



Exec 5A2

IN THE MATTER OF

ROSEMARY THOMPSON, P.D.

LICENSE NO. 10768,

RESPONDENT

Board of Pharmacy

BEFORE THE

* MARYLAND STATE

* BOARD OF PHARMACY

*

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to the Health Occupations Article, Code Ann. §12-101 et seq., Repl. Vol. 1994 (the "Act") the Board charged **Rosemary Thompson, P.D., License No. 10768** (the "Respondent"), with having violated certain provisions of the Act under §12-313 (b).

Specifically, the Board charged the Respondent with violation of the following provisions of §12-313(b) of the Act:

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 :

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

(24) Violates any rule or regulation adopted by the Board.

The Board has adopted COMAR 10.34.18 which requires that a licensee obtain and document continuing education credits.

BACKGROUND

The Respondent was given notice of the charges and the

issues underlying those charges by letter and charging document sent to the Respondent on October 30, 1997. A case resolution conference was held on November 18, 1997. In attendance were the Respondent, Wayne Dyke, P.D., Board member; Paul Ballard, Assistant Attorney General and Board Counsel; Lisa Hall, Administrative Prosecutor, and at the Respondent's request her husband.

The parties have entered into this Consent Order in order that the matter be resolved without further litigation. The parties hereto make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland and was and is practicing in Maryland as a pharmacist.

2. Respondent applied for renewal of her Maryland license to practice pharmacy with the State Board of Pharmacy on September 6, 1996.

3. Appended to Respondent's renewal form was the Continuing Education Record form. The information provided on the form was supplied by Respondent to the Board. This form contains an attestation clause, wherein Respondent, under penalty of perjury, provided the information as true and correct.

4. Respondent and all pharmacist licensees are required to retain the supporting documentation for four (4) years after the date of renewal for which the credits were used.

5. A pharmacist applying for renewal in Maryland and practicing in Maryland is required to present valid documentation of the successful completion of 30 continuing education credits upon request by the Board. See COMAR 10.34.18.02. A.

6. Respondent submitted her continuing education record which showed that Respondent had completed 30.5 hours of continuing education credits. Respondent's continuing education credits were audited by the Board in or about April 1997.

7. The Board audit revealed that Respondent had a deficit in continuing education credits of 5.5 hours. The deficit was created by Respondent's representation that she had completed three courses (Electrolyte Replacement Therapy, Management of Cancer, and Antiepileptic Therapy) in October 1995, April 1996, and April 1996 respectively.

8. In fact, Respondent did not earn any of those credits, amounting to 6 credit hours, until April 1997, some seven months after Respondent had completed her renewal application. The renewal application places all licensees on notice concerning the use of continuing education credits with this language contained on the form:

*Continuing Education credits **MUST** be obtained during the renewal period. The authorizing signature and date on the certificate,*

or some other verification of the date the credits were earned is required to be within the renewal period.

Respondent's signature and date of her signature appear just above this statement.

9. Under COMAR 10.34.18.07 D falsifying a continuing education record is grounds for disciplinary action under Health Occupation Article §12-313 (b) (1) and (2). Under COMAR 10.34.11.04 D. a licensee who violates §12-313 (b) (1), may be subjected to a monetary penalty of \$500 to \$5,000

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent failed to obtain the required continuing education credits during the renewal period, for which the Board finds that the Respondent violated §12-313 (b) (24) of the Act, which is based on Respondent's violation of COMAR 10.34.18. Further, the Board finds that the Respondent has violated §12-313 (b) (1) for her representation that she had earned the credits during the renewal period when they were earned after the renewal period. The Board finds that this was an attempt to obtain licensure renewal, and obtaining licensure renewal without the requisite continuing education credits.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 22nd day of April, 1997, by a majority of the Board, hereby

ORDERED that Respondent be and is hereby placed on **PROBATION** for a period of **twelve (12) months** under the following conditions;

a) Respondent shall earn and submit documentation for the successful completion of **16.5** continuing education credits, which includes Respondent's deficit of **5.5** credits for the previous renewal period;

b) Respondent shall earn the credits in (a) above in addition to the continuing education credits which must be earned by the Respondent during the current renewal period;

c) Respondent shall take and successfully pass a Board-approved course in ethics of three credits, these credits to be counted toward the 16.5 credits in (a) above;

d) Respondent's continuing education forms shall be audited for the next two renewal periods;

e) Respondent shall pay a monetary penalty in the amount of \$550 (five hundred fifty dollars).

ORDERED that Respondent may **Petition** the Board for termination of Probation after six months from the effective date of this Order. A pre-requisite of Respondent's Petition from

Termination of Probation is her successful completion of the probationary conditions as described herein.

ORDERED, that the Respondent shall **petition** the Board for termination of Probation at the conclusion of the **12** months of Probation imposed by this Order; and it is further

ORDERED that Respondent shall immediately notify the Board in writing of any change in her residential and/or business address; and it is further

ORDERED that in the event the Board finds for any reason in good faith the Respondent has substantially violated any provision of Title 12 of the Health Occupations Article, Maryland Annotated Code or the regulations thereunder, or if the Respondent violated any of the foregoing Consent Order conditions, the Board, *after notification to the Respondent, and an opportunity to be heard*, may take immediate action or impose any lawful disciplinary sanction it deems appropriate, including but not limited to revocation or suspension of Respondent's licensee to practice pharmacy; and be it further

ORDERED that the conditions of the Consent Order be, and the same hereby are, effective as of the date of the Board's execution on this Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by §10-617 (h), State Government Article, Maryland Code Annotated, this document constitutes the Board's Findings of

Fact, Conclusions of Law, and Order, resulting from formal disciplinary proceedings.

4/22/98
Date

David M. Russo
David Russo, P.D., M.B.A.
President

CONSENT

*D. Russo please
sign here*

I, Rosemary Thomp
acknowledge that:

Signature hereto,

1. I am aware th
consult with me, wheth
assistance of an attor:

attorney to
k the

2. I am aware tha
practice pharmacy in this State cannot be limited, except
pursuant to the provisions of §12-315 of the Act and §10-201 et
seq. of the Administrative Procedure Act, State Government
Article, Annotated Code of Maryland.

use to

3. I am aware that I am entitled to a formal evidentiary
hearing before the Board or an Administrative Law Judge.

4. I understand that by agreeing to enter into this Consent
Order I cannot challenge the Findings of Fact and Conclusions of

Law in any future hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order provided the Board adopts the foregoing Final Consent Order in its entirety. 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 Administrative Procedure Act except in connection with any alleged violation of this Order. I acknowledge that by failing to abide by the conditions set forth in this Order, I may, after an opportunity to be heard, suffer disciplinary action, including revocation of my license to practice pharmacy in the State of Maryland.

2/3/98
DATE


Rosemary Thompson, P.D.

STATE OF MARYLAND

CITY/COUNTY OF:

I HEREBY CERTIFY that on this 3rd day of February, 1998^{AM}, a Notary of the State of Maryland and (City/County), Montgomery, personally appeared Rosemary Thompson, P.D. License No.

