IN THE MATTER OF	*	BEFORE THE
SANDRA ALTER, P.D.	*	MARYLAND STATE BOARD
	*	OF PHARMACY

* * * * *

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the Maryland State Board of Pharmacy (the "Board") the Board directed an investigation of the pharmacy practice of Sandra Alter, P.D., (the "Respondent"). Following the investigation and after considering various reports the Board determined to charge Respondent pursuant to §12-311(b)(4), (7), (14), (20) and (21) of the Health Occupations Article (the "Act").

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated February 8, 1984. A hearing on the charges was scheduled for May 16, 1984. A prehearing conference on the charges was scheduled for April 2, 1984.

The prehearing conference was held on April 12, 1984, and was attended by Respondent, Respondent's attorney, Edward S. Weiss, Esquire, Dr. Paul Freiman , a member of the Board, Rosyln Scheer, Executive Director of the Board, Ronald S. Gass, Assistant Attorney General, counsel to the Board, and Barbara Hull Foster, Assistant Attorney General, and the Administrative

Prosecutor. At the prehearing conference Mr. Weiss and Ms. Foster presented their suggestions for settlement of the case to Dr. Freiman, a representative of the Board. At that time a complete agreement could not be reached. However, Respondent agreed to be evaluated by the University of Maryland Alcohol and Drug Abuse Program to determine if she was competent to practice pharmacy. After the evaluation another prehearing conference was held on June 18, 1984. Present at the conference were: Barbara Hull Foster, Assistant Attorney General; Respondent; Edward S. Weiss, Esquire; Ronald S. Gass, Assistant Attorney General, Roslyn Scheer, Executive Director of the Board, Paul Freiman, P.D. and Bernard B. Lachman, P.D. representatives of the Board. As a result of the prehearing conference Respondent agreed to enter into the following Consent Order.

FINDINGS OF FACT

Based upon the information known and available to it the Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed and practicing in Maryland and was and is subject to the jurisdiction of the Board;

2. While Respondent was employed at People's Drug Store No. 1267 located at 7939 New Hampshire Avenue, Langley Park, Maryland 20783, and Calverton Shopping Center, 11729 Beltsville, Drive, Beltsville, Maryland 20705 (the "Store")

Respondent repeatedly stole large amounts of drugs for her use in order to maintain Respondent's drug habit. These drugs included dexadrine, ritalin, dalmane, prelude, valium and tylenol No. 3;

3. At the time Respondent was having severe domestic difficulities;

4. On November 5, 1981, Respondent was observed in People's Drug Store No. 1045 taking items and containers which contained controlled dangerous substances such as drugs mentioned in paragraph 1. above, and placing these items into Respondent's purse. Respondent neither had a prescription for these drugs nor did Respondent pay for the drugs or the items;

5. On May 31, 1983, Respondent spoke with the investigator from the Department of Health and Mental Hygiene and admitted she stole and used amphetamines;

6. On June 1, 1982, Respondent pled guilty to a theft charge resulting from the incident described in paragraph 4 and was convicted of same in the Circuit Court for Prince George's County, Maryland, C.A. 82-145, State of Maryland v. Sandra Toby Atler. Respondent was fined $50.00 and costs;

7. In January, 1982, Respondent left Maryland to settle in New York, she immediately entered a drug treatment program at Kingsboro Canarsie Clinic and she remained in the program in therapy from January, 1982 until July 1982;

8. Respondent is presently in therapy at Kingsboro

Canarsie - Psychiatric Center and her therapist has stated that she is capable of continuing to work as a pharmacist and perform her tasks in a careful and professional manner;

9. Respondent is presently employed as a pharmacist at Brookside Medical Center and has received adequate evaluations; and

10. Respondent was evaluated by the Alcohol and Drug Abuse Program at University of Maryland School of Medicine on April 18, 1984. The evaluator states that "she is able to perform with competence in her job as a pharmacist".

CONCLUSION OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(4), (7), (14), (20) and (21) of the Act:

(4) Provides professional services while:

(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;

(7) Willfully fails to file or record any report that is required by law;

(14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(20) Is professionally, physically, or mentally incompetent; and

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 10th day of October 1984, by unanimous vote of those members of the Board forming a quorum, and without the participation of Leonard DeMino, P.D. who recused himself, considering this case it is hereby:

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

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

1. Respondent shall immediately give a copy of the Findings of Fact, Conclusions of Law and Order to her therapist;

2. Within thirty (30) days from the date of this Order, Respondent shall arrange to have her therapist write the Board evaluating Respondent's mental health, the progress Respondent has made in coping with her problems that lead to her conviction and drug problem and evaluating her present ability to the practice pharmacy;

3. Thereafter Respondent shall arrange for her therapist to submit written quarterly reports indicating what

progress Respondent is making in dealing with her problems that lead to her conviction and drug problem. The first quarterly report shall be due 120 days after the date of the Order. The reports shall continue until such time as the Respondent is terminated from probation;

4. Respondent shall continue in therapy and comply with any and all recommendaations made by her therapist in the time suggested by her therapist;

5. Respondent shall continue in therapy until such a time as she is discharged from treatment by the therapist. Upon discharge from treatment, Respondent shall arrange for her therapist to submit a written discharge report to the Board;

6. In the event that Respondent discontinues therapy prior to discharge by her therapist, the therapist shall immediately notify the Board in writing;

7. In the event that Respondent's therapist reports to the Board that Respondent is incapable of practicing pharmacy safely or that Respondent's previous problems are interferring with Respondent's ability to practice pharmacy, Respondent shall voluntarily discontinue the practice of pharmacy until such time as this therapist indicates that Respondent is capable of resuming her practice of pharmacy;

8. Respondent shall arrange for observed random urine screenings and arrange to have the results of the screenings sent

to the Board;

9. Respondent shall attend weekly Narcotics Anonymous (NA) meetings or a similar program approved by the Board. Respondent shall inform the Board when and where the meetings are held.

