

IN THE MATTER OF * BEFORE THE
MESSELU SEIFU, P.D. * MARYLAND BOARD
LICENSE NO. 9709 * OF PHARMACY
* * * * *

FINAL ORDER

BACKGROUND

Based upon information received concerning the pharmacy practice of MESSELU SEIFU, P.D. ("Respondent"), the Maryland Board of Pharmacy ("Board") charged Respondent on June 11, 1993 with violation of Md. Health Occupations Code Ann. §12-313(b)(2), (6), (14), (15) and (20). Subject to the hearing provisions of §12-315, the Board may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- (2) Fraudulently or deceptively uses a license;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;
- (15) Except as provided in §12-511 of [Title 12], unless any authorized prescriber authorizes the refill in the original prescription or by oral order, refills a prescription for any drug for which a prescription is required; or
- (20) Is professionally, physically, or mentally incompetent.

The Respondent attended a prehearing conference on September 22, 1993. A hearing was held on December 15, 1993 and February 16, 1994 before a quorum of the Board. The Respondent and her

attorney, Barbara Graham, Esq., the Administrative Prosecutor, Roberta Gill, Assistant Attorney General and the Counsel for the Board, Nancy P. Tennis, Assistant Attorney General were in attendance at both sessions of the hearing.

FINDINGS OF FACT

1. At all times relevant hereto, Respondent was licensed to practice pharmacy in the State of Maryland. During the time relevant to the charges against her, the Respondent was employed at People's Drug Store, located in Rockville, Maryland.

2. On November 20, 1990, a pediatric kidney transplant patient named Jennifer was treated at the Department of Nephrology at Children's National Medical Center during an ambulatory follow-up visit. At that visit, her physician changed her medication from prednisone to a less potent steroid called Medrol (the generic name for which is methylprednisolone). As she testified at the hearing before the Board, Jennifer's mother (Sherry W.) received a written prescription for Medrol at the clinic and took it to the People's Pharmacy in Rockville. The prescription authorized only two refills of Medrol.

3. At the pharmacy, Respondent incorrectly filled the prescription with Dexone (the generic name for which is dexamethasone), a longer-acting steroid that is four to five times stronger than Medrol.

4. Respondent's error was entered into the People's computer and, over the course of the next ten months, Respondent

and other pharmacists at People's refilled the erroneous prescription and dispensed dexamethasone to Jennifer on numerous (more than two) occasions.

5. The side effects that are associated with an excessive dosage of steroids include the development of cataracts, weight gain, irreversible striae, mood elevation and depression. Jennifer suffered from these side effects over the ten month period that she took the Dexone.

6. On August 19, 1991, Jennifer's mother discovered Respondent's error and informed Jennifer's doctor, Edward Ruley, M.D. Dr. Ruley called People's to find out why Dexone was substituted for Medrol. Respondent looked up the original prescription for Dr. Ruley and told him that it specified Medrol and had his signature on it. When Dr. Ruley asked the Respondent why she had dispensed dexamethasone instead of Medrol, she said that Dexone was the generic equivalent of Medrol. Dr. Ruley informed her that it was not and that there was a problem.

7. Subsequently, Mrs. White requested the original prescription from People's. Instead of providing the prescription, the Respondent told Mrs. W. that the prescription had been called into the pharmacy by the doctor's office and that there was no original written prescription.

8. On September 5, 1991, the management of People's Drug Store confronted Respondent about the substitution of Dexone for Medrol. She initially claimed that the doctor's office had called in Dexone as reflected on the call-in prescription form

that she had placed in People's records. After representatives of People's confronted her with the fact that the stick-on price label on the call-in form appeared to have been removed from the original form and reapplied to the call-in form, she admitted that she had incorrectly substituted Dexone for Medrol but had attempted to cover up her error by writing "Dexone-4 mg" on a call-in prescription form. She then destroyed the original prescription for Medrol and substituted the call-in prescription in People's prescription files. Her employment at People's was immediately terminated.

