

IN THE MATTER OF
YEWANDE SOLANKE, P.D.

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

* * * * *

CONSENT ORDER

This Consent Order is entered into by and between the Maryland State Board of Pharmacy and Yewande Solanke-Kage, P.D.

INTRODUCTION

Based on information coming to its attention, the Maryland Board of Pharmacy (the "Board") determined to charge Yewande Solanke-Kage, P.D. ("Respondent"), a person licensed to practice pharmacy in Maryland with violation of Sections 12-311(b)(4) and (14) of the Health Occupations Article, Maryland Annotated Code, which provides that, subject to the hearing provisions of §§12-312 of the Act, the Board may deny a license to any applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke the license of any licensee, if the licensee:

Provides professional services while:

- (i) Under the influence of alcohol; or
- (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication. §12-311(b)(4) of the Act.

Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which prescription is required. §12-

311(b)(14) of the Act.

Appropriate notice of the charges and the grounds upon which they are based were first sent to Respondent in a letter dated December 17, 1987 which was sent by certified mail with return receipt requested. However, the address to which the letter was sent, the address which was listed in the Board's file for Respondent, was no longer Respondent's correct address, and the letter was not delivered. A subsequent letter sent to the same address was also not delivered. In September, 1988, Respondent's license expired because she had failed to renew her license as required under §12-308 of the Act. Respondent subsequently contacted the Board, providing her correct address. Notice of the above charges and the grounds upon which they were based was mailed to Respondent at the new address on December, 1988 and was received by her. Prehearing conferences in this matter were held on January 30, 1989 and on April 5, 1989. Respondent, Dr. Steven Cohen, President of the Board; Roslyn Scheer, Executive Director of the Board, and Judith K. Sykes, Administrative Prosecutor were present at both of those conferences. In addition, Respondent's brother, Seyi Solanke, attended the prehearing conference of January 30, 1989.

Following discussions participated in by Respondent at the second prehearing conference, Respondent agreed to enter into the following Findings of Fact, Conclusions of Law and Consent Order.

FINDINGS OF FACT

1. At the time the violations alleged in this action occurred, Respondent was a pharmacist licensed to practice pharmacy in Maryland.

2. Respondent's license expired on September 30, 1988 because of her failure to renew it on a timely basis.

3. Respondent has requested reinstatement of her license and has submitted to the Board the completed renewal form, renewal fee in the amount of \$50.00 and the required reinstatement fee in the amount of \$50.00.

4. On July 31, 1986, at approximately 1:00 a.m., Respondent was stopped while leaving her place of employment at Harford Memorial Hospital Pharmacy after serving her shift as a pharmacist because she was carrying a box. When the box was opened, a bag within it was found to contain several items from the pharmacy, which Respondent had no authority to remove. The items included, among other things, syringes and prescription drugs, including controlled dangerous substances for which Respondent had no prescriptions.

5. Respondent's appearance and behavior at various times while she was employed at Harford Memorial Hospital Pharmacy indicated that she had taken controlled dangerous substances as defined in Article 27 of the Code in excess of therapeutic amounts or without valid medical indication or was under the influence of alcohol.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent is subject to discipline under §§12-311(b)(4) and 12-311(b)(14) of the Act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of June, 1989, by unanimous vote of those members of the Board considering this case:

ORDERED that Respondent's license to practice pharmacy is hereby **REINSTATED**; and be it further

ORDERED that Respondent's reinstated license is hereby **SUSPENDED** for a period of at least two years from the date of this Order; and be it further

ORDERED that said suspension is **IMMEDIATELY STAYED** and Respondent is placed on **PROBATION** subject to the following conditions:

1. Respondent shall not enter into any employment as a pharmacist unless she has obtained prior approval by the Board of the specific employment arrangement. Approval by the Board is contingent on receipt by the Board of written notification from the prospective employer that he or she has received a copy of the Consent Order and agrees to comply with all of the conditions in it applicable to employers.

