

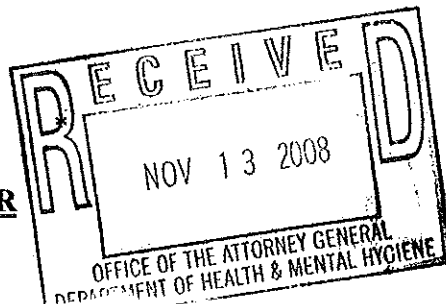
IN THE MATTER
OF
DEVON SCHLIEPER
License No. 17864

BEFORE THE
MARYLAND BOARD
OF PHARMACY

* * * * *

PRE-CHARGE CONSENT ORDER

Background



On May 8, 2007, the Maryland Board of Pharmacy (the "Board") received notice from the Division of Drug Control that during its inspection of Kmart Pharmacy #3172, it was informed that the Respondent, Devon Schlieper, had been terminated by Kmart for misappropriation of prescription drugs. As a result, the Board conducted an investigation into the matter which confirmed that the Respondent had been terminated by Kmart Pharmacy on February 27, 2007, for diverting controlled dangerous substances.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Respondent on September 3, 2008. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On February 27, 2007, the Respondent was terminated from Kmart Pharmacy for misappropriation of prescription drugs, namely phentermine. No criminal proceedings resulted from the Respondent's termination.

2. Upon termination, the Respondent called the Board with the intent to notify the Board of substance abuse issues. The Respondent was referred to the Pharmacists Education and Advocacy Council ("PEAC").
3. In lieu of contracting with PEAC, the Respondent engaged in substance abuse therapy with Rita Gallagher, LCPC, until May 2007, during which time she voluntarily ceased practice. The Respondent's therapy included random urine screenings.
4. The Respondent is currently under treatment with a neurologist who manages her medications.
5. The Respondent is currently the Pharmacy Manager at a community pharmacy, and has been employed at this pharmacy since May 2007. The Respondent submitted an employer reference documenting her performance at this pharmacy over the last year.
6. The Respondent's employer pharmacy has been subject to three (3) inventories over the last year, and an inspection by the Division of Drug Control in September 2007. There were no relevant deficiencies noted.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-313(b) (15) and (25), and COMAR 10.34.10.01A and B.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 5th day of November, 2008, hereby:

ORDERED that Ms. Schlieper's license to practice pharmacy shall be SUSPENDED for one (1) year, ALL OF WHICH IS STAYED; and be it further,

ORDERED that Ms. Schlieper shall be placed on immediate PROBATION for a minimum of ONE (1) YEAR, subject to the following terms:

(1) Ms. Schlieper shall be subject to bi-weekly random, Board-ordered urine screens at a CLIA-certified laboratory;

(2) Ms. Schlieper shall immediately participate in monthly individual therapy sessions focusing on substance abuse and relapse prevention, and fully cooperate with the recommendations of the therapist;

(3) Ms. Schlieper shall insure that the therapist submits quarterly progress reports to be Board;

(4) Within ninety (90) days of the date of this Order, Ms. Schlieper shall submit an anonymous article for possible publication in the Board's newsletter regarding personal and professional consequences of drug diversion; and be it further,

ORDERED that Ms. Schlieper's execution of this Consent Order shall constitute a release of any and all medical health related records, substance abuse treatment records, and psychological/psychiatric records pertaining to Ms. Schlieper to the Board in complying with the terms and conditions set forth herein; and be it further,

ORDERED that after one (1) year of probation, Ms. Schlieper may petition the Board to terminate probation provided that she has fully complied with the terms of probation and does not have any pending complaints filed against her; and be it further,


ORDERED that Ms. Schlieper shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Ms. Schlieper's compliance with the terms and conditions of this Consent Order; and be it further,

ORDERED that in the event that Ms. Schlieper fails to fully cooperate with the Board, violates any condition of probation, or if the Board receives credible evidence that Ms. Schlieper has relapsed, Ms. Schlieper shall be immediately summarily suspended with an opportunity for a post-deprivation show cause hearing; and be it further,

ORDERED that Ms. Schlieper shall be responsible for all costs associated with this Consent Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617 (h).

11/19/08
Date


David Chason, P.D.
Secretary, Board of Pharmacy

CONSENT

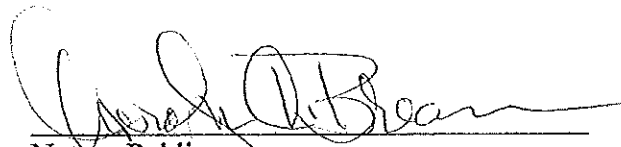
1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have 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 law.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understanding the language, meaning, and effect of this Consent Order.

11/05/2008
Date


Devon Schlieper

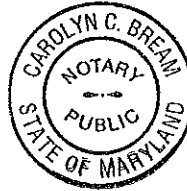
STATE OF MARYLAND
COUNTY/CITY OF Frederick :

I hereby certify that on this 5th day of Nov.,
2008, before me, a Notary Public of the State of Maryland and County/city aforesaid,
personally appeared DEVON SCHLIEPER and made an oath in due form that the
foregoing Consent was her voluntary act and deed.



Notary Public

My commission expires: 12/10/11



CAROLYN C. BREAM
Notary Public, State of Maryland
County of Frederick
My Commission Expires 12/10/2011