

IN THE MATTER OF
VICKI COUTROS, Pharm.D.
License No. 14959
Respondent

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* CASE NUMBER: 06-033

* * * * *

CONSENT ORDER

On or about August 18, 2006, the State Board of Pharmacy (the "Board") charged Vicki Coutros, Pharm.D., (the "Respondent"), License Number 14959, under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101, et seq., (2005 Repl. Vol.).

Specifically, the Board charged the Respondent with violating the following provisions of H.O. § 12-313:

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

- (2) Fraudulently or deceptively uses a license;
- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board[.]

The Board further charged the Respondent with violating Code Md. Regs. tit. 10, § 34.10:

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

- (a) United States Code, Title 21,
- (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
- (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
- (e) COMAR 10.19.03;

...

B. A pharmacist may not:

...

(3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on August 19, 1998. The Respondent's license expires in September 2007.

2. On or about October 6, 2005, the Board received a letter from Pharmacy Director A, Corporate Pharmacy Director for Pharmacy A, notifying the Board of a violation of Board regulations. The letter states "[s]pecifically, pharmacist Vicki Coutros, lic. Number #14959 diverted controlled drugs (Fioricet/Cod and Fiorinal III) for personal use." He further noted as a result of her actions the Respondent was terminated from her employment with Pharmacy A.

3. On or about November 11, 2005, pursuant to subpoena, the Board received

a copy of Pharmacy A's investigative file relating to the Respondent's termination from Pharmacy A.

4. The Respondent was employed as a pharmacy manager for Pharmacy A.

5. On or about July 7, 2005, an investigator with Pharmacy A's Loss Prevention Department was notified the Respondent was stealing medication from Pharmacy A.

6. On or about July 8, 2005, Pharmacy A's investigator interviewed the Respondent. The Respondent gave a written, signed statement admitting to taking controlled substances from Pharmacy A. She admitted to taking generic Fioricet with Codeine¹ and Fiorinal III (generic)² in the amount of approximately thirty or forty pills per week since 2003. The Respondent believed she had removed approximately \$4,000.00 worth of the aforementioned pills without paying for them. The Respondent noted becoming addicted to the medications when they were legally prescribed to her by a physician in 2003.

7. On or about July 8, 2005, the Respondent signed a document captioned "Civil Demand – Maryland." On this form the Respondent confirmed acknowledgement of the following, "I . . . hereby confirm my statement given to [Pharmacy A], hereinafter referred to as the Company, and dated 7/8/05, acknowledging the theft of cash and/or merchandise, or the destruction of Company property in the amount of \$4,000.00." She also acknowledged signing the "Civil Demand" voluntarily and without any threats or promises made to induce her to do so. The Respondent also agreed to pay Pharmacy A a

¹ Fioricet with Codeine is a combination drug product intended as treatment for tension headache. It is a schedule III controlled substance.

² Fiorinal III is used as treatment for tension headache. It is a schedule III controlled substance.

total of \$5,000.00.³

8. On or about July 8, 2005, the Respondent was terminated from her employment with Pharmacy A. On the same date, the Respondent paid Pharmacy A \$5,000.00.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. § 12-313 (2), (14), (20), and (24).

ORDER

Based on agreement by the parties, it is this 18th day of October, 2006, by a majority of the Board considering this case:

ORDERED that the Respondent's license to practice pharmacy in the State of Maryland shall be **SUSPENDED** for a minimum of **SIX (6) MONTHS** and that **SUSPENSION** shall be **IMMEDIATELY STAYED**, both the suspension and stay of suspension to begin simultaneously on the date the Board executes this Consent Order; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a minimum period of **TWO (2) YEARS**, to commence on the date the Board executes this Consent Order. In the event that the **STAY OF SUSPENSION** imposed above is lifted because of the Respondent's failure to comply with the requirements set out below, then the probationary period shall be tolled during the entire period of time of any active suspension, beginning with the date the Board lifts the stay of suspension and ending with the date the

³The Respondent paid \$4,000.00 for the theft of the pills and \$1,000.00 as a civil penalty.

Board re-imposes a stay of suspension. The Respondent's **PROBATION** and **STAY OF SUSPENSION** shall be subject to the following terms and conditions:

1. The Respondent entered into a Pharmacists' Education and Assistance Committee (PEAC) Contract of Agreement on March 2, 2006. The Respondent shall fully comply with all terms and conditions of the March 2, 2006 PEAC contract, which shall be continued and remain in place for the duration of the Respondent's two (2) year probationary period. The Respondent shall comply with any and all supplemental contracts entered into by her and PEAC or other Board-approved treatment providers. In addition, the Respondent agrees to the following additional terms, which shall include, at a minimum:

- a. monthly random full urine screens;
- b. quarterly progress reports by PEAC to the Board;
- c. authorization for the release of PEAC records, including therapy records, to the Board;
- d. prior Board approval before any change or modification is made to the PEAC contract;
- e. notification by PEAC to the Board of any incident of non-compliance with the PEAC contract, this consent order, and/or treatment, within two (2) business days of the occurrence.

2. The Respondent shall, within sixty (60) days of the date the Board executes this Consent Order, pay to the Board by certified check or money order a fine in the amount of \$3,000.00; and it is further

ORDERED that after the completion of **TWO (2) YEARS of PROBATION**, the Respondent may file a written petition for termination of her probationary status, but only if the Respondent has demonstrated satisfactory compliance with all conditions of this Consent Order, and provided there are no pending complaints regarding the Respondent; and it is further

ORDERED that should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Consent Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including a reprimand, probation, suspension, revocation, and/or a monetary fine. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of this Consent Order shall be on the Respondent to demonstrate compliance with this Consent Order; and it is further

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that this Consent Order shall be a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).

10/18/06
Date

Mark Levi, P.D.

Mark Levi
John H. Batch, P.D., President
Maryland Board of Pharmacy

CONSENT ORDER

I, Vicki Coutros, Pharm.D., acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. 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 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 after having an opportunity to consult with counsel, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of the Consent Order.

10/16/2006
Date

Vicki L. Coutros
Vicki Coutros, Pharm.D.

Reviewed and Approved by:

John F. Fader, II
John F. Fader, II, Esquire

STATE OF MARYLAND

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 16th day of October, 2006, before me, a Notary Public of the foregoing State and City/County personally appeared Vicki Coutros, Pharm.D., License Number 14959, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Katherine B. Semano
Notary Public

commission expires 10/01/10