

IN THE MATTER OF	*	BEFORE THE MARYLAND
WILLIAM R. CHESTER, Pharm.D.	*	STATE BOARD OF
	*	PHARMACY
LICENSE NO. 15241	*	Case No. 19-274

* * * * *

CONSENT ORDER IN LIEU OF SUMMARY SUSPENSION

Background

Based on information received and a subsequent investigation by the Maryland State 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 July 12, 2019, in which it summarily suspended the pharmacist’s license held by William R. Chester (the “Respondent”), License No. 15241. Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2).

On October 16, 2019, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why he did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that he complies with the terms and conditions set forth in this Consent Order.

FINDINGS OF FACT

1. The Respondent is a licensed pharmacist in the State of Maryland under License Number 15241. The Respondent was first licensed on July 22, 1999. The Respondent's license expires on June 30, 2021.

2. The Respondent currently resides in Pennsylvania and is also licensed as a pharmacist in Pennsylvania under License Number RP448261.

3. At all times relevant hereto, the Respondent was employed at a chain retail pharmacy, hereinafter "Pharmacy A", in Damascus, Maryland, and as well as two locations in Pennsylvania.

4. On February 13, 2019, the Board received a notice via electronic correspondence from the Pharmacy with three copies of a DEA 106 form attached. The notice informed the Board that in a written statement the Respondent admitted to the theft of phentermine¹ from Pharmacy A in Maryland, Pharmacy #173 in Pennsylvania (hereinafter "Pharmacy B") and Pharmacy #200 in Pennsylvania (hereinafter "Pharmacy C").

5. The Respondent admitted to stealing the following from Pharmacy A: phentermine 37.5mg (30 tablets) and phentermine 15mg (30 tablets).

6. The Respondent also admitted to stealing in excess of 1,000 tablets of phentermine from Pharmacies B and C.

7. On or about March 6, 2019, the Board sent a subpoena to the Pharmacy requesting the Respondent's employment file, including any documentation regarding the investigation of the Respondent's thefts of phentermine from the Pharmacy.

¹ Phentermine is a Schedule IV controlled dangerous substance. Phentermine is a stimulant similar to amphetamine.

8. The documents received included an internal investigation report. According to the report, a Pharmacy audit indicated that purchases of phentermine at Pharmacy B exceeded the amount recorded in dispensing records. Subsequently, the Pharmacy initiated an investigation. The Pharmacy regional manager reported that a review of video surveillance tapes showed the Respondent on three separate dates removing numerous tablets and a bottle of phentermine and concealing them on his person.

9. The file contained a handwritten letter dated January 8, 2019, in which the Respondent admitted that he removed phentermine from Pharmacies A, B and C for his own personal use without a legitimate prescription. The Respondent admitted that his thefts of phentermine “had been going on intermittently for about a year.” He stated, “I had been stockpiling them so that I wouldn’t need to go to Dr. to get a Rx.”

10. The Respondent also admitted in the letter that he removed phentermine from Pharmacy A on January 6, 2019, without a legitimate prescription for the drug. The Respondent offered to pay restitution to the Pharmacy and return the phentermine he had remaining in his possession.

11. Subsequently, the Respondent returned a bottle of phentermine containing approximately 200 tablets to the Pharmacy, but according to the report it is unclear which store the tablets were stolen from.

12. The Pharmacy reported the incident to the Pennsylvania State Police, and the Respondent was terminated from his employment with the Pharmacy on January 9, 2019.

13. On or about February 23, 2019, the Respondent was arrested and charged in Magisterial District Court 51-3-03 in East Berlin, Pennsylvania with two counts: (1) Theft by Unlawful Taking – Movable Prop; and (2) Retail Theft – Take Mdse.

14. The case was transferred to the Court of Common Pleas of Adams County, Pennsylvania, Docket No. CP-01-CR-347-2019, where the Respondent was charged with: (1) Retail Theft (Felony 3); and (2) Theft by Unlawful Taking (Misdemeanor 1).

