

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>MICHELLE DEMARCO GROFF</b>	*	<b>MARYLAND BOARD</b>
<b>RESPONDENT</b>	*	<b>OF PHARMACY</b>
<b>LICENSE NO.: 13585</b>	*	<b>CASE NO.: 20-444</b>

\* \* \* \* \*

**CONSENT ORDER**

The Maryland Board of Pharmacy (the “Board”) charged **Michelle Demarco Groff**, License Number: **13585** (the “Respondent”), under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. (“Heath. Occ.”) §§ 12-101 *et seq.* (2021 Repl. Vol.). Specifically, the Board charges the Respondent with violating the following:

**§ 12-313. Denials, reprimands, suspensions, and revocations - Grounds.**

(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 for a pharmacist’s license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

.....

(25) Violates any rule or regulation adopted by the Board[.]

The pertinent provisions of Code Md. Regs (“COMAR”) provide as follows

**COMAR 10.34.10.01 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[.]

**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.

**FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in the State of Maryland. The Respondent was originally licensed to practice as a pharmacist in Maryland on or about August 3, 1994. The Respondent's license expires on August 31, 2023.

2. At all times relevant hereto, the Respondent worked at a national retail pharmacy chain (the "Pharmacy") located in Maryland.<sup>1</sup>

3. On or about April 9, 2020, the Board was notified by the Regional Pharmacy Supervisor ("Pharmacy Supervisor") of a significant theft or loss that occurred at the Pharmacy. The Pharmacy Supervisor reported a loss of 500 tablets of Tramadol 50 mg, a schedule IV controlled dangerous substance, after a March 5, 2020, internal audit was conducted by Pharmacy staff.

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<sup>1</sup> For confidentiality and privacy purposes, the name of the Pharmacy is not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

4. The Pharmacy Supervisor also informed the Board of the results of an investigation conducted by Pharmacy staff after discovering the missing Tramadol 50mg.

5. The investigation conducted by Pharmacy staff revealed the following:

- a. On or about October 29, 2019, Pharmacy staff placed a manual order for 500 tablets of Tramadol 50mg. On or about October 30, 2019, the Tramadol order was received by Pharmacy staff who placed the medication in a secure cabinet.
- b. A review of the pharmacy's video camera footage by Pharmacy staff showed that the Tramadol 50mg ordered on October 29, 2019, was received on October 30, 2019, by two pharmacy employees and placed in a secured cabinet. The pharmacy electronic inventory software system had not been updated to reflect that the Tramadol order was received on October 30, 2019.
- c. On or about March 5, 2020, Pharmacy staff conducted an internal audit of the pharmacy. The audit revealed that 500 tablets of Tramadol 50mg were missing from the pharmacy.
- d. On or about March 11, 2020, the Respondent was informed by Pharmacy staff of the results of the March 5, 2020, audit.
- e. On or about March 14, 2020, the Respondent sent a text message to Pharmacy staff. The Respondent stated in her text message that she located the missing 500 tablets of Tramadol 50mg in a 60-dram amber vial with an attached label hidden between two blue bins located on the center island of the pharmacy. After finding the missing Tramadol 50mg the Respondent added the medication into the pharmacy's electronic inventory system.
- f. Pharmacy staff viewed the Pharmacy's video camera footage of the day that the Respondent discovered the missing medication. The video camera footage showed the Respondent placing a 60-dram vial of medication between two bins located on the center island in the pharmacy.

- g. On or about March 16, 2020, Pharmacy staff conducted a full controlled substance audit of the pharmacy. Pharmacy staff noticed that the vial of 500 tablets of Tramadol 50mg found by the Respondent on March 14, 2020, contained tablets from two different manufacturers: 497 tablets of Tramadol 50mg were manufactured by Sunmark, and 3 tablets of Tramadol 50mg were manufactured by Teva.**
- h. Following the March 16, 2020, audit, the Tramadol 50mg found by the Respondent was treated as a normal return to stock. The medication was later dispensed in various prescriptions from March 16, 2020, through March 27, 2020.**
- i. On or about March 27, 2020, the Respondent provided a written statement to Pharmacy staff. The Respondent indicated in her written statement that she found a vial of Tramadol 50mg on the back counter on Saturday March 14, 2020, while cleaning at the end of her shift. The Respondent also indicated that she printed a “RTS”<sup>2</sup> label and placed the vial containing the 500 Tramadol 50mg in the pharmacy safe.**
- j. On or about March 30, 2020, the Respondent amended her March 27, 2020, written statement to Pharmacy staff. The Respondent acknowledged in her amended statement that she had received the Tramadol 50mg on October 30, 2019. The Respondent stated in her amended statement that she had forgotten to update the pharmacy inventory system to reflect the receipt of the pharmacy’s October 30, 2019, Tramadol 50mg order. The Respondent further stated that she placed the Tramadol on her workstation so she could record the receipt of the Pharmacy’s October 30, 2019, Tramadol 50mg order into the Pharmacy’s inventory during her next shift.**
- k. On or about April 6, 2020, the Respondent was interviewed by Pharmacy staff. During the interview, the Respondent admitted to Pharmacy staff that she placed the order for 500 tablets of Tramadol 50mg on or about October 29, 2019. The Respondent indicated that she placed the order for herself and another Pharmacy employee. The Respondent also admitted that she received the 500 tablets of Tramadol 50mg from the order placed**

