

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

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2004 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends 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., (2005 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

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.

FINDINGS OF FACT

1. 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 is a threat to the public health, welfare and safety.

2. 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.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2004 Repl. Vol.).

ORDER

Based on the foregoing, it is therefore this 17th day of **August 2009**, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2004 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 14716, 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, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall

certificate and wallet-sized license to practice pharmacy issued 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. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).



LaVerne G. Naesea, 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.