

IN THE MATTER OF

EMMANUELL BERTRAND, P.D.

LICENSE NO. 13099

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BEFORE THE

MARYLAND BOARD

OF PHARMACY

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board") received two credible complaints from two different patients indicating that Emmanuell Bertrand, License Number 13099, (the "Respondent") committed medication errors in January 2013 in dispensing prescriptions that were filled at Pharmacy A.

In lieu of issuing Charges against the Respondent for violation of the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Respondent on July 10, 2013. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

FINDINGS OF FACT

1. On January 10, 2013, the Respondent dispensed Pliva 433 Trazadone Hydrochloride 50 mg instead of TV 58 Tramadol Hydrochloride 50 mg as prescribed. The patient ingested the medication.
2. In the above incident, although the correct drug information was inputted into the pharmacy's system during the prescription intake, the wrong stock bottle was pulled from the inventory and was not bar-code scanned for accuracy. Furthermore, the Respondent failed to identify the discrepancy during the final check verification.
3. On January 26, 2013, the Respondent dispensed Zyclara 2.5% cream for a pediatric patient with incorrect instructions to apply 3 times per day instead of the correct

directions to apply three times per week. The patient did not apply the medication incorrectly.

4. In the above incident, a pharmacy technician entered the incorrect instructions during the prescription intake, and the Respondent failed to recognize the error at the final check verification.
5. The Respondent practices in a busy community pharmacy filling approximately 400-500 prescriptions per day.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-313(b)(25) and COMAR 10.34.10.01B(1).

ORDER

Based on an affirmative vote of the Board, it is this 29th day of August, 2013, hereby:

ORDERED that the Respondent's license shall be immediately placed on PROBATION for at least ONE (1) YEAR; and be it further,

ORDERED that within the first 90 days of probation, the Respondent shall successfully complete: (a) three (3) continuing education credits focusing on pediatric dosing; and (2) three (3) continuing education credits focused on medication errors and quality assurance. The Board will credit the Respondent two (2) continuing education credits towards the latter requirement based on his recent completion of approved continuing education in medication errors; and be it further,

ORDERED that during the probationary period, the Respondent shall submit to the

Board, on a monthly basis, quality assurance reports from his pharmacy employer, as described in COMAR 10.34.26.04, detailing any medication errors involving the Respondent, which shall include a root cause analysis of the error(s) and any remedial actions taken in response. Patient names may be redacted; and be it further,

ORDERED that should the quality assurance reports indicate that the Respondent has committed additional medication errors, the Board may extend the probationary period or otherwise modify the terms of probation after providing the Respondent with an opportunity for a show cause hearing; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in his compliance with the terms and conditions of this Order; and be it further,

ORDERED that the Respondent's 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 should the Respondent violate any of the terms or conditions of this Order, the Board, in its discretion, after notice and an opportunity for a hearing, may impose any additional sanctions, including suspension, revocation and/or a monetary penalty authorized under the Maryland Pharmacy Act; and be it further,

ORDERED that the Respondent may petition the Board for release from probation no earlier than one (1) year after the effective date of this Order provided that he has been fully compliant with all of the terms of probation and there are no pending complaints or actions against him; 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 the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

8/29/13

for 
Lenna Israbian-Jamgochian, P.D.
President
Maryland Board of Pharmacy

CONSENT

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have 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 law.
2. 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 the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
4. 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.

Date

8/21/13


Emmanuell Bertrand
License No. 13099

STATE OF Maryland
COUNTY/CITY OF Princess Georges / Hyattsville

I hereby certify that on this 21st day of August, 2013, before me, a Notary Public of the State and County/City aforesaid, personally appeared EMMANUELL BERTRAND and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Rosalind S. Aliyanni

Notary Public

My commission expires: 11-30-2013