that neither of the patients listed in the two patient profiles were her patients.

10. On May 16, 2023, the Pharmacy’s Senior Manager of Investigations interviewed the Respondent. During this interview, the Respondent admitted to entering fraudulent prescriptions for phentermine as prescriptions for her sister (listed as the patient in Patient Profile 1) and sister-in-law (listed as the patient in Patient Profile 2) phoned in by prescriber Dr. L.K., running the fraudulent prescriptions through a prescription savings plan, paying for the prescriptions, and taking them for her own personal use. The Respondent explained that she once had a valid prescription for phentermine for weight loss and believes that she became addicted to it for its energy-increasing effects.

11. During the interview, the Respondent also wrote and signed a two-page statement admitting to the above-described misconduct. As part of her written statement, the Respondent provided, *inter alia*, “I been filling phentermine prescription under my sister + sister in law without doctor prescription. . . . I been getting phentermine without legal doctor prescription. . . . I know it is wrong I been filling as called in Rx + been filling under my sister (which she knows) + my sister in law (she not aware of) + using [Dr. L.K.] as doctor which I know from school and using discount card to process + pay for it myself.”

12. At the conclusion of the interview, the Pharmacy placed the Respondent on suspension and referred the matter to the Howard County Police Department.

13. On or about October 6, 2023, the Respondent was criminally charged in case number D-101-CR-23-002292 in the District Court of Maryland for Howard County for unlawfully obtaining phentermine by forging prescriptions, using a false name, and/or making a false prescription.

14. On December 5, 2023, the Respondent pled guilty to three counts of unlawfully obtaining a controlled substance and was granted probation before judgment. The Court ordered the Respondent to complete a one-year term of probation, which is to be unsupervised after the completion of 80 hours of community service.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board concludes that the Respondent is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-313(b)(2), (7), (15), and (25), Health Gen. § 21-220, COMAR 10.34.10.01A(1) and B(2), and COMAR 10.19.03.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by a majority of vote of the Board, it is hereby:

ORDERED that the Order of Summary Suspension, dated October 20, 2023, was properly issued; and be it further,

ORDERED that the public health and safety is not at risk by the Respondent provided that the Respondent fully complies with terms and conditions set forth herein; and be it further,

ORDERED that, upon execution of this Consent Order, the summary suspension imposed in the Board's Order for Summary Suspension, dated October 20, 2023, is hereby **LIFTED**; and be it further,

ORDERED that the Respondent's license shall be placed on **SUSPENSION**, effective October 20, 2023, for at least **ONE (1) YEAR**, during which time the Respondent:

1. Shall submit to a substance use evaluation with Pharmacy Rehabilitation Services ("PRS") or another Board-approved evaluator within thirty (30) days of this Order;

2. Shall, *if the Board-approved evaluator recommends treatment*, promptly enter into, and fully comply with, a rehabilitation contract with PRS, during which time the Respondent;
 - a. Shall ensure PRS submits monthly progress reports to the Board regarding the Respondent's compliance with the PRS contract;
 - b. Shall execute any and all releases necessary to allow PRS and the Board to access medical and treatment information for purposes of monitoring and enforcement of this Order and the PRS contract;
 - c. Shall comply with any and all treatment and monitoring conditions imposed as part of the PRS contract, including participating in group and/or individual therapy sessions, submitting to urinalysis screening, and abstaining from the use of controlled dangerous substances and all other mood-altering substances, unless PRS is provided sufficient written documentation from the Respondent's healthcare provider regarding medical necessity; and be it further

ORDERED that the Respondent may petition the Board to modify the terms of suspension after SIX (6) months provided that the Respondent has been fully compliant with all terms, and that any such modification shall relate to the monitoring terms under this Order only; and be it further,

ORDERED that the Respondent may petition to lift the suspension of her license after ONE (1) YEAR, commencing October 20, 2023, provided that the Respondent has

fully complied with all conditions of this Order, and the Respondent does not have any pending complaints against her; and be it further,

ORDERED that in the event that the Board lifts the suspension of the Respondent's license, the Board shall place the Respondent's license on immediate PROBATION for a period of ONE (1) YEAR, with terms and conditions to be determined at the time; and be it further,

ORDERED that the Respondent shall bear all costs for compliance with the terms of this Order; and be it further,

ORDERED that the Respondent shall at all times fully cooperate with the Board in its monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this 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 suspension and a violation of this 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, 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, to include summary suspension, against the Respondent's license, provided that the Respondent is given notice and an opportunity for a hearing; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Prov. Art., §4-333.

4-22-24

Date



Deena Speights-Napata, M.A.
Executive Director

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 and 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.

4/19/2024

Date



Sun Park

NOTARY

STATE OF Maryland
CITY/COUNTY OF Howard

I hereby certify that on this 19th day of April, 2024, before me, a Notary Public of the State of Maryland and City/County aforesaid, personally appeared SUN PARK and made an oath in due form that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

SARAH M. LEGROS
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND
MY COMMISSION EXP. AUGUST 28, 2027


Notary Public
My commission Expires: 08/28/27