

IN THE MATTER OF
LAWRENCE APPEL, P.D.
LICENSE NO. 08351

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

RESPONDENT

* * * * *

FINAL DECISION AND ORDER

Background

On August 16, 2000, the Maryland State Board of Pharmacy (the "Board") issued a notice of intent to summarily suspend the license to practice pharmacy held by Lawrence Appel (the "Respondent"). The Respondent was given an opportunity for a hearing to show cause as to why the Board should not issue an unexecuted order that would have suspended his license to practice pharmacy due to the imminent threat to the public health posed by his violent conduct. A show cause hearing before a panel of the Board was held on August 25, 2000. This show cause hearing was limited to oral argument and some testimony by the Respondent on his own behalf.

On August 25, 2000, the Board issued an Order for Summary Suspension based on a violation of Health Occupations Art., §12-313(b)(20), finding that there was probable cause to believe that Appel's aberrant behavior and propensity towards violence endangered the public health, safety, and welfare, requiring emergency action authorized by Md. Code Ann., State Gov't Art., §10-226(c). (State's Ex. 1). The Board gave the Respondent an opportunity for a prompt evidentiary hearing on the propriety of continuing the Order for Summary Suspension. After the evidentiary hearing, held on September 25, 2000, the Board issues this Final Decision and Order, finding that sufficient evidence was presented at the hearing to justify continuation of the summary suspension order. This Final Order and Decision is being issued to formally present the Board's findings of fact

and conclusions of law in support of its decision to continue in effect the summary suspension of the Respondent's license.

Summary of Exhibits and Pertinent Witness Testimony

A. Exhibits

- State's Exhibit 1 - Order for Summary Suspension, dated 8/25/00
- State's Exhibit 2 - Computer Printout of Licensure Information
- State's Exhibit 3 - Andoll Memo to Gill, dated 12/7/99
- State's Exhibit 4 - Final Consent Order, dated 9/16/92
- State's Exhibit 5 - Mann letter to Scheer, with attached contract
- State's Exhibit 6 - Complaint to Board, dated 6/17/99
- State's Exhibit 7 - Statement of Charges
- State's Exhibit 8 - Andoll letter to District Court, with attached Criminal System Inquiry Event History Display
- State's Exhibit 9 - Undated Denoyer Investigative Report
- State's Exhibit 10 - Giannandrea Report, dated 6/16/99
- State's Exhibit 11 - Andoll Investigative Report, dated 10/29/99
- State's Exhibit 12 - Transcript, District Court
- State's Exhibit 13 - Circuit Court Criminal Records Excerpts
- State's Exhibit 14 - Letter to Rubin from Superfresh with personnel records
- State's Exhibit 15 - Subpoena to Rite Aid Corporation with attached personnel records
- State's Exhibit 16 - Personnel Records from Drug Emporium
- State's Exhibit 17 - Letter from Naesea to Respondent, dated 6/1/00

State's Exhibit 18 - McDaniel Report, dated 7/27/00

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Respondent's Exhibit 1 - Letter from Hilliard to Discepolo, dated 4/19/00

Respondent's Exhibit 2 - Copies of 2 Photographs of John Thies

Respondent's Exhibit 3A through 3J - Photographs of scene of altercation

Respondent's Exhibit 4 - Certified copy of records from Circuit Court for Baltimore County

Respondent's Exhibits 5a through 5e - Letters of Recommendation of Respondent

B. Summary of Pertinent Witness Testimony

Dr. Ellen McDaniel testified as the State's expert witness. Dr. McDaniel conducted a three and one-half hour psychiatric evaluation of the Respondent at the Board's request. (T. 17). Dr. McDaniel reviewed several documents which were forwarded to her by the Board, concerning Appel's prior disciplinary record with the Board and the Respondent's employment history. (T. 16-17; State's Ex. 18). Dr. McDaniel testified that based on her evaluation, she diagnosed the Respondent with Narcissistic Personality Disorder, meaning that he lacks empathy for others and feels an inflated sense of entitlement. (T.31-32). Dr. McDaniel further testified that in her professional judgment, the Respondent has a continued potential for violence, and possibly significant depression, based on his perceived victimization, grossly impaired judgment and his inability to accept responsibility for his actions. (Tr. 30-31, 36). As a result, Dr. McDaniel opined that the Respondent will continue to experience "the same kind of interpersonal conflicts that has brought him before the Board twice already". (T. 36).