10. Respondent shall continue with the NA Program until the end of her probationary period. However, Respondent may petition the Board to be allowed to cease participation in NA at the end of a year.

11. Respondent shall immediately notify any and all of her pharmacy employers that she has been placed on probation by the Board and inform the employers of the conditions of her probation. Within thirty (30) days of the date of this Order Respondent shall submit written proof to the Board that she has notified her employer of the conditions of probation contained in this Order;

12. Respondent shall arrange for any and all of her pharmacy employers to submit to the Board written quarterly reports evaluating her job performance and describing the nature and duties of her position. The first report shall be due 120 days after the date of this Order and shall continue until all conditions are removed from Respondent's license;

13. In the event that Respondent changes jobs as a pharmacist, or decides not to practice pharmacy, Respondent shall

immediately notify the Board, in writing, identifying her new employer by name, address, telephone number and describing her new position;

14. Commencing thirty (30) days from the date of this Order, Respondent shall send written quarterly reports to the Board describing the progress she feels she is making, what problems she presently faces and how she is coping with these problems and describing and documenting his participation;

15. 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;

16. Respondent shall refrain from engaging in the conduct which led to her conviction and violation of the Maryland Pharmacy Act; and

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

ORDERED, that if Respondent violates any of the foregoing conditions of probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland or if the Board receives an unsatisfactory report from the Respondent's therapist, or if Respondent fails to remain drug free the Board may, after notification and hearing, and a

determination of violation, withdraw Respondent's probationary status and may impose such disciplinary action as provided by law; and be it further

ORDERED that two (2) years from the date of this Order the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of her license to practice pharmacy without any conditions or restrictions as to the scope of practice provided that Respondent has complied with the conditions of probation. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at the time the Board may modify one or more of the conditions upon which Respondent was placed on probation.

Bernard B. Lachman, P.D.
President, Maryland Board of Pharmacy

Paul Freiman, P.D.
Secretary, 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 do not admit the truth of the charges but 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.

Sandra Alter
Sandra Alter, P.D.

STATE OF NEW YORK)
CITY OF New York) ss:

I HEREBY CERTIFY that on this 24 day of ~~May~~ July, 1984 before me, a Notary Public of the State and City aforesaid, personally appeared **Sandra Alter, 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.

Martin Niedelman
Notary Public

MARTIN NIEDELMAN
NOTARY PUBLIC, State of New York
No. 30-2690775
Qualified in Nassau County
NY Commission Expires March 30, 1985

My commission expires:
MAR. 30, 1985

BERNARD B. LACHMAN, P.D.
PRESIDENT

PAUL FREIMAN, P.D.
SECRETARY TREASURER

ROSLYN SCHEER, B.S., M.A.S.
EXECUTIVE DIRECTOR

Maryland Board of Pharmacy

OFFICE OF THE SECRETARY
201 WEST PRESTON STREET
BALTIMORE, MARYLAND 21201
383-7245
TTY FOR DEAF: BALTO. 383-7555
D.C. METRO 565-0451

WILLIAM E. ADAMS, B.S., M.A.
BALTIMORE CITY

ESTELLE G. COHEN, B.A., M.A.
BALTIMORE CITY

LEONARD J. DEMINO, P.D.
MONTGOMERY COUNTY

ANTHONY G. PADUSSIS, P.D.
BALTIMORE COUNTY

RALPH A. SMALL, P.D.
BALTIMORE CITY

ROBERT E. SNYDER, P.D.
BALTIMORE CITY

November 19, 1984

Sondra Alter
1151 East 100 Street
Brooklyn, New York 11236

Dear Ms. Alter:

Enclosed please find the signed Consent Agreement.

If you have any questions, please contact me at the Board office.

Thank you.

Sincerely yours,

Roslyn Scheer

Roslyn Scheer
Executive Director

RS/lmk
Encl.
CC: Varda Fink, Deputy Counsel
Counsel to the Board
Barbara Foster, Assistant Attorney General
Administrative Prosecutor
Edward S. Weiss, Esquire
Counsel for Respondent

P 698 203 734

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL

(See Reverse)

Sent to Sondra Alter	
Street and No. 1151 East 100 St.	
P.O., State and ZIP Code Brooklyn, N.Y. 11236	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date P698203734 Sent 11-19-84	

PS Form 3800, Feb. 1982 ★ U.S.G.P.O. 1983-403-517

P 698 203 735

RECEIPT FOR CERTIFIED MAIL

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(See Reverse)

Sent to Edward Reiss, Esq.	
Street and No. 2515 Arcola Ave.	
P.O., State and ZIP Code Silver Spring, MD 20902	
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to whom and Date Delivered	
Return receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date Sent 11-19-84	

PS Form 3800, Feb. 1982 ★ U.S.G.P.O. 1983-403-517

PS Form 3811, July 1983

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1151 East 100 Street
Brooklyn, N.Y. 11236

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