

**IN THE MATTER OF** \* **BEFORE THE**  
**WILLIAM R. CHESTER, Pharm.D.** \* **STATE BOARD**  
\* **OF**  
**License No.:15241** \* **PHARMACY**  
**Respondent** \* **Case No. 19-274**

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**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. Code Ann., State Gov't. §10-226 (c) (2) (2014 Repl. Vol. and 2018 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice as a pharmacist in Maryland issued to **WILLIAM R. CHESTER, PHARM.D.**, (the "Respondent"), **License No. 15241**, under the Maryland Pharmacy Act (the "Act"), Md. Code Ann. Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**INVESTIGATIVE FINDINGS<sup>1</sup>**

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in Maryland. The Respondent was first licensed on July 22, 1999. The Respondent's license expires on June 30, 2021.

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<sup>1</sup>The allegations set forth in this Order are intended to provide the Respondent with notice of the Board's action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this action.

2. At all times relevant herein, the Respondent was employed at a grocery store chain pharmacy, hereinafter “Pharmacy A”<sup>2</sup>, in Damascus, Maryland and two locations in Pennsylvania.

3. On February 13, 2019, the Board received a Notice via electronic correspondence from the Pharmacy with three copies of DEA Form 106 attached. The Notice informed the Board that in a written statement the Respondent admitted to the theft of phentermine<sup>3</sup> from Pharmacy A in Maryland, Pharmacy #173 in Pennsylvania (hereinafter “Pharmacy B”) and Pharmacy #200 in Pennsylvania, (hereinafter “Pharmacy C”).

4. The Respondent admitted to stealing the following from Pharmacy A: phentermine 37.5mg (30 tablets) and phentermine 15mg (30 tablets).

5. The Respondent also admitted to stealing phentermine 37.5mg (1,081 tablets) and phentermine 37.5mg (60 tablets) from Pharmacy B and C.

6. On or about March 6, 2019, the Board sent a subpoena to the Pharmacy requesting the Respondent’s employment file, including any documentation regarding the investigation of the Respondent’s thefts of phentermine from the Pharmacy.

7. The documents received included an internal investigative report. According to the investigative report, a Pharmacy audit indicated that purchases of phentermine at Pharmacy B exceeded the amount dispensed. Subsequently, the Pharmacy initiated an

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<sup>2</sup> To protect confidentiality, names of facilities and individuals will not be disclosed in this document.

<sup>3</sup> Phentermine is a stimulant similar to an amphetamine. Phentermine is an appetite suppressant that affects the central nervous system. Phentermine in combination with diet and exercise is used to treat obesity.

investigation. The Pharmacy regional manager reported that a review of video surveillance tapes showed the Respondent on three separate dates removing numerous tablets and a bottle of phentermine and concealing them on his person.

8. The file contained a handwritten letter dated January 8, 2019, in which the Respondent admitted that he removed phentermine from Pharmacy A, B, and C for his own personal use without a legitimate prescription for the drugs. The Respondent admitted that his thefts of phentermine “had been going on intermittently for about a year.” He stated: “I had been stockpiling them so that I wouldn’t need to go to Dr. to get a Rx.”

9. The Respondent also admitted in the letter that he removed phentermine from Pharmacy A on January 6, 2019, without a legitimate prescription for the drug. The Respondent offered to pay restitution to the Pharmacy and return the phentermine he had remaining in his possession.

10. Subsequently, the Respondent returned a bottle of phentermine containing approximately 200 tablets to the Pharmacy, but according to the report it is unclear which stores the tablets were stolen from.

11. The Pharmacy reported the incident to the Pennsylvania State Police, and the Respondent was terminated from his employment with the Pharmacy on January 9, 2019. The Respondent’s Pennsylvania Pharmacist license is still active.

12. On or about February 23, 2019 the Respondent was arrested and charged in Magisterial District Court 51-3-03 in East Berlin, Pennsylvania with two counts: 1) Theft by Unlaw Taking-Movable Prop; and 2) Retail Theft-Take Mdse.

13. The case was transferred to the Court of Common Pleas of Adams County Pennsylvania, Docket No.: CP-01-CR-347-2019, where the Respondent was charged with the following:

**COUNT 1:**

**RETAIL THEFT-- (Felony 3)**

The Actor did take possession of, carry away, transfer or caused to be carried away or transferred, merchandise displayed, held, stored or offered for sale by a store or other retail mercantile establishment with the intention of depriving the merchant of the possession, use or benefit of such merchandise without paying the full retail value thereof; namely did take approximately 1500 Phentermine 37.5mg pills, a total value in excess of \$1,000, offered for sale by [the Pharmacy], in violation of Section 3929(a)(1) of the Crimes Code 18 Pa. C.S.A. 3929 (a)(1).

**COUNT 2:**

**THEFT BY UNLAWFUL TAKING -- (Misdemeanor 1)**

The Actor unlawfully took or exercised unlawful control over movable property, namely, approximately 1500 Phentermine 37.5mg pills valued in excess of \$200.00, belonging to another, namely, [the Pharmacy], with the intent to deprive the owner thereof, in violation of Section 3921(a) of the Pennsylvania Crimes Code, Act of December 6, 1972, 18 Pa. C.S. Section 3921(a).

15. On April 16, 2019, the Court of Common Pleas accepted the Respondent's application to participate in the Accelerated Rehabilitative Disposition ("ARD") Program.<sup>4</sup> The Respondent was placed on probation for twelve (12) months, ordered to pay restitution,

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<sup>4</sup> The ARD program is a special pretrial prevention program in the Commonwealth of Pennsylvania for non-violent offenders with no prior record or limited record. The offender is placed on probation with conditions, and if the offender successfully completes the program, the offender can request that the charges be dismissed. If the probation conditions are not met the case can be set for trial.

and ordered to participate in a drug and alcohol program and follow recommendations of the evaluation.

### CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to SG §10-226 (c).

### ORDER

Based on the foregoing, it is therefore this 12<sup>th</sup> day of July, 2019, by a majority vote of a quorum of the Board, by authority granted to the Board by SG §10-226(c) (2), the license held by **WILLIAM R. CHESTER, PHARM.D.** the Respondent, to practice pharmacy in Maryland, License No. 15241, is hereby **SUMMARILY SUSPENDED**; and be it further

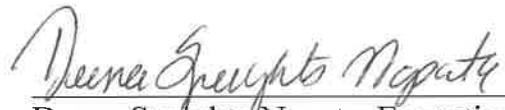
**ORDERED**, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued; and be it further

**ORDERED**, that the Respondent shall immediately return to the Board the wall certificate and wallet-sized license issued by the Board licensing the Respondent to practice as a pharmacist; and be it further

**ORDERED** that if the Respondent does not submit a timely written request to the Board for a post-deprivation show cause hearing, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the investigative

findings contained in this Order shall stand and the Respondent's license will remain **SUSPENDED** absent any further action by the Board; and be it further

**ORDERED**, that this document constitutes a final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Prov. §§ 4-101, *et seq.* (2014 Vol. and 2018 Supp.).

  
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Deena Spights-Napata, Executive Director  
Board of Pharmacy

**NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.