2. Respondent shall arrange for any and all Pharmacy

employers during the course of her probation to submit to the Maryland Board of Pharmacy a written report within 30 days after she assumes a new position and quarterly thereafter evaluating her job performance and describing the nature of her duties and position. The Quarterly Reports shall be due on September 1, December 1, March 1, and June 1 of the applicable year.

3. Over the next two (2) years, in addition to the 15 hours per year of continuing education required of all licensed pharmacists under Code of Maryland Regulations 10.34.18, Respondent shall complete a minimum of fifteen (15) hours of continuing education per year in courses in controlled substances management, inventory or abuse which have been approved by the Board.

4. Within thirty (30) days of the date of this Order, Respondent shall enter into a contract with the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association to extend for a minimum of two years. Respondent shall comply with all terms of that contract. In the event that the Pharmacists Rehabilitation Committee terminates Respondent's contract prior to the end of its term, Respondent shall arrange for the Pharmacists Rehabilitation Committee to immediately notify the Maryland Board of Pharmacy of such action.

5. Respondent shall arrange, through the Pharmacists Rehabilitation Committee, to enter, within 30 days of the signing of this Order, at her own expense, into an appropriate therapy

program ("Program") which has been recommended by the Pharmacists Rehabilitation Committee and approved by the Board. Within one week of being admitted into that program, Respondent shall notify the Board of the name of her therapist.

6. Upon admission to the Program, Respondent shall give a copy of this Consent Order to her therapist and arrange for her therapist to advise the Maryland Board of Pharmacy within thirty (30) days, in writing, of his/her respective receipt thereof.

7. Respondent shall continue at her own expense participating in the Program and comply with all recommendations made to her by her therapist there in the time suggested by her therapist, unless and until such time as she is discharged from treatment by the respective therapist. If such discharge occurs, Respondent shall arrange prompt submission by the therapist of a written discharge report to the Maryland Board of Pharmacy and the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association.

8. Respondent shall arrange for her therapist to submit written reports to the Maryland Board of Pharmacy and to the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association, reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that lead to her discharge from the Harford Memorial Hospital.

The first report shall be due within 30 days of her entry into the therapy program. The subsequent report shall be due on September 1, 1989. Thereafter, the reports shall be due quarterly on December 1, March 1, June 1 and September 1 of the applicable year until such time as Respondent has been reinstated without any conditions or restrictions on her license.

9. If, in violation of paragraph 7, Respondent fails to continue with her therapist without having been discharged or ordered by the Board to change or cease therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacist Rehabilitation Committee in writing and have her therapist notify such agencies of her status directly.

10. Respondent is responsible for arranging, through the Pharmacists Rehabilitation Committee or her Program, for random observed urine screenings, in a manner acceptable to the Board, one time per week during any period of time in which Respondent is employed as a pharmacist and one time per month during any period of time in which she is not employed as a pharmacist. Respondent shall arrange for the results of all of said screenings to be reported directly to her therapist. Respondent shall also arrange for immediate notification to the Board by the screener and her therapist at any time the tests indicate a likelihood that the Respondent has ingested a prohibited drug. Her therapist shall advise the Board of the results of all of Respondent's urine screenings by incorporating

the results into his or her quarterly reports to the Board. It is understood that no urine screening will be required during the time (approximately two weeks around July, 1989) when Respondent anticipates that she will be on a trip outside of this Country provided that Respondent gives advance notification of the exact dates of her trip to the Board and to the agency which performs the screening.

11. If Respondent's therapist and/or Pharmacists Rehabilitation Committee recommends participation by Respondent in an Alcoholics Anonymous or Narcotics Anonymous program, Respondent shall participate in at least four meetings per week of the Alcoholics Anonymous or Narcotics Anonymous program. Respondent shall report to the Board on a quarterly basis as to the dates and places of meetings attended and as to the progress she has made within the Alcoholism Anonymous or Narcotics Anonymous Program. In such quarterly reports, Respondent shall attach a copy of proof of her attendance at those meetings. These reports are to commence within 30 days of Respondent's entry into an Alcoholics Anonymous or Narcotics Anonymous program. Subsequent reports will be due September 1, 1989 and quarterly on December 1, March 1, June 1, and September 1 of the applicable year.

