

IN THE MATTER OF \* BEFORE THE  
KELLY SOBOTA, Pharm.D. \* STATE BOARD  
License No. 17170 \* OF PHARMACY  
Respondent \* CASE NUMBER: 05-148

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. ' 10-226 (c)(2004 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Kelly Sobota, Pharm.D., (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2000 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**BACKGROUND**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on June 30, 2004. The Respondent's license expires on May 31, 2006.

2. On or about March 2, 2005, the Pharmacist Compliance Officer of the Board received a telephone call from the Pharmacists Education and Assistance Committee (PEAC) that PEAC had been informed that the Respondent had stolen drugs from BJ's Wholesale Club Pharmacy ("BJ's") on or about Saturday, February 19, 2005. Accordingly, the Board obtained documents from BJ's which showed the following:

A. The Respondent had been employed at BJ's as a dispensing pharmacist since January 19, 2005;

B. The Respondent was terminated from said position on February 16, 2005, effective February 17, 2005, due to excessive absenteeism and excessive tardiness during the probationary period;

C. Because the Respondent's termination was unknown to the supervisor on duty the next day, said supervisor instructed a new hire to call the Respondent if she needed help, which the new hire did. Consequently, the Respondent reported to the pharmacy area and began assisting the new hire. Once it was discovered that the Respondent was not supposed to be there, she was escorted to the exit and was asked to have her two bags checked, which she refused to allow. Because the Respondent had had access to the pharmacy area and refused to allow her bags to be searched, BJ's personnel called the police, who filed a report regarding the drugs which appeared to be missing at that time.<sup>1</sup>

3. When PEAC heard of the incident, it tried to contact the Respondent on her cell and home phone numbers, leaving a message each time, but to no avail. Consequently, PEAC notified the Board's Compliance Officer about its concerns for the public health and safety. Subsequently, PEAC notified the Board that the Respondent had signed a contract with PEAC on April 22, 2005.

4. On June 10, 2005, PEAC notified the Board that the Respondent was in violation of her contract. Specifically, although the Respondent had an initial evaluation by

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<sup>1</sup> The Respondent had left by the time the police arrived. Although a police report was filed, no criminal charges resulted.

a psychiatrist, the Respondent failed to make any contact with her assigned monitors and follow the therapy recommended by the psychiatrist. In addition, she failed to provide weekly random urine sampling for drug screening.

5. According to the psychiatric evaluation, the Respondent has been addicted to oral opiates since 1992. The evaluation further stated that the Respondent began taking more opiates than prescribed and getting them from family, friends and classmates. As a result of her dependence, she was referred to the Center for Addiction Medicine at Maryland General Hospital and was detoxed on an outpatient basis in the summer of 2003, during her fourth year of pharmacy school. The report further indicated that the Respondent began using drugs again in 2004, by going to different doctors for prescriptions, getting them from friends and ordering large supplies of opiates over the internet. When the internet site shut down, the Respondent again detoxed at Sheppard Pratt Hospital.

6. As a result of this history and presenting symptoms, the psychiatrist recommended the following:

- A. Enrollment in monitoring and support for opiate abuse;
- B. Supportive psychotherapy; and,
- C. Alanon, CODA or group therapy within the confines of a drug treatment program.

7. The Respondent's contract with PEAC calls for her to do the following:

- A. Attendance at an outpatient program and at other drug rehabilitation therapy as directed by the treatment facility, to wit, the Resource Group;

B. Identification to the Committee of an Alanon sponsor within three months of the date of the contract;

C. Abstention from any mood-altering drugs for 90 days;

D. Provide weekly random witnessed urine samples for drug screening for a minimum of 90 days and weekly once employment is obtained;

E. Maintain twice-weekly telephone contact with Doris Voight of the Committee for a period of six months.

8. On June 10, 2005, PEAC informed the Board that, with the exception of reporting for the psychiatric evaluation, as above described, the Respondent has failed to comply with any other terms of her contract, including providing weekly random urine samples. In addition, PEAC has been unable to establish contact with the Respondent, despite numerous phone calls to her.

#### **FINDINGS OF FACT**

1. As set forth above, the Respondent poses a threat to the public health, safety or welfare because she is addicted to opiates and has refused treatment or monitoring, with a result, that without deprivation of her license, she can still practice pharmacy where she would have unlimited access to more opiates.

2. The above actions also constitute the following violations of '12-313 (b) of the Act:

(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;
- (15) Except as provided in § 12-506 of this title, unless an authorized prescriber authorizes the refill, refills a prescription for any drug, device, or diagnostic for which a prescription is required;
- (20) Is professionally, physically, or mentally incompetent.

### **CONCLUSIONS OF LAW**

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. ' 10-226(c) (2) (2004 Repl. Vol.).

### **ORDER**

Based on the foregoing, it is therefore this 27<sup>th</sup> day of **June**, 2005, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Govt. Code Ann. ' 10-226(c) (2) (2004 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 17170, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED**, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within thirty days of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be lifted/terminated, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

**ORDERED**, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

**ORDERED**, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. ' 10-617(h) (2004 Repl. Vol.).

  
John H. Balch, P.D. President  
Board of Pharmacy

**NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.