

IN THE MATTER OF	*	BEFORE THE
KATHERINE K. EMERY, P.D.	*	STATE BOARD
LICENSE NUMBER: 11691	*	OF PHARMACY
RESPONDENT	*	CASE NUMBER:

* * * * *

ORDER OF SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. § 10-226 (c) (2004 Repl. Vol. & 2007 Suppl.), the Maryland Pharmacy Act ("the Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.*, (2005 Repl. Vol. and 2007 Suppl.), and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby suspends the license of Katherine K. Emery, P.D. (the "Respondent"), D.O.B. 5/23/1958, license number: 11691 to practice pharmacy under the Act. This Order of Summary Suspension ("Order") is based on the following investigative findings that the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

1. The Respondent was initially issued a license to practice pharmacy in Maryland on May 15, 1989.
2. In or around December 2005, the Respondent was employed as a pharmacist at Walgreen's Pharmacy ("Walgreens") located at 8050 Liberty Road, Baltimore, Maryland.
3. On or about April 24, 2007, the Respondent was recorded on a video camera located in the pharmacy area of Walgreens removing a bottle of medication from the pharmacy shelf, pouring the contents of the bottle into her hand, placing her hand to her mouth, and taking a drink from a water bottle.

4. When confronted by Walgreen staff, the Respondent denied the events recorded by the video camera.

5. On or about June 5, 2007, the Respondent was observed by Walgreens staff displaying signs of drug and/or alcohol impairment.

6. Walgreen staff reported that the Respondent was unable to keep her balance, her speech was slurred, and she had improperly written prescription information that was called in by doctors' offices.

7. After a Walgreens district pharmacy manager was informed of the Respondent's behavior, she was ordered to leave the pharmacy. The pharmacy was immediately closed until a replacement for the Respondent could be found.

8. After being removed from the pharmacy, the Respondent was ordered to go to a drug testing facility to give a urine specimen.

9. On or about June 13, 2007, the drug testing facility that retrieved and analyzed the Respondent's urine specimen informed the Respondent's superiors that she had tested positive for hydrocodone.

10. On or about June 15, 2007, the Respondent admitted to Walgreens investigators that she had taken Hydrocodone and Lorazepam on June 5, 2007.

11. The Respondent was subsequently fired by Walgreens

FINDINGS OF FACT

1. Based on the foregoing acts described above, the Board has cause to believe that the Respondent is a threat to the public health, welfare and safety.

2. As set forth above, the Respondent also violated the following:

Md. Health Occ. Code Ann. § 12-313:

(b) *In general.* - 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:

- (5) Provides professional services while:
 - (i) Under the influence of alcohol; or
 - (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 the therapeutic amount or without valid medical indication.
- (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (21) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board.

The Respondent further violated the following Pharmacist Code of Conduct regulations:

Code Md. Regs. tit. 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;

(d) Criminal Law Article, Title 5, Annotated Code of Maryland;

(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;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. § 10-226 (c) (2004 Repl. Vol. & 2007 Suppl.).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is on this 9th day of OCT, 2007, the majority of the Board hereby:

ORDERED that the license issued to Katherine K. Emery to practice pharmacy in the State of Maryland under license number 11691 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and it is further

ORDERED that the Respondent shall return her wall certificate and wallet licenses to the Board, within five days (5) days of the date of this Order; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §10-617(h) (2004 Repl. Vol. & 2007 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2004 Repl. Vol. & 2007 Supp.).

October 9, 2007
Date

LaVerne Naesea
LaVerne Naesea, Executive Director

NOTICE OF HEARING

A show cause hearing to determine whether the Summary Suspension will be continued, lifted or terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request for a show cause hearing by the Respondent.