15. On April 16, 2019, the Court of Common Pleas accepted the Respondent's application to participate in the Accelerated Rehabilitative Disposition ("ARD") Program.² The Respondent was placed on probation for twelve (12) months, ordered to pay restitution, and ordered to participate in a drug and alcohol program and follow recommendations of the evaluation.

16. On February 5, 2019, the Respondent voluntarily enrolled in the Secundum Artem Reaching Pharmacists with Help ("SARPH") Pharmacy Peer Assistance Program³ for a minimum of three (3) years.

17. The SARPH program requires, at minimum, random observed urine screens for a full panel of drugs plus alcohol, group meetings at least three times per week, and individual therapy. The Respondent has also completed an intensive outpatient program.

18. The SARPH program approved the Respondent to return to practice in Pennsylvania on August 28, 2019, but the Respondent is not currently employed in pharmacy practice.

19. The Respondent's Pennsylvania Pharmacist License is active.

² The ARD Program is a special pretrial prevention program in the Commonwealth of Pennsylvania for non-violent offenders with no prior record or limited record. The offender is placed on probation with conditions, and if the offender successfully completes the program, the offender can request that the charges be dismissed. If the probationary conditions are not met, the case can be set for trial.

³ The SARPH Program monitors pharmacists, in collaboration with the Commonwealth of Pennsylvania Professional Health Monitoring Program, with diagnosed substance use disorders so that they may return to practice without creating either substantial risk of further violation of the Pharmacy Practice Act or of harm to the health and safety of the public.

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)(5), (21), (22), and (25) and COMAR 10.34.10.01.B(3).

ORDER

Based on agreement of the parties, it is this 4th day of November 2019, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's summary suspension be terminated as moot; and be it further,

ORDERED that the Respondent's license be SUSPENDED for ONE (1) YEAR, *effective February 5, 2019*; and be it further,

ORDERED that following completion of the suspension period, the Respondent's license be placed on PROBATION for at least TWO (2) YEARS, during which he shall:

1. Fully comply with all requirements of the SARPH Program;
2. Execute all necessary releases to allow the Board and the SARPH program to communicate regarding Respondent's compliance with the program;
3. Ensure that the SARPH program submits to the Board quarterly reports regarding the Respondent's progress;
4. Provide prior written notification to the Board in the event that the Respondent moves out of Pennsylvania to Maryland, or another state. In that event, the Board reserves the right to amend the terms and conditions of this Order to provide the most direct oversight of the Respondent's recovery progress; and be it further,

ORDERED, that upon completion of the probationary period, the Respondent may petition to terminate probation provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that the Respondent shall at all times fully cooperate with the Board in the 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 this Consent Order; and be it further,

ORDERED that in the event the Board finds in good faith that the Respondent has violated any of the terms or conditions of this Consent Order, the Board may impose further disciplinary action against the Respondent's license, including but not limited to suspending or revoking the Respondent's license, provided that the Respondent is first given the opportunity for a hearing; and be it further,

ORDERED that the Respondent shall bear all expenses associated with this Consent Order; 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 Maryland Code Ann., General Provisions § 4-333(b).

11-4-19
Date


Deena Speights-Napata, Executive Director
for
Kevin Morgan, President
Maryland Board of Pharmacy

CONSENT

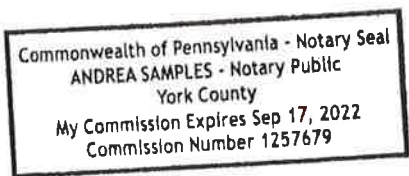
1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
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.

10/28/19
Date

William R. Chester
William R. Chester

STATE OF PA
COUNTY/CITY OF York:

I hereby certify that on this 28 day of Oct, 2019, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared WILLIAM R. CHESTER, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Andrea Samples
Notary Public
My commission expires: 09/17/2022