Dr. McDaniel testified that although she did not perform any substance abuse tests on the

Respondent, he did not exhibit any signs of drug abuse. (T. 42). Thus, Dr. McDaniel opined that the Respondent's conflicts with customers and his employers were the result of personal issues separate and distinct from his history of substance abuse. (T. 32-33). Dr. McDaniel testified on cross-examination that she disagreed with the psychiatric assessment performed by Dr. Giannandrea. (T. 43). Dr. McDaniel further testified that although the Respondent may have already taken an anger management course on April 19, 2000 (T. 48), she did not notice any insight by the Respondent regarding his ability to integrate the course into his daily life. (T. 49-50). Dr. McDaniel recommended that the Respondent participate in supportive therapy similar to AA or NA, but that she did not feel the Respondent would be a suitable psychotherapy candidate due to his lack of motivation to change his behavior. (T. 36-37).

Kista Theis testified that she filed criminal charges against the Respondent on 2/12/99, and subsequently filed a complaint with the Board on 6/17/99, based on the Respondent's assault on her husband, John Theis, on February 12, 1999. (T. 85, 88; State's Exs. 6, 7). Ms. Theis testified that she had a sore throat and telephoned the Rite Aid Pharmacy in Hawthorne Shopping Center at approximately 8:30 p.m. to ask the pharmacist about medications to help relieve her discomfort. (T. 79). Ms. Theis testified that she spoke with a pharmacist who she assumed to be the Respondent, who was very short with her and stated that he was busy and hung up on her. (T. 80). Ms. Theis testified that she then took a shower and had her husband drive her to the Rite Aid Pharmacy so that she could confront the Respondent. (T. 91). Ms. Theis continued by explaining that when Ms. Theis approached the pharmacy counter, she introduced herself to the Respondent as the woman he spoke with earlier on the telephone and asked why he had been so abrupt with her. Ms. Theis testified that the Respondent refused to apologize to her and, in fact, ended the conversation by screaming "f__k

you, lady" at her. (T. 82). Ms. This stated that the Respondent at that time said "We're closed" and attempted to pull down the pharmacy gate, which Ms. This then blocked with her hands. Ms. This testified that her husband was not with her at the time, but that he was heading toward the pharmacy counter when the Respondent cursed at her. (T. 83-84). Ms. This testified that she did not personally witness the following physical altercation between her husband and the Respondent because she had gone to the front of the store to speak with the manager. (T. 85).

John This testified regarding his physical altercation with the Respondent. Mr. This testified that he heard the Respondent curse at his wife, Kista This, and confronted the Respondent. (T. 101). Mr. This testified that the Respondent screamed "f__k you" to him and proceeded to jab Mr. This with the metal cranking pole. (T. 101). Mr. This testified that the Respondent continued to swing and wield the metal pole at him forcing Mr. This to hurl bottles of vitamins over the counter at the Respondent in self defense. (T. 101). Mr. This testified that he then attempted to scale the pharmacy counter to go after the Respondent, but stopped and decided to go to the front of the store and wait for the police. (T. 101).

Tony Tommasello, P.D. appeared on behalf of the Respondent. Mr. Tommasello testified that he serves as the President of the Pharmacists Education and Assistance Committee ("PEAC"). (T. 58). As a result of a prior Board Order sanctioning the Respondent for substance abuse, PEAC had entered a two year contract with the Respondent for rehabilitative assistance. (T. 58-59). Mr. Tommasello testified that at the close of the contract, PEAC recommended that the Respondent's license to practice pharmacy be reinstated without any conditions. (T. 59-60).

