

IN THE MATTER OF
PRISCILLA BISONG, P.D.
License No: 12654

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

* * * * *

CONSENT ORDER

PROCEDURAL BACKGROUND

On or about December 1, 2004, the Maryland Board of Pharmacy (the "Board") charged Priscilla Bisong, P.D. (the "Respondent") (D.O.B. 06/06/59) License Number 12654, under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101, et seq. (2000 Repl. Vol. and 2004 Supp.).

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:

- (2) Fraudulently or deceptively uses a license;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber; [or]
- (24) Violates any rule or regulation adopted by the Board[;].

The regulation that the Board charged the Respondent with violating are Code Md. Regs. tit. 10, § 34.10.01 ("COMAR"), which states:

- B. A pharmacist may not:
- (3) Engage in unprofessional conduct.

BACKGROUND

On Thursday, January 6, 2005, the Respondent appeared before the Case Resolution Conference Committee (the "CRC") of the Board. As a result of negotiations that occurred at the CRC, the Respondent agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, Conclusions of Law and Order, with the terms and conditions set forth below.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant to the charges herein, the Respondent was and is licensed to practice pharmacy in the State of Maryland. The Respondent was initially licensed to practice pharmacy on January 15, 1992, under license number 12654. The Respondent's license expires on June 1, 2006.
2. At all times relevant to these charges, the Respondent was practicing pharmacy at Pharmacy A¹ located in Crofton, Maryland.
3. On or about April 13, 2004, while reviewing routine surveillance videotape of Pharmacy A, loss prevention staff employed with Pharmacy A observed the Respondent on videotape with a bag of merchandise. Further review of the surveillance videotape established that the Respondent had taken the merchandise from the merchandise return

1. The name of the pharmacy identified herein is confidential.

bin located beneath the register in Pharmacy A without paying for the merchandise.

4. Loss prevention staff subsequently opened an investigation into the Respondent's conduct. As part of its investigation, a covert camera was installed in Pharmacy A to further examine the Respondent's behavior.

5. On or about April 16, 2004, loss prevention staff observed the Respondent take a pair of socks from the sales floor and return to the pharmacy area without paying for the socks. The Respondent then placed the socks into the merchandise return bin under the pharmacy register. While under continuous surveillance, the Respondent waited until the end of her shift, retrieved the socks from the merchandise return bin, placed them into a bag, and exited Pharmacy A. A subsequent check of all registers revealed that the Respondent never purchased the socks.

6. On or about April 17, 2004, loss prevention staff observed the Respondent on surveillance videotape take merchandise from the merchandise return bin located in the pharmacy area at the end of her shift and place the merchandise into a bag containing other items. A subsequent check of all open store registers revealed that the Respondent had not paid for the merchandise.

7. On or about April 18, 2004, loss prevention staff observed the Respondent select a carton of eggs from the pantry area of Pharmacy A and return to the pharmacy area. The Respondent then placed the eggs into a shopping bag. A subsequent check of all open and operating registers revealed that the Respondent had not paid for the carton of eggs. The Respondent left Pharmacy A through the front exit without ever paying for the eggs.

8. In or about April 2004, a surveillance videotape shows the Respondent reach into the refrigerator in the pharmacy area containing narcotics and take a box of duac. The Respondent is then seen placing the duac into a prescription bag and exiting the main pharmacy room. When the Respondent returns, she disposes of an empty prescription bag in the pharmacy trash can. A subsequent inventory audit of the pharmacy area revealed that a box of duac was missing from Pharmacy A.

9. On or about April 20, 2004, loss prevention staff interviewed the Respondent regarding the alleged theft of merchandise. The Respondent initially denied any wrongdoing and told loss prevention staff that there must have been a mistake. The Respondent later admitted to taking merchandise from Pharmacy A amounting to \$398.49 without paying for the merchandise.

10. On or about April 20, 2004, the Respondent hand wrote a detailed statement admitting to the theft of Pharmacy A merchandise. The statement indicated that it was given of the Respondent's own free will "without any promises whatsoever." Specifically, the Respondent stated that she took \$ 398.49 worth of merchandise from Pharmacy A for her own personal gain based on "poor judgment."

11. In her April 20, 2004 statement, the Respondent set forth a detailed list of the items that she misappropriated from Pharmacy A. The list included the prescription medications duac, metoprolol, cosopt, xalatan, and prescription strength ibuprofen.

12. Effective on or about April 20, 2004, the Respondent was terminated from her position as a staff pharmacist with Pharmacy A for misappropriation of company assets.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Md. Health Occ. Code Ann. § 12-313(b)(2), (6), (14), and (24).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of FEBRUARY, 2005, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice pharmacy in the State of Maryland shall be **SUSPENDED** effective on the date the Board executes this Consent Order; and be it further

ORDERED that the suspension shall be **IMMEDIATELY STAYED**, subject to the following terms and conditions:

1. Within three (3) months of the date the Board executes this Consent Order, the Respondent shall undergo, at her own expense, a psychiatric evaluation by a Board-approved psychiatrist. The Respondent shall obtain the Board's prior approval of the evaluating psychiatrist prior to undergoing the psychiatric evaluation. The Respondent shall:
 - a. Authorize the Board, in writing, to provide the evaluating psychiatrist with this Consent Order, the entire investigative file, including all investigative interviews and investigative reports, and any other material contained in the Board's file that the Board deems appropriate;
 - b. Be responsible for assuring that, after the evaluation is completed, the evaluating psychiatrist submits a written report to the Board; and
 - c. Sign any release necessary for the Board to receive the report;
2. If the Respondent has not undergone a psychiatric evaluation by a Board-approved psychiatrist, on or before three (3) months from the date the Board

executes this Consent Order, then the **STAY OF SUSPENSION SHALL BE LIFTED**, and the Respondent's license shall become actively Suspended and shall remain actively Suspended until the date the Respondent has demonstrated to the Board that she has undergone a psychiatric evaluation and fully complied with condition #1 above; and be it further

ORDERED that the Respondent shall be placed on **PROBATION** for a **MINIMUM OF ONE (1) YEAR**, to commence on the date that the Board executes this Consent Order.

In the event that the Stay of Suspension imposed above is lifted because of the Respondent's failure to comply with the requirements of undergoing a psychiatric evaluation as set out above, then the probationary period shall be tolled during the entire period of time of any active suspension, beginning with the date the Board lifts the suspension and ending with the date the Board re-imposes a stay of active suspension.

The Respondent's probation shall be subject to the following terms and conditions:

1. If recommended by the evaluating psychiatrist, the Respondent shall enter into, at her own expense, treatment by a Board-approved psychiatrist and/or therapist that addresses the specific recommendations made by the evaluating psychiatrist. The frequency of the treatment sessions shall be as recommended by the treating psychiatrist/therapist;
2. The Respondent shall authorize the Board, in writing, to provide any treating psychiatrists and/or therapists with this Consent Order, the entire investigative file, including all investigative interviews and investigative reports, and any other material contained in the Board's file that the Board deems appropriate;
3. The Respondent shall authorize and sign any written releases necessary to authorize any treating psychiatrist/therapist(s) to send periodic written reports to the Board, at least once every three (3) months, regarding the Respondent's attendance, progress, payment of fees, and recommendations as to the continuation, frequency and/or termination of therapy session;
4. The Respondent shall be responsible for assuring that any treating psychiatrist/therapist submits a written report to the Board at least once every three (3) months for the duration of the probationary period;

5. The Respondent shall authorize the evaluating psychiatrist and any treating psychiatrist/therapist to communicate, orally or by release of records, with each other and with any other health professional(s) providing psychiatric or psychological evaluation(s) of, and/or psychiatric and psychological treatment to, the Respondent;
6. **Employer Notification** – Within thirty (30) days of the date the Board executes this Consent Order, the Respondent shall be responsible for ensuring that her current employer provides a written letter to the Board confirming that the Respondent has provided her current employer with a copy of this Consent Order and that the employer is aware of the terms and conditions of this Consent Order. This requirement shall also apply to any and all of the Respondent's subsequent employers, for the entire duration of the probationary period; and
7. The Respondent shall enroll in and successfully complete, at her own expense, a college-level course in Ethics within one year of the date that the Board executes this Consent Order. The Respondent shall submit the course description and course curriculum to the Board for its approval prior to enrolling in the course. The Board reserves the right to reject the course proposed by the Respondent and, may, in its discretion, require additional information about any courses offered as fulfillment of this condition. The Respondent shall submit written proof to the Board that she has successfully completed the ethics course. The credit hours earned from completion of the Ethics course shall be in addition to any continuing education requirement for maintaining licensure as a pharmacist in the State of Maryland; and be it further

ORDERED that after the conclusion of **ONE (1) YEAR** of **PROBATION**, the Respondent may file a written petition for termination of her probationary status, but only if the Respondent has satisfactorily complied with all conditions of this Consent Order, including undergoing a psychiatric evaluation and completing any treatment regimen recommended by the evaluating psychiatrist and treating psychiatrists/therapists and expiration of the one year period of probation, and provided there are no pending complaints regarding the Respondent; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of the stayed suspension, the probation, and/or the Consent Order, the Board, after notice, opportunity for a hearing and determination of violation, may impose any other disciplinary sanctions it may have imposed under §§ 12-313 and 314 of the Maryland Pharmacy Act, including a reprimand, probation, suspension, lifting the stay of suspension, revocation, or a monetary fine; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).


Melvin N. Rubin, President
Maryland Board of Pharmacy

CONSENT OF PRISCILLA BISONG, P.D.

I, Priscilla Bisong, P.D., acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I admit to the Findings of Fact and Conclusions of Law as set forth above, and agree and accept to be bound by the foregoing Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel,

confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce the Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

2/9/05
Date

Priscilla Bisong
Priscilla Bisong, P.D.

STATE OF MARYLAND

CITY/COUNTY OF PRINCE GEORGE'S :

I HEREBY CERTIFY that on this 9th day of FEBRUARY, 2005, before me, PRISCILLA BISONG, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Priscilla Bisong, P.D., License Number 12654, 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.

Robin R. Christian

ROBIN R. CHRISTIAN Notary Public

Prince George's County, MD

My Commission Expires: My Commission Expires March 1, 2008