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| IN THE MATTER OF | * | BEFORE THE |
| PAUL EJEDOGHAOBI, PHARM.D. | * | STATE BOARD |
| License No.: 17416 | * | OF PHARMACY |
| Respondent | * | Case No. 09-16C |

* * * * *

FINAL CONSENT ORDER

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2004 Repl. Vol.), on August 17, 2009, the State Board of Pharmacy (the "Board") suspended the license to practice pharmacy in Maryland issued to Paul Ejedoghaobi, Pharm. D., (the "Respondent"), under the Maryland Pharmacy Practice Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol.). The Order is based on investigative findings, which the Board had reason to believe are true:

The Respondent was given notice of the issues underlying the Board's charges by notice dated August 17, 2009. Subsequently, the Respondent requested a Show Cause hearing, which was held on September 16, 2009 and was attended by a quorum of the Board. Also in attendance were Board Counsel, Linda Bethman, Assistant Attorney General. The Respondent was present, along with his attorney, Richard Bardos, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General, was also in attendance.

Following the Show Cause hearing, 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

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on October 12, 2004. The Respondent's license expires on December 31, 2010.

2. At all times relevant hereto, the Respondent was employed by Walgreens #09032 in Waldorf in Charles County, Maryland. The Respondent was employed by Walgreens since October 30, 2006.

3. By letter dated March 26, 2009, the Board was informed by the Respondent's Pharmacy Supervisor that the Respondent had been terminated on March 25, 2009. The bases for the termination are as follows:

A. On 3/19/09, the Pharmacy Supervisor indicated that he had reviewed certain profiles and found that each of them had been overridden by the Respondent who had entered, verified, dispensed and sold the prescription;

B. These profiles contained dispensed prescriptions dated August 2007 and were all Schedule II substances that had been paid for with cash;

C. The Respondent had dispensed Oxycodone and Oxycontin to himself at the store where he was employed, as well as at three other Walgreens stores where he had been employed;

D. The Pharmacy Supervisor contacted each prescriber and all indicated that they were unfamiliar with the patients and had not prescribed the medication to them;

E. The Pharmacy Supervisor determined, upon reviewing all of the

information, that the Respondent created numerous profiles to fraudulently obtain Schedule II substances in excess of \$14,900. It was further determined that the Respondent had paid \$12,472+ in cash for the prescriptions;

F. In February and March 2009, the Respondent stopped paying the full cash price for the prescriptions and used the price modify function to reduce the amount of the prescriptions by a total of \$2428,85, creating a loss to Walgreens;

G. On March 25, 2009, the Respondent was interviewed by staff of Walgreens. The Respondent admitted to establishing between 15 to 20 different profiles to obtain both Oxycodone and OxyContin for himself. The Respondent claimed that he had a chronic illness that caused a lot of pain, so he created the profiles in order to obtain the pain medication for himself. The Respondent further admitted that he took approximately 900mg of Oxycontin a day to alleviate his pain. When asked how he picked the names to establish the profiles, the Respondent stated that he would make up the names, even though some of the names were actually patients and/or had an existing profile. The Respondent further admitted that, between August 2007 and January 2008, he had created prescriptions for approximately 240 tablets of Oxycontin per month while working at various Walgreens stores.

4. As set forth above, by falsifying patient profiles in order to process fraudulent prescriptions to divert controlled drugs to himself for his personal use, the Respondent posed a threat to the public health, welfare and safety.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated Md. State Gov't § 10-226 (c) (2) (2009 Repl. Vol.). As set forth above, the above actions also constitute violations of the Act. Specifically, the Respondent violated 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;
- (4) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (15) Except as provided in § 12-506 of this title, unless an authorized prescriber authorizes the refill, refills a prescription for any drug, device, or diagnostic for which a prescription is required;
- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board;

The Respondent further violated the Pharmacist and Pharmacist Technician Code of Conduct, 10.34.10. (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 and the dispensing, distribution, storage, and labeling of drugs and devices, 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) Criminal Law Article, Title 5, 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;

(3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the licensee on probation, or suspend or revoke the licensee's license if the licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated Code of Maryland.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 25th day of March, 2010, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice is hereby **SUSPENDED**, for one year, retroactive to March 25, 2009;

ORDERED that, thereafter, the Respondent shall be placed on **PROBATION** for three years, subject to the following conditions:

