

IN THE MATTER OF * BEFORE THE STATE
STEPHEN M. CHALKER * BOARD OF
RESPONDENT * PHARMACY
LICENSE NUMBER: 23113 * CASE NUMBER 20-125

* * * * *
FINAL ORDER OF REVOCATION OF PHARMACY LICENSE

The State Board of Pharmacy (“the Board”) notified Stephen M. Chalker (the “Respondent”), License Number: 23113, of the Board’s intent to revoke his license to practice pharmacy under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.). The pertinent provisions of the Act and COMAR state:

Health Occ. § 12- 313. Denials, reprimands, suspensions, and revocations-Grounds.

(b) 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 for a pharmacist’s license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(25) Violates any rule or regulation adopted by the Board[.]

COMAR 10.34.10

.01 Patient Safety and Welfare.

B. A pharmacist may not:

(3) Engage in unprofessional conduct.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in the State of Maryland.

2. The Respondent was originally licensed to practice pharmacy in Maryland on or about February 9, 2015.

3. The Respondent's license expired on November 30, 2018.

4. At all times relevant hereto, Respondent worked as the pharmacist in charge at a pharmacy ("Pharmacy"), located in Florida.¹

5. On or about September 26, 2019, the Board received information from the National Association of Boards of Pharmacy ("NABP") that disciplinary action had been taken against the Respondent's pharmacy license by other states.

6. An investigation by Board staff revealed that the State of Arkansas and the State of Florida took disciplinary action against the Respondent's license after the Respondent was found guilty of various criminal charges.

Criminal Charges

7. On or about September 7, 2018, the Respondent was found guilty by a jury, in the United States District Court of the South District of Florida of one (1) count of Conspiracy to Commit Health Care Fraud, in violation of 18 U.S.C. §1340 and two (2) counts of Health Care Fraud, in violation of 18 U.S.C. §1347.

¹ Pharmacy A is not identified in this document for privacy reasons, but this information will be provided to the Respondent upon request.

8. On or about November 29, 2018, the Respondent was sentenced in the United States District Court of the Southern District of Florida, to seventy-eight (78) months imprisonment, ordered to participate in a drug treatment program, and pay restitution of approximately 4.9 million dollars.

Disciplinary Action

9. On or about February 13, 2019, the Arkansas State Board of Pharmacy (“Arkansas Board”) revoked the Respondent’s license to practice pharmacy. The Arkansas Board decision was based on the Respondent being found guilty by a federal jury of Conspiracy to Commit Health Care Fraud and Health Care Fraud in September 2018.

10. On or about September 24, 2018, the State of Florida, Department of Health (“Florida”) summarily suspended the Respondent’s license to practice pharmacy. Florida’s summary suspension of the Respondent’s license was also based on the Respondent being found guilty by a federal jury of Conspiracy to Commit Health Care Fraud and Health Care Fraud in September 2018.

11. On or about July 16, 2019, the Florida Board of Pharmacy allowed the Respondent to voluntarily relinquish his license to practice pharmacy.

12. The Respondent’s conduct as set forth above is a violation of Health Occ. § 12- 313(b) (22) and (25), and COMAR 10.34.01B (3).

CONCLUSIONS OF LAW

The Board concludes that the Respondent violated Health Occ. § 12-313 (b) (22) and (25); and COMAR 10.34.10.01B (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, a majority of a quorum of the Board hereby:

ORDERED that the Respondent's license to practice pharmacy in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that Respondent shall return to the Board of Pharmacy all Maryland licenses within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this Order is reportable to the National Practitioner Data Bank; and it is further


ORDERED that this document constitutes a formal disciplinary action of the Board of Pharmacy and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and Md. Code Ann., State Government §§

10-201, *et seq.* (2014 Repl. Vol. and 2019 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.

3-5-21
Date


Deena Speights-Napata, M.A.
Executive Director for
Kevin Morgan, Pharm.D.
President
State Board of Pharmacy