

STATE OF MAINE
BOARD OF PHARMACY

IN RE:)
)
MICHELE R. COOKSON) CONSENT AGREEMENT
)
Complaint No. 2007-PHA-3616)

PARTIES

This document is a Consent Agreement regarding disciplinary action against Michele R. Cookson's license to practice as a pharmacy technician in the State of Maine. The parties to this Consent Agreement are: Michele R. Cookson ("Ms. Cookson"), the State of Maine Board of Pharmacy ("the Board") and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 13741(2) and 10 M.R.S. § 8003(5).

FACTS

1. Ms. Cookson is licensed by the Board as a pharmacy technician, license no. PT60002395, which she first obtained on December 13, 2001.
2. At all times relevant to this matter, Ms. Cookson was a pharmacy technician at Sebasticook Valley Hospital ("SVH") in Pittsfield, Maine.
3. On or about May 9, 2007, SVH notified the Board that it had terminated Ms. Cookson for diverting carisoprodol from the hospital pharmacy where she worked, which the Board docketed as Complaint No. 2007-PHA-3616.

4. Ms. Cookson subsequently admitted to the Board investigator that she removed tablets of carisoprodol from the hospital pharmacy stock for her own personal use and without having a valid prescription at the time.
5. She further admitted that after obtaining a prescription for carisoprodol and having it filled at another pharmacy she placed tablets from this prescription into the stock bottle at the hospital pharmacy in order to conceal her prior theft.
6. On June 19, 2007, following a presentation of the complaint, the Board found that licensure of Ms. Cookson as a pharmacy technician placed the health and physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board summarily suspended the license of Ms. Cookson pending a full hearing on the matter.
7. The Board then voted to offer Ms. Cookson this Consent Agreement, in order to resolve Complaint No. 2007-PHA-3616. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Kelly McLaughlin, Pharmacy Board Clerk, Maine Department of Professional and Financial Regulation, 35 State House Station, Augusta, Maine 04333-0035 by July 9, 2007, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

8. Ms. Cookson admits that on or about May 2007 she diverted carisoprodol tablets from the pharmacy at Sebecook Valley Hospital for her own personal use and then placed carisoprodol tablets dispensed from another pharmacy into the stock at the hospital for recirculation and admits that such conduct constitutes grounds for discipline pursuant to

32 M.R.S. § 13742(2), Board Rules, Chapter 30 as further specified in paragraphs 9 and 10 below.

9. Ms. Cookson admits there are grounds for disciplining her pursuant to 32 M.R.S. § 13742(2)(E)(1) because her conduct evidences a lack of ability or fitness to discharge the duty owed by her as a licensee to a client, patient, or the general public.
10. Ms. Cookson admits there are grounds for disciplining her pursuant to 32 M.R.S. § 13742(2)(F), for violating the following established standards of professional behavior:
 - a. Board of Pharmacy Rules, Chapter 30 § 17, by committing theft while licensed to practice pharmacy, and
 - b. Board of Pharmacy Rules, Chapter 30 § 12, by violating 21 U.S.C. § 331 by adulterating a drug in interstate commerce.
11. As discipline for conduct admitted in paragraphs 8 through 10 above, Ms. Cookson agrees to accept the following DISCIPLINARY ACTION:
 - a. A REPRIMAND from the Board; and
 - b. The immediate REVOCATION of her pharmacy technician license.
12. Nothing in this Consent Agreement shall prohibit Ms. Cookson, pursuant to 32 M.R.S. § 13743(2), to “at reasonable intervals petition the board for reinstatement of the license.” Ms. Cookson shall bear the burden of demonstrating that her registration should be reinstated and that the resumption of her practicing as a pharmacy technician does not pose a threat to herself or the public. The Board, upon receipt of any such petition for reinstatement from Ms. Cookson, “may grant or deny the petition” pursuant to 32 M.R.S.

§ 13743(2), and/or may grant Ms. Cookson a license subject to restrictions and/or conditions pursuant to 10 M.R.S. § 8003(5) and 32 M.R.S. § 13741. JUL 11 2007

13. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
14. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
15. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
17. Ms. Cookson acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

DATED: 7-9-07 Michele R. Cookson
MICHELE R. COOKSON

DATED: 8/5/07 Lori A. McKeown
LORI A. McKEOWN, President
Maine Board of Pharmacy

DATED: 8/13/2007 Andrew L. Black
ANDREW L. BLACK
Assistant Attorney General