

IN THE MATTER OF	*	BEFORE THE MARYLAND
KERI CALVERT, R.P.T.	*	STATE BOARD OF
REGISTRATION NO. T02041	*	PHARMACY
	*	Case No. PT-09-001

* * * * *

**CONSENT ORDER TERMINATING
SUMMARY SUSPENSION**

Background

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2005 Repl. Vol.), and the Maryland Administrative Procedure Act, Md. Code Ann., Health Occ. §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated March 19, 2009, in which it summarily suspended the pharmacy technician registration held by Keri Calvert, R.P.T. (the "Respondent"). Specifically, the Board found 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)(2004 Repl. Vol.).

On May 20, 2009, the Board held a hearing 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 agree to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. The Respondent is a registered pharmacy technician in the State of Maryland under Registration Number T02041. The Respondent was first registered on August 13, 2008. The Respondent's registration expires on April 30, 2010.

2. At all times relevant, Respondent was employed as a pharmacy technician at Rite Aid on Bel Air Road in Baltimore, Maryland. The Respondent was hired on November 28, 2004 and was terminated on July 30, 2008.

3. On July 29, 2008, the Respondent informed Rite Aid she had stolen various controlled dangerous substances (CDS) from the pharmacy, including Xanax, Hydrocodone, Norco, and Ambien.¹

4. On July 30, 2008, Rite Aide informed the Drug Enforcement Administration (DEA) that it had confirmed a suspected loss and would initiate a loss prevention investigation and would notify the local police department and the Board.

5. The Respondent was registered as a pharmacy technician on August 13, 2008. On the Respondent's June 10, 2008 application for registration, the Respondent answered "no" to question number 8 "Is your ability to perform your duties as a pharmacy technician affected by an addiction to any type of drug or alcohol?"

6. On October 27, 2008, criminal charges were brought against the Respondent in the Circuit Court for Baltimore County for a theft scheme of more than \$500, CDS possession, and CDS possession with the intent to distribute.

¹ Xanax (alprazolam) is indicated for the management of anxiety disorder. Hydrocodone is used to relieve moderate to severe pain. Ambien is a sedative commonly prescribed for insomnia. Norco is classified as a Schedule III controlled substance and is indicated for the relief of moderate to severely moderate pain.

7. The Respondent was found guilty of a theft scheme of more than \$500 and received probation before judgment. The Respondent's probation is supervised for a period of three years and requires she submit to weekly random urinalysis.

8. The Respondent has paid approximately \$2,000 in restitution to Rite Aid.

9. After her termination from Rite Aid, the Respondent signed a chemical dependency treatment contract with the Pharmacists' Education and Advocacy Council ("PEAC") on August 27, 2008.

10. In addition to her criminal probationary requirements, the Respondent currently attends therapy on a weekly basis.

DISCUSSION

The Board's first and primary mandate is to protect the public. The Board is concerned that the Respondent's drug use and pose a serious risk to the public. The Respondent abused drugs for approximately seven months and admitted to having diverted large quantities of those drugs from her pharmacy employer during that time. The Respondent admits to having been relieved she was caught as she was aware she had a drug abuse problem.

The Board commends the Respondent for her recovery efforts thus far. However, given the recent and serious nature of Respondent's drug abuse, the Board requires that she demonstrate a substantial period of recovery and strict compliance with Board monitoring before the Board can reasonably determine that the Respondent is mentally and professionally fit to return to practice. At present, the Respondent is not mentally competent to practice delegated pharmacy acts in any capacity without compromising the standard of care due to the public. In addition, the Board intends this sanction to serve as a deterrent to other pharmacy technicians who choose to divert and abuse drugs, thus endangering Maryland patients.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-6B-09(25) and 12-6B-09(21).

ORDER

Based on agreement of the parties, it is this 8th day of July, 2009, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's registration be SUSPENDED for at least EIGHTEEN MONTHS, beginning retroactively on August 27, 2008; and be it further,

ORDERED that during the suspension period, the Respondent shall satisfy the following conditions:

1. The Respondent shall not work behind a pharmacy counter in any capacity;
2. The Respondent shall submit to random urine screenings to be ordered by the Board and conducted at a CLIA-certified laboratory on a weekly basis;
3. The Respondent shall continue weekly participation in NA or a similar substance abuse rehabilitation support group and submit proof of attendance on a quarterly basis;
4. The Respondent shall continue her monthly appointments with her psychiatrist;
5. The Respondent shall ensure the Board receives quarterly reports from her employer regarding her overall performance;
6. The Respondent shall maintain the continuing education requirements necessary for renewal of her pharmacy technician registration; and
7. The Respondent shall take a Board-approved continuing education ethics course in addition to those required for renewal.

ORDERED that the Respondent may petition the Board to lift the suspension no earlier than February 27, 2010, provided that the Respondent has fully complied with all of the conditions set forth herein during the suspension period; and be it further,

ORDERED that upon the Board's lifting of the suspension, the Respondent shall be placed on immediate PROBATION for at least TWO (2) years with the terms of such probation to be determined upon the Board's lifting of the suspension; and be it further

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

ORDERED that the Respondent's execution of this Consent Order shall constitute a release to the Board of any and all medical and mental health records, substance abuse treatment records, psychological/psychiatric records, and employment records pertaining to the Respondent as necessary for compliance with the terms and conditions set forth herein; 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 in the event the Respondent shows credible evidence of a relapse or fails to comply with the terms and conditions of this Order, the Board may impose additional disciplinary action against the Respondent's registration, including extension of the suspension period or revocation of the registration, after notice and an opportunity for a hearing.

ORDERED that this document constitutes a formal disciplinary action of the Maryland State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act., State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

July 8, 2009
Date

LaVerne G. Naesea
LaVerne G. Naesea,
Executive Director

STATE OF MARYLAND
COUNTY/CITY OF _____:

I hereby certify that on this 29 day of June, 2009, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KERI CALVERT, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Jo C. Jones
Notary Public
My commission expires: 10/1/2009