

IN THE MATTER OF  
ASHOKA GOMES, P.D.  
LICENSE NO.: 17282

\* BEFORE THE  
\* STATE BOARD  
\* OF PHARMACY  
\* CASE NO. 10-071

Respondent

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. § 12-101, *et seq.*, (2009 Repl. Vol. and 2010 Supp.) (the "Act"), the Board charged Ashoka Gomes, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 12-313:

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

The Board further charged the Respondent with violating the Code of Md. Regs. tit. 10 § 34.10-Pharmacist Code of Conduct (November 12, 2001):

01. Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of

pharmacy . . . including but not limited to:

- (a) United States Code, Title 21,
- (b) Health-General Article, Titles 21, and 22, Annotated Code of Maryland,
- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
- (d) Article 27, 276-304, Annotated Code of Maryland, and
- (e) COMAR 10.19.03[;].

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

The Respondent was given notice of the issues underlying the Board's charges by a letter October 19, 2011. Accordingly, a Case Resolution Conference was held on November 30, 2011, and was attended by Stephanie Hammonds, P.D. and Zeno St. Cyr, II, Board members, Stephen Kreindler, Board Staff, Aysit Mehta, Intern, Linda Bethman and Brett Felter, Board Counsel. Also in attendance were the Respondent, who knowingly and voluntarily waived his right to an attorney, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

Following the Case Resolution Conference, the Respondent and the Board agreed to resolve the matter by way of settlement. The Respondent and the Board agreed to the following:

## FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed on August 16, 2004. The Respondent's license expires on February 28, 2012.

2. At all times relevant hereto, the Respondent was employed as a dispensing pharmacist at a National pharmacy store in Baltimore. On or about November 7, 2009, the Respondent's Supervisor received a report that the Respondent had attempted to pick up a prescription of Hydrochlorothiazide tablets.

3. The Supervisor was further told that, when the prescription was checked, the bag contained two packages of Nexium 40 mg tablets, Valtrex, 1gm tablets, and Patonol 0.1% OPTH SOLN 5ML (2Btls), collectively valued at \$1064.96. All four prescriptions had the label for another person and the prescription label affixed to the packaging of each item identifying Hydrochlorothiazide as the contents of each package.

4. On November 11, 2009, the Respondent was confronted about the bag and its contents and, admitted filling the prescription for another. At first he said that he did nothing wrong and that he just purchased the Hydrochlorothiazide and did not receive the other products. The Respondent later admitted that he intended on receiving the additional medications that he had placed in the bag when preparing the prescription. The Respondent admitted creating prescriptions because he was upset because he felt he was not moving up in the company quick enough.

5. The Respondent was then terminated from employment for attempted theft and falsifying prescriptions.

6. As set forth above, the Respondent violated the Act and the regulations thereunder.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §12-313 (b) (2), (7), (15), (25); tit 10 § 34.10.01 (A) (1) (a), (b), (c), (d), (e); and (B) (1), (2) and (3).

### **ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 13<sup>th</sup> day of January, 2012, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's license to practice pharmacy is hereby REPRIMANDED:

It is hereby further **ORDERED** that the Respondent shall be placed on PROBATION for one year, during which the Respondent shall take a Board-approved continuing education course in ethics, which shall not count toward fulfilling other continuing education requirements for continued licensure. The Respondent is responsible for any costs associated with compliance with the terms of the Order.

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

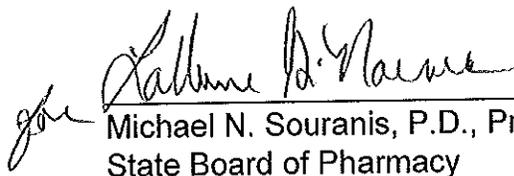
**ORDERED** that, after completion of one year of Probation, the Respondent may petition the Board for termination of Probation, provided that he has been fully compliant with the terms of Probation and there are no pending complaints filed against him.

Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

**ORDERED** that, should the Board receive a report that the Respondent has violated the Act or, if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

**ORDERED** that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009 and 2011 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any National reporting data bank that it is mandated to report to.

  
Michael N. Souranis, P.D., President  
State Board of Pharmacy

**CONSENT OF ASHOKA GOMES, P.D.**

I, Ashoka Gomes, P.D., acknowledge that I am not represented by counsel and have not consulted with counsel before entering into this Consent Order. I have knowingly and voluntarily waived my right to counsel. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

1/10/2012  
Date

  
\_\_\_\_\_  
Ashoka Gomes, P.D.

STATE OF Maryland :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 10 day of January, 2012, before me, Ashoka B. Gomes Notary Public of the foregoing State and (City/County),  
(Print Name)  
personally appeared Ashoka Gomes, P.D., License No. 17282, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Janice A. Coyne  
Notary Public

My Commission Expires: 03/01/2015