9. In addition to her error in dispensing Dexone to Jennifer and her falsification and destruction of records in connection with that error, Respondent committed several other dispensing errors while employed at People's.

(a) On October 17, 1990, she incorrectly filled prescription no. 464194 by dispensing sixty 20 mg. tablets of kerlone instead of the sixty 10 mg. tablets that was prescribed.

(b) On May 14, 1991, she incorrectly filled a prescription for orasone 1 mg. by dispensing prednisone 5 mg.

(c) On January 1, 1991, she incorrectly filled prescription no. 464061 by giving only 60 tablets of nitro-bid plateau 9 mg. when 100 tablets had been prescribed.

(d) On November 30, 1990, she incorrectly labelled a bottle of 300 mg tablets of Lopid as 600 mg. tablets.

10. During her testimony before the Board, the Respondent did not deny having committed these prescription errors and, in

fact, admitted to committing other errors including several that were not covered by the charging document in this case.

11. The Respondent should have known that Dexone is not recommended for the type of therapy that Jennifer, a pediatric patient, was receiving. Moreover, the Respondent should have known that Dexone, a more powerful and longer acting steroid than Medrol, is not a generic equivalent of Medrol. The Board, which is primarily composed of licensed pharmacists, uses its experience, technical competence and specialized knowledge to find that the Respondent's actions in dispensing Dexone instead of Medrol demonstrates the Respondent's professional incompetence. See Md. State Government Article, Code Ann., §10-208(h).

12. As testified to by the State's expert and as acknowledged by the Respondent's expert, a pharmacist who dispenses Dexone when the physician prescribed Medrol and then destroys an original prescription to cover up that error is professionally incompetent.

13. The other errors described above in paragraph 9 also support a finding that the Respondent is professionally incompetent.

14. The destruction of an original prescription and the creation and filing of a substitute call-in record listing a medication that was not prescribed by the doctor constitutes the filing of a false record in the practice of pharmacy.

15. Because of her licensure as a pharmacist, Respondent had access to People's prescription file. In this respect, she

used her license as a pharmacist in a fraudulent manner by altering prescription records in the People's files.

16. By dispensing Dexone instead of the Medrol that Dr. Ruley prescribed, Respondent dispensed a prescription drug without authorization.

17. By dispensing Dexone on refills when the original prescription was for Medrol, Respondent refilled a prescription drug without authorization.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. The Respondent violated Md. Health Occupations Article, Code Ann., §12-315(b)(2) ("fraudulently or deceptively uses a license.").

2. The Respondent violated Md. Health Occupations Article, Code Ann., §12-315(b)(6) ("willfully makes or files a false report or record as part of practicing pharmacy.").

3. The Respondent violated Md. Health Occupations Article, Code Ann., §12-315(b)(14) ("without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required").

4. The Respondent violated Md. Health Occupations Article, Code Ann., §12-315(b)(15) ("Except as provided in §12-511 of [Title 12], unless any authorized prescriber authorizes the

refill in the original prescription or by oral order, refills a prescription for any drug for which a prescription is required").

5. The Respondent violated Md. Health Occupations Article, Code Ann., §12-315(b)(20) ("is professionally, physically, or mentally incompetent").


ORDER

IT IS HEREBY ORDERED on the 16th day of March, 1994 by a majority of a quorum of the Board that the license to practice pharmacy in Maryland of MESSELU SEIFU, P.D. is hereby **SUSPENDED**, and be it further

ORDERED that after a period of six months, and if the Respondent is able to demonstrate that she has successfully completed a college level ethics course, the Respondent may petition the Board to consider the reinstatement of her license, and be it further

ORDERED that Respondent pay a FINE of one thousand dollars (\$1000.00) to the General Fund of the State of Maryland.

3/16/94
Dated



Steven Cohen, P.D.
Board President

NOTICE OF RIGHT TO APPEAL

The Respondent may appeal this Order under the provisions of

Md. Health Occupations Article, Code Ann. §12-316 by taking a direct judicial appeal pursuant to Md. State Government Article, Code Ann. §10-215.