

IN THE MATTER OF	*	BEFORE THE
MARIA JOHNSON, P.D.	*	STATE
LICENSE NO. 08123 (Expired)	*	BOARD OF
Respondent	*	PHARMACY

* * * * *

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. Code Ann. Title 12 (the "Act"), the Board charged Maria Johnson, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 12-701:

§ 12-701. Practicing pharmacy without a license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice pharmacy in this State unless licensed by the Board.

The Respondent was given notice of the issues underlying the Board's Charges by a letter dated May 18, 2001. Accordingly, a Case Resolution Conference was held on August 14, 2001 which was attended by Ramona Hawkins and Melvin Rubin, Pharmacist Members of the Board, LaVerne Naesea, Executive Director of the Board, and Paul Ballard, Assistant Attorney General, Board Counsel. Also in attendance were the Respondent, who waived her right to an attorney, and the Administrative Prosecutor, Roberta L. Gill.

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

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. The Respondent was originally issued a license to practice pharmacy in Maryland on March 12, 1975. The Respondent last renewed her license on October 6, 1997. The Respondent's license expired on August 31, 1999.

2. During all times relevant herein, the Respondent was employed by the Rite Aid of Maryland, Inc., d/b/a Rite Aid Discount Pharmacy. The Respondent worked at numerous Rite Aid locations.

3. On or about June 12, 2000, the Respondent was assigned to the Rite Aid #2207, located at 6 Carroll Island Road, Baltimore County, Maryland. On August 8, 2000, the Board received a complaint from a patient alleging several dispensing errors that occurred at store # 2207. Three pharmacists, including the Respondent, were contacted as part of the investigation. The Respondent failed to respond to the Board's letters informing her of the complaint. The pharmacy manager and permit holder provided a response, however, identifying the Respondent as the individual responsible for one of the dispensing errors.

4. On or about March 7, 2001, Board staff discovered that the Respondent did not have a current license. It was further determined that the Respondent was not licensed when the alleged dispensing error occurred.

5. Rite Aid's Market Office staff verified on March 8, 2001 that the Respondent as still employed as a pharmacist, based at store #347 in Westminster. The pharmacy manager was made aware that the Respondent was not licensed to practice and could not work until her license was reissued.

6. When the Respondent contacted the Board office on March 9, 2001, she verified that she was unable to produce certificates for any of the 28.75 continuing education units (CEUs) due for the period of October 1, 1997 to August 31, 1999. Thus, even had the Respondent submitted an application for renewal/reinstatement, she was not qualified to be licensed, due to her failure to produce evidence of completing the requirements of licensing, e.g., obtaining a requisite number of CEUs.

7. As set forth above, the Respondent practiced pharmacy in Maryland without a license.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-701 of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 12 day of September, 2001, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice be and is hereby **REPRIMANDED**; and, be it further

ORDERED that the Respondent shall be placed on two (2) years' Probation, subject to the following conditions:

1. The Respondent shall enroll in and shall pass, with a "B" or better, a three (3) credit, college-level course in ethics, pre-approved by the Board. The aforesaid course shall not be counted as part of any Continuing Education Credits (CEUs) required for license renewal;¹
2. Pay to the Board a fine of Two Thousand Dollars (\$2000), at no less than \$250 each quarter.

ORDERED that the Respondent shall submit to the Board a completed license renewal application, paying any renewal/reinstatement fees or assessments incident thereto.

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

¹ The Board accepts the CEUs proffered by the Respondent at the Case Resolution Conference as

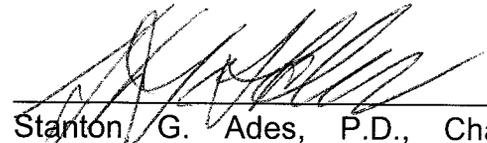
ORDERED that the Respondent shall practice in a competent manner in adherence to the laws governing the practice of pharmacy in Maryland.

ORDERED that the Respondent may apply for termination of Probation by submitting a petition to the Board to remove the conditions of Probation. The Board shall remove the conditions of Probation if the Respondent has demonstrated compliance with the Board's Order. Should the Respondent fail to apply for removal of conditions, the Respondent shall remain on probation.

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare or safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially 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.

meeting the requirements of the renewal periods 1999 and 2001.

ORDERED that for purposes of public disclosure, as permitted by § 10-617(h) Md. State Govt. Code Ann. (1999 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.



Stanton G. Ades, P.D., Chairman
State Board of Pharmacy

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CONSENT OF MARIA JOHNSON, P.D.

I, Maria Johnson, by affixing my signature hereto, acknowledge that:

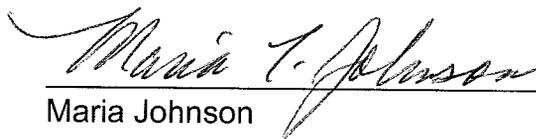
1. I am not represented by an attorney and have knowingly and voluntarily waived my right to any such representation.

2. Although I am not currently licensed, I am aware that I am entitled to a full hearing regarding the Board's Charges, pursuant to the provisions of § 12-315 of the Act and §10-201, et seq., of the Administrative Procedure Act (APA), Md. State Govt. Code Ann. (1999 Repl. Vol.). By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in §12-316 of the Act and §10-201, et seq., of the APA.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Consent Order in its entirety. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

09-05-2001

Date



Maria Johnson

STATE OF MARYLAND

~~CITY/COUNTY OF~~ Baltimore :

I HEREBY CERTIFY that on this 5th day of September, 2001, before me, Peter D. Keyser, Jr., a Notary Public of the aforesaid State and City/County, personally appeared Maria Johnson, License No. 08123, 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.


Notary Public

My Commission Expires: August 1, 2005

