

**BEFORE THE KANSAS BOARD OF PHARMACY**

*In the Matter of*

Mohamed Elberry

Case No. 11-49

**FINAL ORDER**

**Statement of Case**

This matter comes on for hearing before the Kansas Board of Pharmacy (Board) for review of the pharmacist license of Mohammed Elberry.

The hearing in this matter was held on November 03, 2016. Appearing for the Board were: President, Chad Ullom, R.Ph.; Vice President, John Worden, PharmD.; and members, Robert Haneke, PharmD; James Garrelts, PharmD; David Schoech, R.Ph.; Michael Lonergan, R.Ph., and Cheri Pugh.

Randall J. Forbes appeared as the Board's disciplinary counsel.

Mr. Elberry appeared in person.

An Attorney for Mohamed Elberry appeared in a representative capacity.

**Findings of Fact**

1. On July 6, 2011, Mr. Elberry entered into a KPhA/CIPP Statement of Understanding to the resolve issues *In the Matter of Mohamed Elberry*, Case No. 11-49 with the Board.

2. The Consent Agreement required Mr. Elberry to enter into the KsPRN/CIPP program and placed his license on probation for five years.

3. Mr. Elberry completed all of the required sessions of his CIPP program and was successfully transferred to Pharmacist's Education & Advocacy Council of Maryland on September 13, 2011.

4. During his probation, Mr. Elberry successfully completed counseling programs and drug testing programs.

5. On August 30, 2016, Kelly Rockers, KsPRN Manager, wrote a letter to Mr. Elberry explaining the history of his case.

6. On October 19, 2016, the Board received a formal request from Mr. Elberry that the probation on his license be lifted. He also requested a hearing at the next quarterly Board Meeting and providing documentation supporting successful completion of the requirements of the Consent Agreement.

7. Prior to the meeting, the Board received a letter from Patricia Tommasello, Program Coordinator of Maryland's monitoring program called Pharmacists' Education & Advocacy Council (PEAC), stating that Mr. Elberry would continue treatment and drug testing in 2017.

8. The Board also received a letter from Deena Speights-Napata, Executive Director of the Maryland Board of Pharmacy, noting that Mr. Elberry had been compliant with the probationary conditions of the Kansas Consent order.

**Applicable Law**  
**and**  
**Discussion**

1. Pursuant to K.S.A. 65-1627(a)(3), board may revoke, suspend, place in a probationary status or deny a renewal of any license of any pharmacist upon a finding that: . . . (3) the licensee is found by the board to be guilty of

unprofessional conduct or professional incompetency.


2. The Board finds that lifting the probationary status of Mr. Elberry is warranted for the following reasons:
3. The Board found the testimony of Mr. Elberry that he has worked hard to turn his life around and that he has participated in the substance abuse, rehabilitation, and treatment program to be credible. The Board found that Mr. Elberry's continued treatment evidences his efforts to remain drug free.
4. The Board also found the letters from Ms. Tommasello, Ms. Rockers and Ms. Speights-Napata persuasive.
5. It is the opinion of the Board that Mr. Elberry deserves to have his probation status lifted.

**Order**

Based on the foregoing, the Board hereby reinstates Mr. Elberry's Kansas pharmacist license number 1-14805 to full, active status with no restrictions or conditions.

**IT IS SO ORDERED.**

12/19/16  
Date

  
Chad Ullom, President  
Kansas Board of Pharmacy

## NOTICES

1. This is a Final Order, and becomes effective upon service.
2. **Within fifteen (15) days** after service of the Final Agency Order, any party may file a Petition for Reconsideration pursuant to K.S.A. 77-529.
3. Either party to this agency proceeding may seek judicial review of the Final Order by filing a timely petition in the District Court as authorized by K.S.A. 77-613. Reconsideration of the Final Order is not a prerequisite to judicial review. A petition for judicial review is not timely unless filed **within thirty (30) days** following service of the Final Order.
4. A copy of any petition for judicial review must be served upon the Kansas Board of Pharmacy. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

**CERTIFICATE OF SERVICE**

On December 19<sup>th</sup>, 2016, I mailed a copy of this document to:

Mohamed Elberry  
3902 Longfellow St.  
Hyattsville, MD 20781

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3615 SW 29<sup>th</sup> St.  
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Randall J. Forbes  
Frieden, Unrein & Forbes  
1414 SW Ashworth Pl, Ste. 201  
Topeka, KS 66604

Alexandra Blasi  
Executive Secretary  
Kansas State Board of Pharmacy  
800 SW Jackson #1414  
Topeka, KS 66612-1244

  
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Staff Person