

IN THE MATTER OF

* BEFORE THE

WALTER RAMIREZ PHARM.D.

* STATE BOARD

License No.: 21705

* OF

Respondent

* PHARMACY

* Case No. 18-105

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2014 Repl. Vol. and 2017 Supp.) (the "Act"), on July 18, 2018, the Board issued Charges against the pharmacist license of **WALTER RAMIREZ, Pharm. D.** (the "Respondent"). On October 31, 2018, a Case Resolution Conference was held with the Respondent, who was represented by Counsel, members of the Board, along with Board Counsel, and the Administrative Prosecutor, in order to determine whether the matter could be resolved. As a result, the following settlement was reached.

The Charges were issued pursuant to the following provisions of the Act, as follows:

H.O. § 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:

(22) Is convicted of or pleads guilty or *nolo contendere* to a felony or to a crime involving moral turpitude, whether

or not any appeal or other proceeding is pending to have the conviction or plea set aside;

- (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[;].

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 17, 2013. The Respondent's license expires on January 31, 2021.

2. At all times relevant hereto, the Respondent was employed as a pharmacist at a specialty pharmacy service for seniors.

3. In or about November 30, 2017, the Board received a self-report from the Respondent that he was arrested in Burke, Virginia and charged with possession of marijuana with intent to distribute.

4. The Respondent stated that he regularly used an "app" called "High There", which was meant for smokers of marijuana to find local fellow smokers. The Respondent attributed his marijuana usage to his recent divorce and other personal issues.

5. The Respondent stated that, on February 28, 2017, he met with one individual from the "app" and sold him an ounce of marijuana. The individual that the Respondent sold the ounce to was a police officer, who then searched the Respondent's car and found another half-ounce of marijuana there.

6. As a result, the Respondent was charged with two counts of sale and distribution of marijuana in the Fairfax County General District Court. On November 17, 2017, the Respondent pled guilty to misdemeanor sale and distribution of marijuana, which was amended to “possession of marijuana with intent to distribute”.

7. The Respondent received 180 days imprisonment, with 166 days suspended; one year of unsupervised probation, which began on November 20, 2017; his driver’s license was suspended for six months; and, the Respondent was ordered to pay a fine of \$192.

8. The Respondent’s guilty plea to the possession of, use and sale of illegal drugs is a crime of moral turpitude, in violation of §12-313 (22).

9. The Respondent’s punishment by the court of Virginia of imprisonment, probation and a fine is a violation of §12-313 (24).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §§12-213 (22) and (24) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 21st day of February 2019, by a majority of a quorum of the Board,

ORDERED that the Respondent’s License be placed on PROBATION for TWO YEARS, with the following conditions:

1. The Respondent shall obtain six Continuing Education Units (CEUs) in Professional Ethics pre-approved by the Board prior to his next license renewal and within the probationary period; these CEUs may not be counted toward the requisite amount of CEUs needed for licensure renewal;
2. The Respondent shall submit to hair tests for the presence of illegal drugs every six months during the probationary period;
3. The Respondent shall submit quarterly reports from his employer and self-reports to the Board on his progress during the probationary period;
4. The Respondent shall attend AA/NA meetings at least twice a month, with attendance reports submitted to the Board on a quarterly basis.

ORDERED that the Respondent shall bear the costs of compliance with the Order.

ORDERED that the Respondent may petition for modification of probationary conditions after six months of probation, provided that he has fully complied with the terms of the Order and has no outstanding complaints against him;

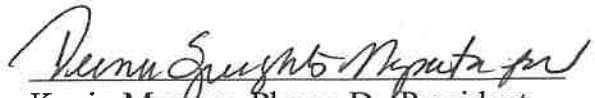
ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

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, should the Board receive information 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 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 shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that, for purposes of public disclosure, as permitted by Md. Code Ann., General Provisions §§ 4-101, *et seq.* (2014 Vol. and 2018 Supp.), 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.


Kevin Morgan, Pharm.D., President
State Board of Pharmacy

CONSENT OF WALTER RAMIREZ, PHARM.D.

I, **WALTER RAMIREZ**, Pharm.D., acknowledge that I am represented by counsel, Brian Bregman, Attorney, and have consulted with counsel before entering into this Consent Order. By this Consent 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 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 agree to forego my opportunity to challenge these allegations. 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 after 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.

02-12-2019
Date



WALTER RAMIREZ, Pharm.D.

STATE OF Maryland :

CITY/COUNTY OF Montgomery :

I HEREBY CERTIFY that, on this 12th day of February 2019, before me, Tesfaye Deresse, a Notary Public of the foregoing State and
(Print Name)

(City/County), personally appeared **WALTER RAMIREZ**, Pharm.D., License No. 21705, 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.

AS WITNESSETH my hand and notarial seal.

TESFAYE DERESSE
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires _____

Tesfaye Deresse
02/12/2019

Notary Public

My Commission Expires: 09/04/2022