

IN THE MATTER OF
JOYCELYN KYLE, P.D.
LICENSE NO. 12948
RESPONDENT

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHARMACY**

* * * * *

ORDER CONTINUING SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't § 10-226(c) (1999 Repl. Vol.), and after a show cause hearing held on September 17, 2003, the State Board of Pharmacy (the "Board") hereby continues the summary suspension of the license to practice pharmacy issued to Joycelyn Kyle, P.D. (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article (2000 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

Findings

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on October 28, 1992. The Respondent's license expires on March 31, 2004. At all times relevant hereto, the Respondent was working at Kaiser Permanente, a health maintenance organization/health plan.

2. On February 6, 2003, the Respondent filed a complaint with Kaiser's Corporate Compliance alleging that she was being subjected to "discrimination, sexual harassment, mental abuse, intimidation and threats against her life at work" from colleagues and patients. As a result of the Respondent's complaint, Kaiser relocated her to another location on March 5, 2003.

3. Although the Respondent had been practicing at Kaiser since September 20, 2002, the Respondent demonstrated a gross lack of understanding regarding Kaiser's pharmacy procedures. In addition, the Respondent made several medication errors due to her failure to follow the guidelines for checking prescriptions.

4. On March 21, 2003, the Respondent left the pharmacy at noon and did not return to complete her shift. The Respondent later explained to her employer that she was "having emotional problems – panic attacks."

5. On May 8, 2003, after the Respondent continued to experience performance issues, the Respondent's supervisor requested an immediate meeting. The Respondent did not respond but instead requested to see a nurse. The Respondent's request was denied since the Respondent was the sole pharmacist on duty at the time. The Respondent then proceeded to stay in the restroom for approximately two hours. At a meeting later that day, the Respondent told her supervisor that she could not concentrate on her work because she was hearing voices. Furthermore, the Respondent alleged that coworkers continued to harass her, threaten her life and accuse her of being a molester.

6. Thereafter, the Respondent was placed on administrative leave pending an evaluation for fitness to practice. The Respondent was evaluated by Lee Haller, M.D. The Respondent reported to Dr. Haller that she had recently been prescribed Paxil, an antidepressant, and Zyprexa, an anti-psychotic, but that she had stopped taking the Zyprexa and was only taking half the dosage of Paxil.

7. Dr. Haller diagnosed the Respondent as suffering from a delusional disorder, paranoid type, a cognitive disorder, and adjustment reaction with anxious features. Dr. Haller opined, "Unfortunately, she [the Respondent] has not followed the psychiatrist's

instructions regarding medication use and dosing...Furthermore, it is highly unlikely that she will return to taking the Zyprexa because she does not believe she has illness that requires treatment with this class of medication...I do not believe that [the Respondent] possesses sufficient psychological stability to adequately and independently perform all requirements of her position.”

8. On October 15, 2003, as a result of the show cause hearing held before the Board regarding the Board’s Summary Suspension Order, the Board ordered that the Respondent submit to another psychiatric evaluation and offered the names of two psychiatrists who were willing to conduct the evaluation.

9. On November 7, 2003, the Respondent submitted to a 3½ hour evaluation by Ellen McDaniel, M.D. Based upon her evaluation of the Respondent, Dr. McDaniel diagnosed the Respondent with a delusional disorder, persecutory type. It was Dr. McDaniel’s opinion that the Respondent is not able to “safely practice pharmacy at the present time due to her mental disorder and its effect on her ability to work with others and to focus on the details of her work while in (what she regularly perceives as) a hostile work environment.” Although Dr. McDaniel opined that the Respondent should be given every possible chance to restore her competency, Dr. McDaniel believes that the Respondent must first undergo appropriate psychiatric monitoring and psychotherapy.

DISCUSSION

The Respondent has been diagnosed by two psychiatrists who have both determined that the Respondent’s current mental disorder negatively impacts her ability to safely practice pharmacy. Although, the Respondent sought out treatment

independently earlier this year, she failed to follow the medication regimen recommended to her. Unless and until the Respondent has undergone psychotherapy and abides by an appropriate medication regimen, the Board believes that the Respondent may not practice pharmacy without posing an imminent danger to the health and safety of the public.

CONCLUSION OF LAW

Based upon the foregoing, the Board concludes that the public health, safety, and welfare imperatively require emergency action, pursuant to Md. Code Ann., State Gov't Article § 10-226(c)(2) (1999 Repl. Vol.).

ORDER

Based on the foregoing, on this 5 day of December, 2003, by a unanimous vote of a quorum of the Board, by authority granted to the Board by Md. Code Ann., State Gov't Art. § 10-226(c)(2) (1999 Repl. Vol.), it is hereby,

ORDERED that the SUSPENSION of the Respondent's license to practice pharmacy in Maryland, License No. 12948, is CONTINUED; and be it further.

ORDERED that the Respondent may petition the Board to lift the suspension upon satisfaction of the following conditions:

1. The Respondent shall follow the treatment recommendations of Dr. McDaniel as set forth in her evaluation, dated November 12, 2003;
2. The Respondent shall contact the Pharmacists Education and Assistance Committee ("PEAC") for assistance; and

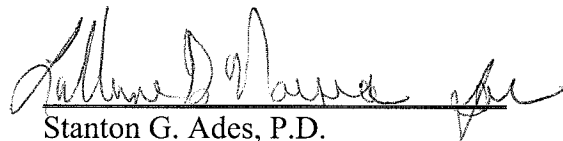
3. The Respondent shall submit to a psychiatric mental evaluation, which evaluation shall concern the ability of the Respondent to safely practice pharmacy.

ORDERED that upon the Board's receipt of a written request from the Respondent for an evidentiary hearing on this matter, a hearing shall be scheduled, at which time the Respondent will be given an opportunity to be heard on whether the summary suspension of her license should be continued; and be it further

ORDERED that the Respondent shall bear the expenses associated with this Order; and be it further,

ORDERED that this document constitutes a final order of the Maryland State Board of Pharmacy and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., State Gov't Art., § 10-617(h).

12/8/03
Date


Stanton G. Ades, P.D.
President, Board of Pharmacy