

IN THE MATTER OF

LISA WHITE, R.Ph.

LICENSE NO. 12969

Respondent

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*
* Case No. 18-043**

*** * * * ***

FINAL DECISION AND ORDER

Background

On October 4, 2021, the Maryland State Board of Pharmacy (the “Board”) issued an Order for Summary Suspension against the pharmacist’s license held by Lisa White (the “Respondent”), License No. 12969. The Board’s action was based on its investigation indicating that the Respondent was not in substantive compliance with the Board’s Order Lifting Suspension and Imposing Probation, dated November 6, 2020, and that her continued practice of pharmacy posed a threat to the public health, safety or welfare requiring emergency action. The Respondent did not request a hearing on the summary suspension. The Board subsequently initiated formal disciplinary action by issuing Charges against the Respondent’s license on June 15, 2022, based on the same allegations underlying the Order for Summary Suspension.

A contested case hearing was held under the Administrative Procedure Act, Md. Code Ann., State Gov’t §10-201 *et seq.*, and COMAR 10.34.01, before a quorum of the Board on January 18, 2023, for purposes of adjudicating the charges. The Respondent failed to appear. The Board proceeded to hear and determine the matter in the Respondent’s absence in accordance with Md. Code Ann., Health Occ. § 12-315(g). After the conclusion of the hearing

on the same date, the same quorum of the Board convened to deliberate and voted unanimously to sanction the Respondent's license as set forth in this Final Decision and Order.

SUMMARY OF THE EVIDENCE

A. Documents.

The following documents were admitted into evidence:

- State's Exhibit No. 1 - Order for Summary Suspension w/ cover letter (June 21, 2010)
- State's Exhibit No. 2 - Consent Order Terminating Summary Suspension w/ cover letter (September 1, 2010)
- State's Exhibit No. 3 - Supplemental Order Lifting Suspension (January 5, 2011)
- State's Exhibit No. 4 - Order of Modification (February 10, 2012)
- State's Exhibit No. 5 - Order Terminating Probation w/ cover letter (March 23, 2015)
- State's Exhibit No. 6 - Order for Summary Suspension w/ cover letter (August 13, 2018)
- State's Exhibit No. 7 - Consent Order in Lieu of Continuing Summary Suspension w/ cover letter (October 9, 2018)
- State's Exhibit No. 8 - Order Lifting Suspension and Imposing Probation (November 6, 2020)
- State's Exhibit No. 9 - Records from Pharmacy Rehabilitation Services ("PRS")
- State's Exhibit No. 10 - Order for Summary Suspension w/ cover letter (October 4, 2021)
- State's Exhibit No. 11 - Charges Under the Maryland Pharmacy Act w/ cover letter (June 15, 2022)
- State's Exhibit No. 12 - Notice of Hearing (December 1, 2022)
- State's Exhibit No. 13 - License Information

B. Witnesses.

State: Donna Goldberg, R.Ph., J.D. – Compliance Pharmacist, Board of Pharmacy

FINDINGS OF FACT

Based upon the documentary and testimonial evidence presented at the hearing, the Board finds that the following facts are true:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on November 18, 1992. The Respondent's license expired on February 28, 2023. [State's Ex. 13]
2. The Respondent has an extensive disciplinary history with the Board dating back to 2010, including three (3) Orders of Summary Suspension. The previous disciplinary actions have been based on the Respondent's diversion of narcotics from her pharmacy employer. [State's Exs. 1-8, 10]
3. The Board's Order Lifting Suspension and Imposing Probation, issued on November 6, 2020, required that the Respondent continue to be monitored by the Board's designated rehabilitation committee, Pharmacy Rehabilitation Services ("PRS"), and fully comply with certain conditions of monitoring. [State's Ex. 8]
4. In July 2021, PRS reported the Respondent to the Board for repeated material violations of the conditions of monitoring. PRS also reported that the Respondent was actively practicing pharmacy during the period of the violations. [State's Ex. 9]
5. On October 4, 2021, the Board issued an Order of Summary Suspension against the Respondent's license. The Respondent did not request a hearing, and thus, the summary suspension of the Respondent's license continues to date. [State's Ex. 10]

6. In December 2021, PRS reported that they had lost all contact with the Respondent.
[State's Ex. 9]
7. On June 15, 2022, the Board issued Charges against the Respondent based on the Respondent's substantive failure to adhere to the conditions of monitoring with PRS.
[State's Ex. 11]
8. The Board mailed notice of the evidentiary hearing, dated December 1, 2022, in this matter to the Respondent's address of record via regular and certified mail. [State's Ex. 12; T. 31-32]

OPINION AND SANCTION

The Respondent has a protracted disciplinary history with the Board spanning back to 2010. The Board has repeatedly worked with the Respondent over the years to address her issues of competency so that she could safely re-enter the pharmacy profession. This current case evidences that the Respondent continues to struggle with the same issues. The Board, however, must ensure the public's health and safety and cannot permit pharmacists, such as the Respondent, to provide pharmaceutical services when they have repeatedly demonstrated that they are not fit to practice. The Board has provided the Respondent with myriad opportunities to address her issues. At this juncture, the Board has determined that the Respondent is no longer competent to practice pharmacy. Based on the Respondent's extensive disciplinary history, seriousness of the violations, and the risk to public health and safety, the Board finds that the most significant sanction is necessary.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes the Respondent is subject to disciplinary action based on Md. Code Ann., Health Occ. §§ 12-313(b)(4) and (20) and COMAR 10.34.10.01B (3).

ORDER

Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:


ORDERED that the pharmacist's license held by Lisa White, License Number 12969, is REVOKED for a minimum of FIVE (5) YEARS; and be it further,

ORDERED that the sanction in this Order supersedes any and all previous sanctions imposed by the Board; 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 Md. Code Ann., General Provisions Art., §4-333, and shall be posted and reported in accordance with State and federal laws.

5-26-20

Date



Deena Speights-Napata, M.A.
Executive Director
for Neil Leikach, R.Ph., M.Sc., President

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. Art., §12-316, you have the right to take a direct judicial appeal of this Order. A petition for judicial review shall be filed within thirty (30) days from the mailing of this Order. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland Board of Pharmacy
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue, 5th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Linda M. Bethman
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201