

IN THE MATTER

*

BEFORE THE

OF

*

MARYLAND BOARD

MARK S. McKINNEY

*

OF PHARMACY

License No. 18872

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board") received notification from the National Association of Boards of Pharmacy ("NABP") of disciplinary action taken against Mark S. McKinney (the "Respondent") by the New Jersey Board of Pharmacy on September 8, 2010. The New Jersey Board of Pharmacy disciplined the Respondent based on discipline issued by the Texas Board of Pharmacy on May 5, 2009, for medication error involving an intravenous solution.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto and at present, the Respondent lives and practices pharmacy in Texas.
2. On July 18, 2006, the Respondent, while employed at Mother Frances Pharmacy in Tyler, Texas, received an order to compounded an IV solution for 5% Albumin in 1 liter. The

Respondent was required to dilute 25% Albumin to a 5% solution. The Respondent diluted the Albumin with sterile water instead of normal saline.

3. The Respondent distributed the IV solution of 5% Albumin in 1 liter of sterile water to a patient with the IV bag labeled Albumin Human 5% Sol 1000 mL. As a result, the patient experienced short term adverse effects of acute hemolysis, nausea, vomiting and diarrhea and the long term adverse effect of renal failure for approximately 7 months.
4. On May 5, 2009, the Respondent entered into a Consent Order with the Texas Board of Pharmacy, in which the Respondent agreed to a two-year suspension, all of which was probated, and payment of a \$1,200 probation fee.
5. On September 10, 2010, the New Jersey Board of Pharmacy issued a Final Order of Discipline, in which the New Jersey Board issued a two-year suspension, retroactive to June 4, 2009, all stayed and to be served as a period of probation.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-313(b) (24) and COMAR 10.34.10.01B(1).

ORDER

Based on an affirmative vote of a majority of the Board, it is this 26th day of January, 2011, hereby:

ORDERED that the Maryland license to practice pharmacy held by MARK S. McKINNEY shall be SUSPENDED for a period of two (2) years, all of which shall be STAYED; and be it further,

ORDERED that the Maryland license to practice pharmacy held by Mr. McKinney shall be on PROBATION for two (2) years, retroactive to June 4, 2009;

ORDERED that Mr. McKinney shall comply with all of the requirements of the Texas Order and shall notify the Maryland Board within five (5) business days of receiving any action filed with regard to an alleged violation of the Texas Order. Any determination of noncompliance with the Texas Order shall constitute a violation of this Order.

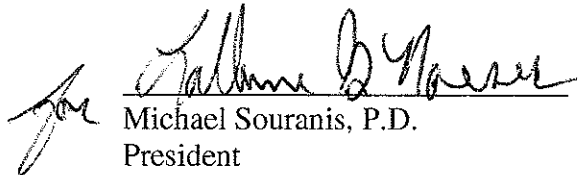
ORDERED that in the event that Mr. McKinney fails to fully cooperate with the Board, or violates any condition of this Consent Order, Mr. McKinney shall be subject to further disciplinary action after notice and an opportunity for a hearing; and be it further,

ORDERED that Mr. McKinney shall be responsible for all costs associated with this Consent Order; 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

1/26/2011


Michael Souranis, P.D.
President

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.
5. Should this Order not be accepted by the Board, it is agreed that neither the presentation of the Order to the Board nor the Board's consideration of the Order, will be deemed to have unfairly or illegally prejudiced the Board or any individual Board member from further participation in proceedings related to the matters set forth in this Order.

1/8/11
Date

Mark S. McKinney
Mark S. McKinney

STATE OF ~~MARYLAND~~ ^{Texas}
COUNTY/CITY OF Bexar :

I hereby certify that on this 21st day of January, 2011,
before me, a Notary Public of the State of ~~Maryland~~ ^{Texas} and County/city aforesaid, personally
appeared MARK S. McKINNEY and made an oath in due form that the foregoing Consent
was his voluntary act and deed.

Martha P. Martinez

Notary Public

My commission expires: 02-04-12

