

IN THE MATTER OF

*

BEFORE THE

CAMIE SMITH, P.D.

*

STATE

LICENSE NO. 06131

*

BOARD OF PHARMACY

Respondent

*

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Health Occupations Article, Title 12, Annotated Code of Maryland (the "Act"), the Board charged Camie Smith, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 12-313:

(b) In general--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, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(24) Violates any rule or regulation adopted by the Board.

The Board also charges the Respondent with a violation of the Code of Maryland Regulations, COMAR 10.34.18.02, Continuing Education for Pharmacists:

.02 A. A pharmacist licensed to practice in Maryland applying for renewal shall earn 30 hours of approved continuing pharmaceutical education within the 2-year period immediately proceeding the licensee's renewal application.

B. A pharmacist shall attest to the fact that the pharmacist has completed the continuing pharmaceutical education requirement on a verified form. The licensee shall retain supporting documents for inspection by the Board for four (4) years after the date of renewal for which the continuing education credits were used.

C. The continuing pharmaceutical education requirement shall apply to all renewal applications subsequent to the first renewal.

.08 D. Notwithstanding §C of this regulation, all odd-numbered pharmacist licenses shall expire on the last day of the pharmacist's birth month in 1999, prior to which date the pharmacist shall file a renewal application, shall pay any applicable fee, and shall have earned continuing education credits required by §E of this regulation.

E. A pharmacist whose license is due for renewal in 1998 or 1999 in accordance with §B or §D of this regulation shall earn continuing education credits on or before the last date of the pharmacist's birth month as follows:

(1)	January 31	-	20 credits;
(2)	February 28	-	21.25 credits;
(3)	March 31	-	22.5 credits;
(4)	April 30	-	23.75 credits;
(5)	May 31	-	25 credits;
(6)	June 30	-	26.25 credits;
(7)	July 31	-	27.5 credits;
(8)	August 31	-	28.75 credits;
(9)	September 30	-	30 credits;
(10)	October 31	-	31.25 credits;
(11)	November 30	-	32.5 credits; or
(12)	December 31	-	33.75 credits.

In addition, §12-301 of the Act requires that an individual shall be licensed by the Board before that individual practices pharmacy in this State.

§12-701 states that a person may not practice, attempt to practice, or offer to practice pharmacy in this State unless licensed by the Board.

The Respondent was given notice of the issues of the Charges by a letter dated June 23, 2000. Accordingly, a Case Resolution Conference was canceled to allow the Respondent's attorney, Douglas Gottron, and the Administrative Prosecutor, Roberta Gill, to work out a settlement agreement.

Subsequently, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. The Respondent was first licensed to practice pharmacy in the State of Maryland on June 30, 1961. The Respondent's license expires on October 31, 2001.

2. At all times relevant hereto, the Respondent was employed at the University of Maryland, School of Medicine in Baltimore City, as a research associate, a non-tenured faculty position.

3. Because the Respondent was born in October, due to the Board's new renewal regulations which require that a licensee renew during his/her birth month, the Respondent's license expired in October, 1999, and she was required to obtain 31.25 Continuing Educations Units (CEUs) for renewal.

4. Because the Respondent had not obtained the requisite amount of CEUs for her 1997 renewal period, she was placed on the "alert" list, which necessitated that she provide her continuing education certificates for review.

5. For the 1999 renewal period, all CEUs had to have been obtained

between October 1, 1997 and October 31, 1999. On November 24, 1999, the Board received the Respondent's completed renewal application and attached certificates. The Respondent had indicated on her CEU record that two courses were earned on October 25, 1997. Examination of the certificates, however, revealed that the credits were earned on August 25, 1997, outside of the renewal period. Thus, the Respondent had actually obtained only 28 CEUs for the renewal period.

6. By letter dated November 29, 1999, the Board notified the Respondent of the deficit in CEUs and further notified her that, because of the lack of the necessary CEUs, her renewal license would not be issued and she was not authorized to practice pharmacy in the State of Maryland. On December 8, 1999, the Respondent submitted an additional 3.5 hours of CEUs and her license was issued.

7. In 1995, the Board investigated the Respondent for violation of the CEU regulations for the renewal period of October 1, 1993 to September 30, 1995 renewal period. The matter was resolved informally and her name was placed on the renewal alert list.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-313(b) (1) and (24). The Board further finds that the Respondent violated COMAR 10.34.18.02.02B and C, .08 D and E. The Board further finds that the Respondent violated §§ 12-301 and 701 of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 20 day of SEPTEMBER, 2000, by a majority of a quorum of the Board,

ORDERED that the Respondent be REPRIMANDED; and be it further

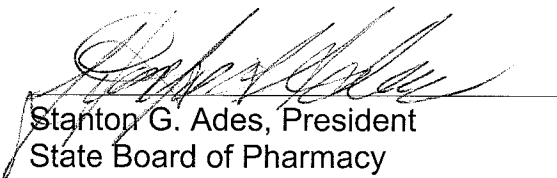
ORDERED that the Respondent shall attend and successfully complete an ethics class pre-approved by the Board, within one year of the date that this Order is signed by the Board. The Respondent shall document to the Board the successful completion of said course.

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

ORDERED that should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order, 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 shall be on the Respondent to demonstrate compliance with the Order or conditions.

ORDERED that for purposes of public disclosure, as permitted by §10-617(h) State Government Article, Annotated Code of Maryland, this document consists of the contents

of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board will forward a copy of this Order to any National Reporting/Databank service that it is required to report to.



Stanton G. Ades, President
State Board of Pharmacy

CONSENT OF CAMIE SMITH, P.D.

I, Camie Smith, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Douglas Gottron, and have been advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of § 12-313 of the Act and §10-201, *et seq.*, of the Administrative Procedure Act (APA), State Government Article, Annotated Code of Maryland;

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 12-315 of the Act and §10-201, *et seq.*, of the APA, and any right to appeal as set forth in § 12-316 of the Act and §10-201, *et seq.*, of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

August 28, 2000
Date

Camie Smith
Camie Smith, P.D.

Montana
STATE OF ~~MARYLAND~~

CITY/COUNTY OF Gallatin :

I HEREBY CERTIFY that on this 28 day of August, 2000, a Notary Public of the State of ~~Maryland~~ ^{Montana, Gallatin} and (City/County), Deborah C. Bennett personally appeared Camie Smith, License No. 06131, 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.

Deborah C. Bennett
Notary Public

My Commission Expires: 3-21-03

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