- A. The Respondent shall be evaluated by a pain management physician and abide by his recommendations;¹
- B. Thereafter, the Respondent shall submit to a substance abuse evaluation, which would take into account the recommendations of the pain management specialist. On November 13 and 23, the Respondent met with Ralph Raphael, Ph.D., who made the following recommendations:
 - 1. That the Respondent follow through on the recommendations of the pain management specialist, in that, due to the Respondent's chronic disease, it is important that he have an ongoing collaborative relationship with a pain management specialist who can help him develop a pain management regimen that includes

¹The Respondent complied with this requirement by seeing Dr. Dawodu, who recommended that the Respondent seek treatment with him if the need arises and further recommended that he consult with an orthopedic surgeon regarding his leg ulcers, which have since healed.

narcotics and that will minimize the impact of his need for narcotics on his life. Thus, the Respondent is to consult with a pain management specialist on a frequency basis to be determined by the specialist;

2. That the Respondent engage in a course of psychotherapy, the frequency and length to be determined by his therapist². That therapist shall submit quarterly reports on the Respondent's status and progress to the Board;
3. The Respondent is to inform all physicians treating him about his past abuse of narcotics;
4. That the Respondent keep current with the pharmacy licensure CEU requirements and attend a program that focuses on ethics and substance abuse;
5. During the Probationary period, the Respondent shall not practice in a setting where he has access to any controlled substances. However, after successful completion of the first two years of Probation, the Respondent may petition to have that restriction removed, subject to terms and conditions set by the Board;
6. The Respondent shall be placed under the Board's monitoring program, which shall include random, observed urinalyses, at a

²The Respondent is currently engaging in regular psychotherapy with Tamara Lubliner, LCSW-C.

frequency to be determined, as well as attendance at regular AA/NA meetings, and/or group or individual therapy. The Respondent's therapist shall submit the results of the attendance at AA meetings;

7. The Respondent shall sign all necessary documents/releases to effectuate the reporting requirements.

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

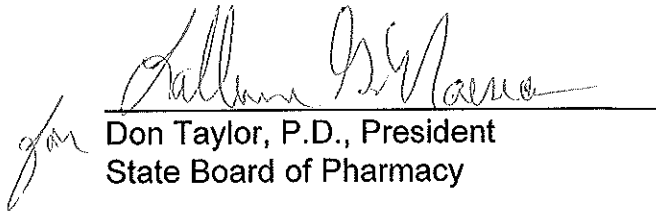
ORDERED that should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including lifting the 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/Suspension 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, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the

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

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009), 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.


Don Taylor, P.D., President
State Board of Pharmacy

CONSENT OF PAUL EJEDOGHAOBI

I, Paul Ejedoghaobi, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Richard Bardos, and have been advised by him of the legal implication of signing this Consent Order;

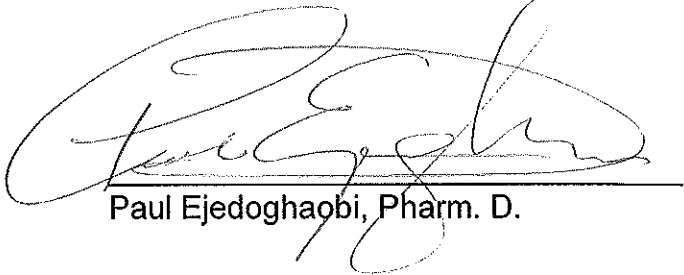
2. I am aware that, without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of § 12-313 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2009 Repl. Vol.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board

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

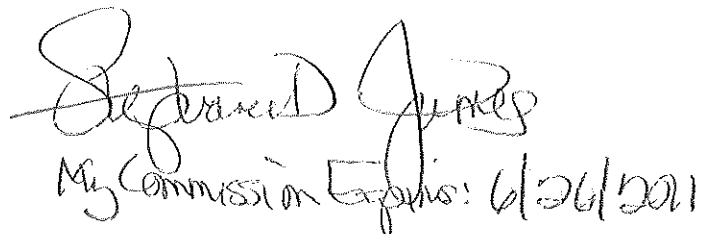
Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 12-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 12-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth 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.

3/16/10
Date


Paul Ejedoghaobi, Pharm. D.

STATE OF Maryland
CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 16th day of March, 2010, before me, Stephan D Jones, a Notary Public of the foregoing State and (City/County), personally appeared Paul Ejedoghaobi, License No. 17416, 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.


My Commission Expires: 6/26/2011