

IN THE MATTER OF

*

BEFORE THE

LISA WHITE, R.Ph.

*

MARYLAND BOARD

LICENSE NO. 12969

*

OF PHARMACY

Respondent

*

Case No. 18-043

* * * * *

**CONSENT ORDER IN LIEU OF
CONTINUING SUMMARY SUSPENSION**

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 August 13, 2018, in which it summarily suspended the pharmacist’s license held by Lisa White, R.Ph., License Number 12969 (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).

On September 19, 2018, a hearing was held before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in

Maryland. The Respondent was first licensed on November 11, 1992. The Respondent's license expires on February 28, 2019.

2. At all times relevant herein, the Respondent was employed as a staff pharmacist at a community pharmacy in Worcester County, Maryland ("Pharmacy A").

3. On or about October 13, 2017, the Board received a complaint from another staff pharmacist at Pharmacy A which stated, *inter alia*, after the Respondent started working at the Pharmacy, he noticed narcotics were missing from the inventory. The complainant noted that between one and five tablets were missing from various bottles of medications.

4. The pharmacist complainant performed a narcotics audit on October 11, 2017, and discovered shortages in Hydrocodone/Acetaminophen 7.5 mg/325 mg, Hydrocodone/Acetaminophen 10 mg/325 mg, Morphine 15 mg, Oxycodone/Acetaminophen 10 mg/325 mg, Oxycodone 15 mg, and Oxycodone 30 mg. The pharmacist reported the shortages to the owner of Pharmacy A as well as the local police department.

5. Pharmacy A's owner viewed the Pharmacy's closed-circuit TV video from October 9, 2017. On the video, the Respondent and another employee are both observed leaving the Pharmacy at closing. However, approximately 6 minutes later, the Respondent is observed walking back into the closed Pharmacy and into the employees' bathroom. Two minutes later, the Respondent is observed walking to the narcotics cabinet and opening it. The Respondent can then be seen picking up numerous bottles of narcotic drugs, opening them and appearing to pour some of the contents into her hand and then putting them into her left back pocket. The Respondent left the Pharmacy four minutes later.

6. Based on the above, the Respondent was terminated from Pharmacy A and criminal charges were filed against her in the District Court of Maryland for Worcester County. On

December 1, 2017, the Respondent pled guilty to Count 1, Theft \$100 to under \$1,500. The Respondent received Probation Before Judgment, unsupervised for one year; fines and costs of \$357.50; and was ordered to complete a substance use disorder program.

7. The Respondent asserts that she has successfully completed a substance use disorder program at Peninsula Addictions Center, and is under a physician's care for medication assisted treatment. The Respondent also states that she attends a support group three times per week.

8. The Respondent's license was previously suspended by the Board in 2010 for diversion of controlled substances from her pharmacy employer due to substance use disorder issues.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-313(b)(22) and (25), and COMAR 10.34.10.01A(1) and B(3).

ORDER

Based on agreement of the parties, it is this 9th day of October 2018, by an affirmative vote of the Board, hereby

ORDERED that the Respondent's license be SUSPENDED for ONE (1) YEAR, beginning August 13, 2018; and be it further,

ORDERED that during the suspension period, the Respondent shall:

- a. Immediately enter into and be compliant with a five (5)-year rehabilitation agreement with the Board's recognized rehabilitation committee that includes, at minimum: (1) a substance use disorder evaluation, (2) random monthly urine

- screens, (3) attendance at NA/AA or other similar support group at least 3 times per week, and (4) any other conditions recommended by the evaluator;
- b. Insure that the rehabilitation committee submits quarterly progress reports to the Board;
 - c. Not work as a technician, intern, or in any other capacity, in a pharmacy or other setting that stores, distributes or dispenses prescription drug products;
 - d. Comply with any licensure renewal requirements; and be it further,

ORDERED that no earlier than August 13, 2019, the Respondent may petition to lift the suspension of her license provided that the Respondent has fully complied with all terms of suspension; and be it further,

ORDERED that upon the lifting of any suspension, the Respondent shall be placed on immediate PROBATION with terms and conditions to be determined based on the reports of the rehabilitation committee; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent 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 and a violation of this Consent 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, relapsed, 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 against the Respondent, after notice and an opportunity for a hearing;

and be it further,

ORDERED that the Respondent shall bear the expenses associated with this Order; and
be it further,

ORDERED that this document constitutes a formal disciplinary action of the Maryland
Board of Pharmacy and is therefore a public document for purposes of public disclosure,
pursuant to the Public Information Act., General Provisions Art. § 4-333.

10-9-18

Date



Deena Speights-Napata, Executive Director
for

Kevin Morgan, Pharm.D.
President, Board of Pharmacy

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 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.

10/2/18
Date

Lisa White
Lisa White, R.Ph.

STATE OF MARYLAND
COUNTY/CITY OF Worcester:

I hereby certify that on this 2nd day of Oct. 2018 ~~September~~ 2018, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared LISA WHITE, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Laura D. Frazier
Notary Public

My commission expires: 01-05-2021

LAURA D. FRAZIER
Notary Public
Worcester County
Maryland
My Commission Expires Jan. 05, 2021