

IN THE MATTER OF	*	BEFORE THE STATE
SHESHAGIRI R. PALAKURTHI	*	BOARD OF
LICENSE No: 17557	*	PHARMACY
Respondent	*	CASE No.: 16-093
* * * * *	*	* * * * *

CONSENT ORDER

On December 21, 2016, the Maryland State Board of Pharmacy (the "Board") issued a Notice of Intent to Revoke the pharmacy license of **SHESHAGIRI R. PALAKURTHI (the "Respondent") (License No: 17557)**, under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

The pertinent provisions of §12-313 the Act provide as follows:

(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 for a pharmacists license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (7) Willfully makes or files a false report or record as part of practicing pharmacy;
- (8) Willfully fails to file or record any report that is required by law; [and]
- (25) Violates any rule or regulation adopted by the Board[.]

The pertinent provision of Code Md. Regs ("COMAR"), tit. 10, § 34.10 provides as follows:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

(3) Engage in unprofessional conduct

On April 19, 2017, the Respondent participated in a Case Resolution Conference (CRC) before a panel of Board members to discuss the potential resolution of the Charges by consent. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds:

1. The Respondent is licensed to practice pharmacy in the State of Maryland under license number 17557. The Respondent was initially licensed on July 22, 2005. The Respondent's license is current and is scheduled to expire on May 31, 2017.

2. The Respondent also holds an active license in New Jersey, where he currently works as a pharmacist.

3. At all times relevant, the Respondent was the pharmacy manager at a retail pharmacy ("Pharmacy A") in Baltimore, Maryland.¹

4. On April 27, 2016, the Board received information from Pharmacy A that in March 2015, it terminated the Respondent due to a violation of corporate policy.

¹ In order to maintain confidentiality, names will be used in these Charges. The Respondent may obtain a list of the names referenced in the Notice by contacting the Administrative Prosecutor.

Pharmacy A also updated the Board in regards to a controlled substances loss that it previously reported to the Board.² Pharmacy A reported a significant loss of controlled substances.

5. Thereafter, the Board initiated an investigation.

Termination from Employment

6. On or about April 2, 2016, the Board issued a subpoena *duces tecum* to Pharmacy A for the Respondent's employment records and investigative files pertaining to the Respondent. Pharmacy A did not respond to the Board's subpoena, and the Board re-issued its subpoena on August 11, 2016.

7. On September 7, 2016, the Board received the requested documents from Pharmacy A.

8. According to documents received from Pharmacy A, on February 27, 2015, during an investigation into the CDS discrepancies, the Respondent admitted to his employer that he took five or six expired Vicodin from Pharmacy A without a prescription. The Respondent stated that he did not take any other medication from Pharmacy A.

9. The Respondent also admitted to failing to report several drug discrepancies over the course of a year (March 2014 - February 2015). The Respondent stated that he assumed that the discrepancy was an auditing issue, therefore, did not report the discrepancies.

10. Pharmacy A suspended the Respondent at the time of his disclosures and then terminated the Respondent on March 18, 2015.

² Pharmacy A initially reported a controlled substances loss on June 25, 2014.

2015 Renewal Application

11. In furtherance of the Board's investigation, Board staff reviewed the Respondent's 2015 renewal application, dated April 1, 2015.

12. The Respondent answered "no" to the following question: "Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?"

13. The Respondent failed to disclose that Pharmacy A terminated his employment on March 18, 2015 for taking Vicodin from the pharmacy and for failing to report drug discrepancies over a period of one year.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provision of the Act: Health Occ. II §§ 12-313(b)(1); (2); (7); (8) and (25) and COMAR 10.34.10.01B(3).

ORDER

Based on agreement of the parties, it is therefore this 17th day of May 2017, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's license to practice pharmacy in the State of Maryland shall be **SUSPENDED** for a period of **SIX (6) MONTHS**, with all six (6) months **STAYED**; and it is further

ORDERED that within six (6) months from the date of this Consent Order, the Respondent shall pay a fine in the amount of **\$5,000**, payable to the Maryland Board of Pharmacy; and it is further

ORDERED that if and when the Respondent returns to Maryland and begins practicing pharmacy in Maryland, the Respondent shall be placed on **PROBATION** for a period of **THREE (3) YEARS**, subject to the following terms and conditions:

1. The Respondent shall immediately notify the Board if and when he returns to Maryland and before begins practicing pharmacy in Maryland;

2. The Respondent shall provide a copy of this Consent Order to his employer(s) within five (5) days of beginning employment as a pharmacist in Maryland. The Respondent shall also cause his employer(s) to provide documentation to the Board that he has provided his employer(s) with a copy of the Consent Order;

3. The Respondent's Maryland pharmacy employer(s) shall submit quarterly reports to the Board on the Respondent's employment and any issues concerning the Respondent's job performance.

ORDERED that at the conclusion of the three (3) year probationary period, and after the Respondent has satisfied all of the required terms and conditions, including payment in full of the fine, the Respondent may file a written petition for termination of his probationary status without further conditions or restrictions, but only if the Respondent has satisfactorily complied with all conditions of the Consent Order and if there are no pending complaints before the Board regarding the Respondent's practice; and it is further

ORDERED that the Respondent shall not seek early termination of his probation; and it is further


ORDERED that failure to comply with the terms and conditions of this Consent Order, including but not limited to failure to pay the required fine and/or failure to successfully complete the required courses constitutes a violation of this Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing

before the Board may impose any appropriate sanction under the Act; and it is further

ORDERED that the Respondent shall bear all expenses associated with this Order; and it is further

ORDERED that the Respondent shall practice according to the Maryland Pharmacy Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of pharmacy; and it is further

ORDERED that this document constitutes a formal disciplinary action of the State Board of Pharmacy and is therefore a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4–101 *et seq.*

 5/17/2017

Mitra Gavvani, President
State Board of Pharmacy

CONSENT

I, Sheshagiri K. Palakurthi, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I agree to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on her own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these

proceedings and to issue and enforce this Consent Order. I waive any right to appeal any adverse ruling of the Board that might have followed any such hearing.

I do not admit the allegations in the amended charges but accept the Findings of Fact and enter into this agreement for purposes of compromise and settlement, and the execution and delivery of this consent order shall not constitute or be construed as an admission of any liability or wrongdoing on my behalf.

I sign this Consent Order and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

05/12/2017
Date


Sheshagiri K. Palakurthi, Respondent

Read and approved:


Oleg Fastovsky, Esq., Attorney for Mr. Palakurthi
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Middesex:

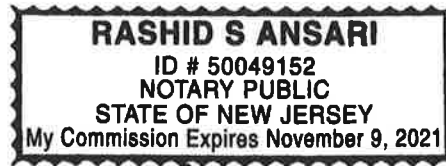
I HEREBY CERTIFY that on this 12 day of May, 2017, before me, a Notary Public of the foregoing State personally appeared Sheshagiri K. Palakurthi and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

R. S. Ansari

Notary Public *May 12, 2017*

My Commission Expires: *November 9, 2021*



Notary: R. S. Ansari