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<sup>2</sup> “RTS” means return to pharmacy stock.

on or about October 29, 2019 but did not record the receipt of the medication into the Pharmacy's inventory system.<sup>3</sup>

1. During the April 6, 2020, interview with Pharmacy staff, the Respondent stated that after receiving the Tramadol 50 mg order, she placed the medication in her locker. The Respondent then admitted that she had taken the Tramadol 50mg home. The Respondent indicated that she had taken the medication home as a security blanket because her prescription for Tramadol had been changed and she worried that she would need more than what was prescribed by her physician. The Respondent also admitted that she returned the Tramadol 50mg to the Pharmacy, printed a RTS label for the medication, and placed the medication behind blue bins located in the pharmacy area.
  - m. Following her April 6, 2020, interview with Pharmacy staff, the Respondent was suspended by Pharmacy staff for her actions as described herein.
  - n. On or about July 11, 2020, the Respondent informed Pharmacy staff of her resignation from the Pharmacy.
6. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. §12-313(b) (25); and COMAR 10.34.10.01 A (1) (a), (b), and (c) and B (1) and (3).

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §12-313(b) (25); and COMAR 10.34.10.01 A (1) (a), (b), and (c) and B (1) and (3).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12<sup>th</sup> day of April, 2022, by a majority of a quorum of the Board hereby:

<sup>3</sup> The Respondent had a legitimate prescription for Tramadol.

**ORDERED** that the Respondent's license shall be **SUSPENDED** for a period of **one (1) year** and said suspension of the Respondent's license shall be **STAYED**; it is further

**ORDERED** that the Respondent shall be placed on **PROBATION** for a period of **two (2) years** subject to the following conditions:

1. The Respondent shall take and successfully complete two (2) Board-approved continuing education courses which shall be completed within the first six (6) months of the probationary period. The Respondent shall take a minimum of three (3) continuing education credit hours in ethics and a minimum of three (3) continuing education credit hours in the safe and proper handling of drugs. The Respondent shall also provide the Board proof that she has completed the required continuing education credits hours required under this Consent Order. The continuing education credits hours required under this Consent Order shall not be used to satisfy continuing education requirements for license renewal.
2. The Respondent shall provide her current pharmacy employer a copy of this Consent Order within ten (10) days of the effective date of this Consent Order.
3. The Respondent shall not fill her personal prescriptions at a pharmacy where she works; and it is further

**ORDERED** that the Respondent's failure to comply with any of the terms and conditions set forth in this Consent Order constitutes a violation of this Consent Order; and it is further

**ORDERED** that the Respondent shall cooperate with the Board, its agents or

employees in the monitoring, supervision, and investigation of her compliance with the terms and conditions of this Consent Order; and it is further

**ORDERED** that after the conclusion of her two (2) year probationary period, the Respondent may submit a written petition to the Board requesting termination of the probation. After consideration of the petition, the Board may grant the termination of the Respondent's probation through a Board order, if the Respondent has fully and satisfactorily complied with all terms and conditions set forth in this Consent Order and there are no pending investigation or complaints; and it is further

**ORDERED** that if the Respondent allegedly fails to comply with any of the terms and conditions of this Consent Order, the Respondent shall be given notice and an opportunity for hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the hearing shall be a show cause hearing before the Board; and it is further

**ORDERED** that after the appropriate hearing, if the Board determines that the Respondent failed to comply with the terms and conditions of this Consent Order, the Board may impose further disciplinary sanctions on the Respondent permissible under the Act and COMAR; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that the effective date of this Consent Order is the date that it is signed by the Board; and it is further

**ORDERED** that this Consent Order may be reported to the National Practitioner





**CONSENT OF MICHELLE DEMARCO GROFF**

I, **MICHELLE DEMARCO GROFF** acknowledge that I have been represented by an attorney before entering into this Consent Order. By this Consent Order 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 waive any rights I may have to contest the Findings of Fact and the Conclusions of Law. 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 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 any such hearing. I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

4/6/22  
Date

Michelle DeMarco Groff  
Michelle DeMarco Groff

**NOTARY**

I HEREBY CERTIFY that on this 6 day of April, 2022 before me, a Notary Public of the State and City/County aforesaid, personally appeared, **Michelle DeMarco Groff, License Number: 13585** and declared and affirmed under the penalties of perjury that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial seal.

  
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Notary Public

My Commission expires: 9/10/25

