

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>DEBORAH GILPIN</b>	*	<b>STATE BOARD OF</b>
<b>APPLICANT</b>	*	<b>PHARMACY</b>
<b>License No. 09120 (non-renewed)</b>	*	<b>Case No: PT-17-026</b>

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**FINAL ORDER OF DENIAL OF  
PHARMACY INTERN REGISTRATION**

On June 20, 2018, the State Board of Pharmacy (the “Board”), notified the Applicant, **DEBORAH GILPIN, (the “Applicant”)**, that it was initially denying her a registration to practice as a Pharmacy Intern (Pharm Intern) under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.). The Notice informed the Applicant that she had 30 days to request a hearing. More than 30 days have elapsed and the Applicant failed to request a hearing. Therefore, this Order is Final.

The pertinent provisions of the Act state:

**Health Occ. §12–6D–11**

Subject to the hearing provision of § 12–315 of this title, the Board may deny a pharmacy intern’s registration to any applicant...if the applicant ...:

- (14) Is physically or mentally incompetent;
- (15) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:
  - (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
  - (ii) Any appeal or other proceeding is pending regarding the matter;
- (16) Violates any provision of this title;

(18) Violates any regulation adopted by the Board [;].

Pursuant to Health Occ. § 12-6D-11(16), the pertinent violations of the title of the Act are:

**Health Occ. §12-101.**

- (a) In this title the following words have the meanings indicated.
- (y) "Registered pharmacy intern" means an individual who is registered with the Board to practice pharmacy under the direct supervision of a pharmacist.

**Health Occ. §12-6D-02.**

Except as otherwise provided in this title, an individual shall be registered and approved by the Board as a registered pharmacy intern before the individual may practice pharmacy under the direct supervision of a licensed pharmacist in accordance with this subtitle.

**Health Occ. §12-6D-03.**

- (a) To qualify for registration an applicant shall be an individual who:
  - (1) Is currently enrolled and has completed 1 year of professional pharmacy education in a doctor of pharmacy program accredited by the ACPE (emphasis added);
  - (2) Is currently enrolled and has completed 1 year of professional pharmacy education in a doctor of pharmacy program under accreditation review by the ACPE (emphasis added);
  - (3) Has graduated from a doctor of pharmacy program accredited by the ACPE and has applied for licensure with the Board (emphasis added); or
- (d) The applicant shall be of good moral character.

Pursuant to Health Occ. § 12-6D-11(18), the pertinent violations of the regulations of the Act are:

**Code Maryland Regs. (COMAR) 10.34.02:**

**.04 Internship Program or Training Required.**

An applicant shall complete one of the following as a prerequisite to Board licensure:

- A. 1,000 hours of a school-supervised professional experience program conducted by a school of pharmacy accredited by the American Council of Pharmaceutical Education; or

**COMAR 10.34.02:**

**.05 Partial or Non-Pharmacy-School-Supervised Program of Internship.**

- A. Applicants may complete the requirement for internship training by having at least 1,560 hours of full-time training as a registered pharmacy intern, under the direct supervision of licensed pharmacists.
- B. The licensed pharmacists providing direct supervision shall be approved by the Board.
- C. The applicant shall present evidence satisfactory to the Board that the applicant has completed the training under this regulation, validated by the supervising pharmacist or pharmacists.
- D. If an approved school or college of pharmacy offers a partial fulfillment of internship requirements as a part of its curriculum, time spent in a program by an applicant may be accepted by the Board on an equivalent basis to replace a portion of the required 1,560-hour internship pharmacy internship training under this regulation.

**BASES OF DENIAL**

The Board based its decision to deny the registration on the foregoing facts which the Board had reason to believe are true:

1. The Applicant was first licensed as a pharmacist by the Board on December 1, 1979. The Applicant allowed her pharmacist license to lapse on January 31, 2000. It is currently listed as “non-renewed.”

2. The Applicant applied with the Board for registration in Maryland as a Pharmacy Intern by a form dated December 22, 2016.

3. The Applicant documented that she graduated from an approved pharmacy school, attaining 1000 hours of actual pharmacy experience in a “structured program” conducted by or supervised by her school “from September 1976 to May 1979.”

4. The Applicant did not indicate whether she was applying for registration as an Intern as part of reinstatement as a licensed pharmacist.<sup>1</sup>

5. The Applicant answered “Yes” to the following questions in the “Personal Attestation” Section of the application:

6. “Have you surrendered or failed to renew a healthcare registration or license in any state?” The Applicant stated that she failed to renew her Maryland pharmacy license ‘until now’.<sup>2</sup>

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<sup>1</sup> COMAR 10.34.13.

.03 Reinstatement Requirements.