Samuel J. Speedone, P.D. appeared as character witnesses for the Respondent. Mr. Speedone is employed as a pharmacy manager at the Superfresh in Timonium. (T. 66). Mr. Speedone testified

that he previously worked with the Respondent at Drug Emporium in 1998 and then later hired the Respondent at Superfresh. (T. 66-67). Mr. Speedone testified that he felt that the Respondent was a dedicated and competent pharmacist (T. 67), but acknowledged that the Respondent was terminated from Drug Emporium due to customer complaints and leaving the pharmacy early. (T. 74; State's Ex. 16). Additionally, Mr. Speedone acknowledged that the Respondent was later discharged from Superfresh after approximately one month. (T. 75).

Robert Kantorski, P.D., testified on behalf of the Respondent. Mr. Kantorski is a pharmacist and permit holder for Ritchie Pharmacy. (T. 121-122). Mr. Kantorski testified that he employed the Respondent sporadically on a parttime basis from 1985-1992 to cover shifts for other pharmacists. (T. 122). Mr. Kantorski testified that he never received any customer complaints regarding the Respondent and that he would employ him again. (T. 122-123). Mr. Kantorski stated that he was personal friends with the Respondent's family. (T. 126).

Bernard Appel, the Respondent's father, testified that he has never known the Respondent to behave violently. (T. 128). Mr. Appel testified that the Respondent has been successfully rehabilitated from substance abuse. (T. 129). Mr. Appel testified that he did not have any knowledge as to why the Respondent had been terminated by his prior employers. (T. 130).

The Respondent testified on his own behalf. The Respondent testified that the physical altercation between himself and Mr. Theis was instigated by the actions of Mr. Theis attempting to climb over the pharmacy counter. At that point, the Respondent testified that he used the metal cranking pole against Mr. Theis in self-defense. (T. 137). The Respondent testified that he never cursed at Mr. Theis, but he did admit to cursing at Mrs. Theis. (T. 149, 136). The Respondent testified that he pleaded guilty in the Circuit Court for Baltimore County under coercion from his

attorney and the judge. (T. 141-42). The Respondent testified that he has remained sober for approximately eight years. (Tr. 143). In speaking about his termination from his various prior employments, the Respondent explained that the separations were the result of friction with his supervisors, closing the pharmacy earlier than scheduled, and customer complaints. (T. 152-160). The Respondent dismissed the numerous customer complaints as either initiated by the employer or "phony complaints" used as a reason to terminate his employment. (T. 155, 159). The Respondent explained that his prior conviction for assault on his former employer was improper because he merely lifted his employer and moved her out of the way so that he could retrieve a radio. (T. 143).

FINDINGS OF FACT

Based upon the testimony and documentary evidence presented at the evidentiary hearing, the Board finds that the following facts are true:

1. At all times relevant, the Respondent was a licensed pharmacist in the State of Maryland. (State's Ex. 2).
2. On February 12, 1999, while the Respondent was working as a pharmacist at the Rite Aid Pharmacy at the Hawthorne Shopping Center location, Baltimore County, he engaged in a telephone conversation with Mrs. Theis in which he was rude and abrupt. Mr. and Mrs. Theis thereafter went into the pharmacy that same evening to confront the Respondent for his rude behavior. (T. 80-81).
3. After Mrs. Theis identified herself and called his behavior into question, the Respondent cursed at her. (T. 82). Thereafter, Mr. Theis endeavored to climb over the counter in an attempt to attack the Respondent. The Respondent then used a metal cranking pole to repel Mr. Theis away from the pharmacy area. (T. 137). Mr. Theis suffered a small, round bruise on his right upper rib cage area as a result of the Respondent's actions. (Respondent's Ex. 2).

4. Mr. and Mrs. Theis filed criminal charges against the Respondent. (State's Ex. 7). The Respondent was found guilty of second degree assault in the District Court for Baltimore County on September 29, 1999. The Respondent appealed the district court decision to the Circuit Court where he pleaded guilty to second degree assault and received probation before judgment on April 19, 2000. (State's Ex. 13).

5. Mr. and Mrs. Theis thereafter filed a complaint with the Board citing the same allegations made in the criminal case. (State's Ex. 6).

6. The Respondent was involved in a prior physical altercation with a former employer resulting in a conviction for assault and two years of supervised probation. (T. 21; State's Ex. 18).

