

IN THE MATTER OF	*	BEFORE THE
GIHAN SERAKA, R. Ph.	*	STATE BOARD OF
APPLICANT	*	PHARMACY
License No. 14418 (expired)	*	Case No: 20-259

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Code Ann., Health Occ. (H.O.) §§ 12-101, *et seq.* (2014 Repl. Vol. and 2019 Repl. Vol.) (the "Act"), on August 28, 2020, the Board issued a Notice of Initial Denial of Pharmacist License Reinstatement against the pharmacist license of **GIHAN SERAKA, R. Ph.** (the "Applicant"). On December 9, 2020, a Case Resolution Conference was held with the Applicant, who knowingly waived her right to Counsel, members of the Board, along with Board Counsel, and the Administrative Prosecutor, in order to determine whether the matter could be resolved. As a result, the following settlement was reached.

The Notice was issued pursuant to

Health Occ. §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 for a pharmacist's 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...);
 - (24) Is disciplined by a licensing or disciplinary authority of any

state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes [;].

FINDINGS OF FACT

BACKGROUND

The Board bases its intent to deny the reinstatement of the licensure on the foregoing reasons which the Board has reason to believe are true:

1. The Applicant was first licensed as a pharmacist by the Board on October 18, 1996. The Applicant allowed her pharmacist license to expire on September 30, 2006. It is currently listed as "expired."

2. The Applicant filed an "Application for Pharmacist Licensure Reinstatement" ("Application"), dated October 28, 2019, and answered "No" to the following "Personal Attestation Questions."

- (1) Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, denied your application for a license, reinstatement or renewal, or taken any formal disciplinary action against any registration or license held by you? Such actions include, but are not limited to reprimand, suspension, or revocation.
- (2) Has any state licensing or disciplinary board (including Maryland) or similar agency in the Armed Forces, filed any complaints or charges against you or investigated you for any reason?

(3) Have you ...failed to renew a healthcare registration or license in any state?

3. As a result of the information submitted by the Applicant, the Board began an investigation.

Virginia Board Orders

4. Despite answering “No” to the above questions, the Respondent was under the following Virginia Board of Pharmacy Board Orders:

A. A March 17, 2017 Order of the Virginia Board placed the Applicant on Probation for 24 months, ordering a comprehensive review of her Virginia pharmacy practice, with a focus on recordkeeping and prescription tracking by a pharmacy specialist. That Order was based upon the Applicant’s ownership and employment as the Pharmacist-in-Charge at a Pharmacy in Lorton, Virginia where she filled prescriptions for Schedule II drugs too close to prior fills, leaving patients with supplies far greater than prescribed when she should have known that there was no medical or therapeutic purpose, and failed to screen for possible abuse or misuse;

B. By Order of June 12, 2018, the Virginia Board issued a subsequent Order based upon the Applicant’s violation of the provision that she was to obtain a Board-approved pharmacy-specialist within a certain date to submit a report on her pharmacy practice. The Virginia Board

continued the indefinite Probation for not less than 24 months from March 17, 2017;

- C. On December 12, 2019, the Virginia Board issued another Order which found that the Applicant had violated the June 12, 2018 Order and indefinitely suspended the Applicant's license for a period of not less than one year from the date of entry from this Order.

BASIS OF DENIAL

5. As set forth above, by failing to respond truthfully to the questions regarding failing to renew a healthcare license in any State (Maryland), being disciplined in any State (Virginia), as well as having complaints filed against her (in Virginia), the Applicant attempted to obtain a reinstatement by fraud or deceit, in violation of §§ 12-313 (b) (1) and (24).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions violated §§12-213 (b) (1) and (24) of the Act.

ORDER

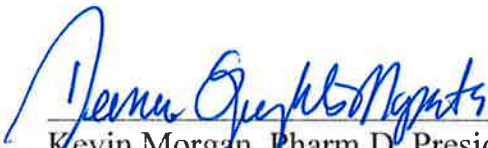
Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 8th day of January 2021, by a majority of a quorum of the Board,

ORDERED that the Applicant's License Reinstatement be DENIED, and the

Applicant is barred from submitting another application until five years has passed from the time that her Virginia pharmacy license is reinstated.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it further

ORDERED, that for purposes of public disclosure, as permitted by Md. General Provisions, Code Ann. §§ 4-101, *et seq.* (Repl. Vol. 2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



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

CONSENT OF GIHAN SERAKA, R. Ph.

I, **GIHAN SERAKA, R. Ph.**, acknowledge that I am not represented by counsel, and have knowingly and voluntarily waived my right to counsel. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

1/4/2020
Date

Gihan Seraka
GIHAN SERAKA, R. Ph.

STATE OF Virginia :

CITY/COUNTY OF Fairfax :

I HEREBY CERTIFY that on this 4th day of January 2021, before me, Saher Ali, a Notary Public of the foregoing State and (City/County),
(Print Name)

Personally appeared **GIHAN SERAKA, R. Ph.**, Expired License No. 14418, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: July 31, 2023

SAHER ALI
NOTARY PUBLIC
REG. #7842589
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2023