

IN THE MATTER OF * BEFORE THE MARYLAND
MELISSA ESTES * STATE BOARD OF
APPLICANT FOR PHARMACY * PHARMACY
TECHNICIAN REGISTRATION *

* * * * *

CONSENT ORDER FOR INITIAL LICENSURE

HISTORY

On or about June 4, 2013, the Maryland Board of Pharmacy (the "Board") received an application for registration as a pharmacy technician from Melissa Estes. On her application, Ms. Estes answered "yes" to two personal attestation questions regarding her criminal background, and she sent the Board an explanation disclosing a history of verbal and physical altercations precipitated by the use of alcohol. As a result, pursuant to Md. Code Ann., Health Occ. § 12-320, the Board referred Ms. Estes for an evaluation by a Board-appointed evaluator to determine if she is competent to practice as a pharmacy technician. The Board received a report on Ms. Estes from the evaluator with certain recommendations which have been incorporated herein.

In lieu of instituting formal proceedings against Ms. Estes, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, and Board regulations, COMAR 10.34.01, a Pre-charge Case Resolution Conference ("CRC") was held with members of the Board, Board Counsel, and Ms. Estes on April 23, 2014. Thereafter, the Board and Ms. Estes agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On or about June 4, 2013, the Board received an application for registration as a

pharmacy technician from Ms. Estes. On her application, Ms. Estes answered "yes" to the question "Have you committed a criminal act for which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?" Ms. Estes also answered "yes" to the question "Excluding minor traffic violations, are you currently under arrest or released on bond, or are there any current or pending charges against you in any court of law?" Ms. Estes did not provide a detailed explanation for her "yes" answers with her application.

2. On or about November 6, 2013, Ms. Estes sent the Board a detailed explanation for the "yes" answers on her application. Ms. Estes disclosed a history of verbal and physical altercations, brought on by the excessive use of alcohol. Ms. Estes also informed the Board that following the third and final incident, she completed a six-month alcohol abuse treatment program.

3. On November 25, 2013, the Board referred Ms. Estes for an evaluation by a Board-appointed evaluator to determine if she is competent to practice as a pharmacy technician. On or about February 19, 2014, the Board received the evaluator's report. The evaluator found that Ms. Estes' prior violent behavior was related to her abuse of alcohol, and found that she was taking her alcohol abuse problem, and her treatment of that problem, seriously. The evaluator expressed his professional opinion that Ms. Estes is competent to practice as a pharmacy technician, provided that she continues to seek help related to her abuse of alcohol.

4. On April 23, 2014, the Board held a CRC with Ms. Estes. At the CRC, Ms. Estes informed the Board that she is attending a weekly group substance abuse meeting and continuing to successfully abstain from alcohol. Ms. Estes also informed the Board that she hoped to be registered as a pharmacy technician in order to set a good example for her young children.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Ms. Estes is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-6B-02(b)(1) and 12-6B-09(21) and (22).

ORDER

It is this 3rd day of July, 2014, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

ORDERED that Ms. Estes' application for registration as a pharmacy technician be GRANTED, provided that she is otherwise qualified for registration; and be it further,

ORDERED that Ms. Estes' registration be placed on immediate PROBATION for at least ONE (1) YEAR, during which she shall:

1. Attend monthly meetings of AA, NA, or another similar 12-step group substance abuse program, and provided documentation of such attendance to the Board; and
2. Submit to random, Board-ordered urine screens, on a monthly basis; and be it further,

ORDERED that after one (1) year of probation, Ms. Estes may petition the Board to terminate probation, provided that she has been fully compliant with the terms of probation and does not have any pending complaints filed against her; and be it further,

ORDERED that upon the first renewal of her pharmacy technician registration, Ms. Estes shall submit to a State criminal history records check; and be it further,

ORDERED that in the event Ms. Estes' criminal history records check indicates further criminal activity, the Board may impose further disciplinary action against Ms. Estes' registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that all urine screens under this Order shall be:

1. Submitted by Ms. Estes within 24 hours of the Board staff instructing her to submit a urine sample;
2. Submitted at a CLIA-certified laboratory; and
3. Negative for any controlled dangerous substance, narcotics, alcohol, or other mood-altering substance, except as provided below; and be it further,

ORDERED that Ms. Estes shall abstain from the ingestion of controlled dangerous substances, narcotics, alcohol, or other mood-altering substances, except that Ms. Estes may ingest prescribed controlled dangerous substances for legitimate medical reasons under the following conditions:

1. Ms. Estes must be a bona fide patient of a licensed Maryland prescriber who is aware of this order;
2. The medication must be lawfully prescribed by Ms. Estes' physician or other authorized medical practitioner; and
3. Ms. Estes must provide the Board, in writing, within seventy-two (72) hours of receiving the medication:
 - a. The name and address of the prescriber;
 - b. The illness or medical condition diagnosed;
 - c. The type, strength, amount, and dosage of the medication; and
 - d. A signed statement consenting to the release of all medical information about Ms. Estes from the prescriber to the Board; and be it further,

ORDERED that Ms. Estes' execution of this Order shall constitute a release of any and all medical records and substance abuse treatment records pertaining to Ms. Estes to the Board in

complying with the terms and conditions set forth herein; and be it further,

ORDERED that Ms. Estes shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Ms. Estes' compliance with the terms and conditions of this Order; and be it further,

ORDERED that Ms. Estes' failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that in the event the Board finds in good faith that Ms. Estes has violated any of the conditions of probation herein, or in the event the Board finds in good faith that Ms. Estes has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately summarily suspend Ms. Estes' registration prior to a hearing, provided that Ms. Estes is given the opportunity for a show cause hearing within a reasonable time of such action; and be it further,

ORDERED that Ms. Estes shall bear the expenses associated with this 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., State Gov't § 10-617(h).

7/3/14
Date

LaVerne G. Naesea
LaVerne G. Naesea, Executive Director
For
Lenna Israbian-Jamgochian, 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.

6/30/14
Date

Melissa Estes
Melissa Estes, Applicant

STATE OF MARYLAND
COUNTY/CITY OF BALTIMORE :

I hereby certify that on this 30th day of JUNE, 2014, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MELISSA ESTES, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Herbert Geilenkirchen
Notary Public
My commission expires: 10-11-2016