7. Based on the Theis' complaint, the Board ordered that the Respondent submit to a psychiatric evaluation. The initial evaluation was performed by Dr. Giannandrea who found that the Respondent gave no indications of any potential for physical violence that would impede his practice of pharmacy. However, the Board had not provided Dr. Giannandrea with any relevant background documentation regarding numerous complaints received about the Respondent, his prior record with the Board, or his employment history. (State's Ex. 10).

8. The Board ordered that the Respondent submit to another psychiatric evaluation with Dr. Ellen McDaniel. (State's Ex. 17). Dr. McDaniel was provided with relevant information necessary to conduct an informed evaluation of the Respondent.¹ Dr. McDaniel's evaluation found that based on her professional opinion, the Respondent had a propensity towards violence and was currently

¹ The Board provided Dr. McDaniel with (1) a prior Final Consent Order; (2) a prior Board investigative report; (3) Oakview Treatment Center records; (4) Whitfield Associates treatment records; (5) PEAC records; (6) an employment history; (7) complaints filed with the Board; (8) criminal trial transcript; (9) employment records from Rite Aid and Superfresh; (10) Statement of Charges; (11) psychiatric evaluation by Dr. Giannandrea; (12) Board investigative report. (See State's Ex. 18).

not a suitable therapy candidate because he was unwilling to acknowledge his contributions to his problems. (State's Ex. 18).

9. The Respondent's employment records demonstrate that the Respondent's combative tendencies have consistently created conflicts in the workplace, with customers, employers and fellow employees. Oftentimes, these conflicts resulted in his termination from employment. (State's Exs. 14, 15, 16).

10. After holding a show cause hearing, the Board determined that the Respondent's misconduct posed an imminent threat to the health, safety and welfare of the public, and thus voted to summarily suspend the Respondent's license to practice pharmacy. (State's Ex. 1).

11. The Board, in its professional expertise, finds that the Respondent is mentally incompetent to practice pharmacy with the intent and purpose of the Maryland Pharmacy Act. The Board finds that the Respondent's propensity towards violent conduct and aberrant behavior warrants continuation of the summary suspension.

OPINION

Under State Gov't Art., §10-226(c), the Board possesses emergency powers to protect the public from imminent harm when it learns of information giving it probable cause to believe that immediate intervention is required to protect the public health. An evidentiary hearing was held to give the Respondent an opportunity to contest the accuracy of the Board's finding in its Summary Suspension Order, dated August 25, 2000, and to argue in favor of disciplinary action short of a summary suspension.

After hearing the testimony of all the witnesses and observing their demeanor while testifying, the Board has doubts about the version of events proposed by Mr. and Mrs. Theis, and is

more inclined to believe the Respondent's rationale of why the Respondent hit Mr. Theis with the metal cranking pole. In particular, the Board believes that Mr. Theis, upon hearing the Respondent curse at his wife, was so incensed that he attempted to climb over the pharmacy counter to physically assault the Respondent. At that point, the Respondent jabbed Mr. Theis with the pole in self-defense to prevent him from crossing over the pharmacy counter threshold. The Board's conclusion is consistent with the placement of the Mr. Theis' injuries resulting from the jab and with the photographs taken of the pharmacy area immediately after the altercation. (*See* Respondent's Exs. 2, 3A-J). However, the Board finds Mrs. Theis' testimony credible regarding the Respondent's behavior toward her, both on the telephone and in person later that same evening. The Respondent admits to screaming an expletive at Mrs. Theis after she confronted him about his unprofessional attitude. The Board's final conclusion regarding the Respondent's encounter with the Theis' is that the Respondent used the metal pole in self-defense against Mr. Theis, but that had the Respondent behaved in an appropriate and professional manner in dealing with Mrs. Theis at the onset, the subsequent altercation would never have transpired. Additionally, the Respondent's prior conviction for assault on his former employer in 1983-84 evidences that this is not the first time the Respondent has been involved in a physical altercation at his place of work.