12. Commencing within 30 days of this Order and quarterly thereafter on September 1, December 1, March 1, June 1 of the applicable year, Respondent shall send written quarterly

reports to the Maryland Board and to the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association describing the progress she feels that she is making, what problems she feels that she presently faces, and how she intends to cope or is coping with these problems. The report as to the Alcoholics Anonymous or Narcotics Anonymous participation and progress required by this Order may be incorporated into and attached to this quarterly report of the Respondent.

13. Respondent shall notify the Board, in writing, of her current address. In the event that Respondent moves, she shall promptly notify the Board in writing of the change of address and any change in her telephone number.

14. The Respondent shall arrange for the Pharmacists Rehabilitation Committee to forward quarterly reports to the Maryland Board of Pharmacy. The first such report shall be due within 30 days of the signing of this Order. Subsequent reports will be due quarterly thereafter on September 1, December 1, March 1, and June 1 of the applicable year. These reports shall advise the Board of the extent to which Respondent is making satisfactory progress in therapy and in dealing with problems of abuse of controlled dangerous substances.

15. The Respondent will agree to and follow through with any change in her program determined to be necessary by the Board, based upon the recommendations of her therapists or the Pharmacists Rehabilitation Committee.

16. In the event that Respondent's therapist(s) or the Pharmacists Rehabilitation Committee report to the Maryland Board of Pharmacy that the Respondent is incapable of practicing pharmacy safely, or that her previous problems are interfering with her ability to practice pharmacy, the Respondent shall, within twenty-four hours of being informed by the Pharmacy Board of that report, voluntarily discontinue the practice of pharmacy. The Respondent shall not resume the practice of pharmacy until the Pharmacy Board determines that the Respondent is capable of resuming the practice of pharmacy, with or without a report from that therapist or another therapist.

17. Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED that the conditions of the Consent Order be, and the same are hereby, effective as of the date of this Order; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations thereunder, the Board may take immediate action, including, but not limited to, revocation or suspension of the Respondent's license to practice Pharmacy prior

to giving the Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 1-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of her desire for such a hearing regarding the Board's action. The Board may, in its discretion, after notification to the Respondent, a hearing and determination of violation of one or more of the conditions of probation set out in this Agreement, withdraw the stay of suspension on Respondent's license or impose any other disciplinary action it deems appropriate; and be it further

ORDERED that on or after May 17, 1991, the Board shall entertain a petition for termination of Respondent's suspension and full reinstatement of her license to practice pharmacy without any conditions or restrictions as to the scope of the practice, provided that Respondent has completed her continuing education requirements and has provided to the Board a current report on a full evaluation by a Board-approved therapist and an additional full report from the therapy program which she was enrolled.. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation. However, if Respondent fails to make any such petition, then her probationary status

shall continue indefinitely, subject to the conditions set forth in this Order.



Steven Cohen, P.D.
President, Maryland Board
of Pharmacy

CONSENT

By this Consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to abide by the conditions set forth in the Order, I may suffer disciplinary action against my license to practice pharmacy in the State of Maryland.

I sign this Order voluntarily, fully understanding its meaning.



Yewande Solanke, P.D.

STATE OF)

CITY/COUNTY OF)

I HEREBY CERTIFY that on this 12 day of May,
1989, before me, a Notary Public of the State and County
aforesaid, personally appeared YAWANDE SOLANKE, P.D. and she made
oath in due form of law that the foregoing Consent was her
voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Carmen Fulop
Notary Public

My Commission Expires: 9/28/1993

CARMEN FULOP
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Sept. 28, 1993
938 Broad St.
Newark, N.J. 07102
201-643-6950