- (7) A pharmacist not actively engaged in the practice of pharmacy, whose Maryland license expired 10 or more years before applying for reinstatement, shall:
  - (a) Meet the requirements of §A (2) and (3) of this regulation;
  - (b) Pass the MPJE;
  - (c) Submit evidence satisfactory to the Board of having performed 1,000 hours of service in a pharmacy with a valid pharmacy permit under the supervision of a licensed pharmacist; and
  - (d) Pass the NAPLEX.

<sup>2</sup> The Applicant was issued a pharmacist license #09120 on December 1, 1979 and her license was non-renewed as of January 31, 2000. On October 14, 2016, the Board received the Applicant’s application for a Pharmacy Technician Registration, and, by letter dated December 9, 2016, she withdrew her application for pharmacy technician registration, as she was applying for the Pharmacy Intern registration at issue here. The Applicant’s use of the term that she has not applied for a pharmacy license “until now,” is a bit confusing, inasmuch as she is applying for a Pharmacy Intern registration at this time, which she may view as a prerequisite to obtaining or reinstating her pharmacist license. However, the Applicant would have to apply for reinstatement first and would have to meet whatever terms the Board would set if the Board

7. "Have you ever withdrawn your application for a pharmacy intern registration or other health professional license?" The Applicant stated that she applied for a Maryland pharmacy technician license but canceled that request in December 2016.

8. "Have you committed a criminal act for which you pled guilty or *nolo contendere*...or for which you were convicted or received probation before judgment?" The Applicant responded in the affirmative."

9. The Applicant was convicted, as follows:

1/28/2012 In Harford County, Maryland, of Trespass, Private Property;  
given sentence of 90 days of which 75 days were suspended;  
Probation for 1 year and fine of \$500;

1/4/2000 In Baltimore City, of Reckless Endangerment; sentenced to 5  
years, all of which were suspended and given 3 years  
probation.<sup>3</sup>

10. By letter dated February 28, 2017, the Board ordered the Applicant to be evaluated by a psychiatrist to determine whether she was capable of functioning as an Intern. The Evaluator opined that the Applicant had some mental health conditions that would prohibit her from working as a Pharmacy Intern at this time.

The Evaluator further stated: "I recommend that the Board request the [Applicant] to work in a non-pharmacy related job for 6 months to assess her functioning and then reconsider her application for a Pharmacy Internship depending on how she is able to handle that work experience after a 20-year absence from holding a regular job."

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granted that request.

11. As set forth above, based on the Evaluator's report, the Applicant is not mentally competent to practice as a Pharmacy Intern at this time, pursuant to § 12-6D-11 (14) (Is mentally incompetent).

12. As set forth above, by pleading guilty to and having been found guilty of a felony, and being disciplined by a court for same, the Applicant violated the Act, pursuant to § 12-6D-11 (15) (pled guilty or been found guilty of felony or a crime involving moral turpitude); and (17) (Is disciplined by a... court of any state ... for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[.]).

13. As set forth above, by being convicted of a felony and being disciplined by a court for same, the Applicant fails to meet the requirements of the Act for becoming an Intern, pursuant to §12-6D-11(16) (Violates any provision of this title [;]), pursuant to §12-6D-03. (a.) (To qualify for registration an applicant shall be an individual who: (d) shall be of good moral character).

14. As set forth above, the Applicant fails to meet the qualifications for an Intern in that she has not graduated from or is currently in attendance at a pharmacy school in which her degree will be a Pharm. D., pursuant to §12-6D-03. To qualify for registration an applicant shall be an individual who:

- (1) Is currently enrolled and has completed 1 year of professional pharmacy education in a doctor of pharmacy program accredited by the ACPE (emphasis added);
- (2) Is currently enrolled and has completed 1 year of professional pharmacy education in a doctor of pharmacy program under accreditation review by the ACPE (emphasis added)
- (3) Has graduated from a doctor of pharmacy program accredited by the ACPE and has applied for licensure with the Board (emphasis added); [or;].

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<sup>3</sup> A person who is convicted of this offense is subject to imprisonment of up to 5 years and/or a maximum fine of \$5,000. Maryland Code Ann., CR § 3-204.

**CONCLUSIONS OF LAW**

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated §§ 12-6D-11 (14), (15), 16), (17) and (18), 12-6D-03 of the Act, and COMAR 10.34.02.04 and .05.

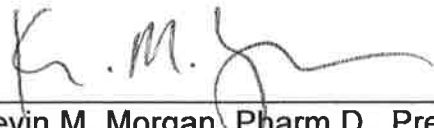
**ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Intern in Maryland of **DEBORAH GILPIN**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol. and 2017 Supp.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with § 12-316 of the Act and the Administrative Procedure Act, Md. Code Ann., State Government (State Govt.). §§ 10-201, *et seq.* (2014 Repl. Vol. and 2017 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

8/15/2018  
Date

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