The Board is particularly concerned with what appears to be a pattern of irrational and sometimes explosive conduct on behalf of the Respondent at the workplace. This concern was highlighted in Dr. McDaniel's evaluation. Dr. McDaniel credibly testified that the Respondent views himself as a victim of circumstances rather than the cause of his various predicaments. Dr. McDaniel further testified that as a result of the Respondent's inability to recognize responsibility for his actions, the potential was great that another similar incident may occur again. Aside from

his abrupt and abusive behavior toward Mrs. Theis, the Respondent's employment history demonstrates that his inability to interact with others in a civil manner has caused him to be either discharged, placed on inactive rosters, or phased out by decreasing work hours. The Respondent has held approximately thirteen jobs since 1993. Employment records contain various complaints from co-workers and customers alike, all registering complaints regarding the Respondent's rudeness and generally abusive demeanor. (*See* State's Exs. 14, 15, 16).

The Board finds that the Respondent's derisive behavior in which he has been engaged for many years finally culminated in the physical altercation with Mr. Theis. As a result of that altercation, the Respondent was found guilty of assault and given probation before judgment. The Board finds Dr. McDaniel's evaluation alarming. The Respondent remains oblivious to the role he has played in his prior terminations from employment, the numerous complaints received regarding his behavior, and most importantly, in the events leading up to the physical assault on Mr. Theis.

The Board does not find the Respondent's character witnesses to be persuasive. Mr. Kantorski was a long-time friend of the Respondent's family. Mr. Appel, the Respondent's father, obviously was not the most objective person to judge his son's character. Mr. Speedone, while endorsing the Respondent's character, conceded that the Respondent was terminated from the pharmacist position for which Mr. Speedone hired Respondent, after only one month. Lastly, Mr. Tomasello, the PEAC representative, testified only that the Respondent successfully completed his substance abuse contract with PEAC in 1996. Mr. Tomasello did not speak to any of the issues regarding the Respondent's abusive behavior or propensity towards violence.

It is clear from the expert testimony of Dr. McDaniel and the documentary evidence received that the Respondent has an escalating propensity towards violence, as demonstrated by the 1983-84

incident and the incident of February 12, 1999. Additionally, the Respondent fails to acknowledge any responsibility for his actions, but rather views himself as a victim of employers, customers, and even the Board. The Board finds that the Respondent's behavior is abusive, irrational and unpredictable and therefore poses an imminent threat to the safety and welfare of the public. The Board believes that such behavior demonstrates that the Respondent should not be permitted to practice pharmacy. The Respondent's behavior has already caused physical injury to one patient, and the Board will not wait for another patient to be verbally or physically abused prior to intervening to stop such unprofessional and harmful practices.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact and Opinion, the Board finds that the public health, safety and welfare imperatively requires emergency action pursuant to Md. Code Ann., State Gov't Art., § 10-226(c)(1).

ORDER

Based upon the foregoing Findings of Fact, Opinion, and Conclusions of Law, it is this 18th day of Oct, 2000, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent's pharmacy license continue to be summarily suspended pursuant to Md. Code Ann., State Gov't Art., §10-226(c). And be it further,

ORDERED that this a **FINAL ORDER** and as such is a public document pursuant to § 10-611 *et seq.* of the State Government Article, Annotated Code of Maryland. And be it further

ORDERED that the Board shall continue to hold the original display license no. 08351 for Lawrence Appel already in its possession.

10/18/00
Date


Stanton Ades, P.D.
President, Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. Art., §12-316, you have a right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't Art., §§10-201, *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.

IN THE MATTER OF
LAWRENCE APPEL, P.D.
LICENSE NO. 08351
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

CONSENT ORDER

Based on evidence admitted at a show cause hearing and evidentiary hearing before the Board, the Board voted to issue and continue a summary suspension order prohibiting Lawrence Appel, Respondent, from practicing pharmacy in this State. The summary suspension was based on a psychiatric evaluation concluding that the Respondent had a propensity towards violence, lacked any feelings of responsibility for his actions, and was unlikely to experience any successful rehabilitation. The Board also charged the Respondent with violating the Maryland Pharmacists Act, specifically Health Occ. §12-313(b)(20), which in pertinent part provides:

(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:

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

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to the Respondent on August 31, 2000. A Case Resolution Conference on the charges is scheduled for November 9, 2000, a prehearing conference is scheduled for December 14, 2000, and the hearing is scheduled for January 17, 2001. The Board finds that the issues that will be presented at the proceedings on the charges are essentially the same issues that

have been presented to the Board with respect to the Respondent's summary suspension. In an attempt to expeditiously adjudicate the Respondent's case, the Board has determined that this Consent Order, based on the Findings of Fact set forth below, will offer the Respondent a fair resolution to this case while protecting the public from any further danger from the Respondent's abusive behavior.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant, the Respondent was a licensed pharmacist in the State of Maryland.
2. On February 12, 1999, while the Respondent was working as a pharmacist at the Rite Aid Pharmacy at the Hawthorne Shopping Center location, Baltimore County, he engaged in a telephone conversation with Mrs. Theis in which he was rude and abrupt. Mr. and Mrs. Theis thereafter went into the pharmacy that same evening to confront the Respondent for his rude behavior.
3. After Mrs. Theis identified herself and questioned his behavior, the Respondent cursed at her. Thereafter, Mr. Theis endeavored to climb over the counter in an attempt to attack the Respondent. The Respondent then used a metal cranking pole to repel Mr. Theis away from the pharmacy area. Mr. Theis suffered a small, round bruise on his right upper rib cage area as a result of the Respondent's actions.
4. Mr. and Mrs. Theis filed criminal charges against the Respondent. The Respondent was found guilty of second degree assault in the District Court for Baltimore County on September 29, 1999. The Respondent appealed the district court decision to the Circuit Court where he pleaded guilty to second degree assault and received probation before judgment.
5. Mr. and Mrs. Theis thereafter filed a complaint with the Board citing the same allegations

made in the criminal case.

6. The Respondent was involved in a prior physical altercation with a former employer resulting in a conviction for assault and two years of supervised probation. (T. 21: State's Ex. 18).

7. Based on the Theis' complaint, the Board ordered that the Respondent submit to a psychiatric evaluation. The initial evaluation was performed by Dr. Giannandrea who found that the Respondent gave no indications of any potential for physical violence that would impede his practice of pharmacy. However, the Board had not provided Dr. Giannandrea with any relevant background documentation regarding numerous complaints received about the Respondent, his prior record with the Board, or his employment history.

8. The Board ordered that the Respondent submit to another psychiatric evaluation with Dr. Ellen McDaniel. Dr. McDaniel was provided with relevant information necessary to conduct an informed evaluation of Appel. Dr. McDaniel's evaluation found that based on her professional opinion, the Respondent had a propensity for violence and was currently not a suitable therapy candidate because he was unwilling to acknowledge his contribution to his problems.

9. The Respondent's employment records demonstrate that the Respondent's combative tendencies have consistently created conflicts in the workplace, with customers, employers and fellow employees. Oftentimes, these conflicts resulted in his termination from employment.

10. After holding a show cause hearing, the Board determined that the Respondent's misconduct posed an imminent threat to the health, safety and welfare of the public, and thus voted to summarily suspend the Respondent's license to practice pharmacy.

11. The Board finds that the Respondent may be able to practice pharmacy effectively once again should the Respondent participate in a therapy program specifically tailored to address the

Respondent's various issues with respect to anger management, responsibility and interpersonal skills.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. Art., §12-313(b)(20).

ORDER

ORDERED that the summary suspension issued against the Respondent is hereby terminated; and be it further,

ORDERED that the Respondent shall be placed on probation for an indefinite period; and be it further,

ORDERED that the Respondent will enter into a therapy program at Respondent's expense. Such program shall be developed with the advice and counsel of Dr. Ellen McDaniel and specifically tailored to address the issues presented by the Respondent's violation herein; and be it further,

ORDERED that the Board shall be provided with therapy reports regarding the Respondent's progress every six months; and be it further,

ORDERED that the Respondent shall be directly supervised should the Respondent be employed as a dispensing pharmacist, and the supervising employer shall submit written supervisory reports to the Board every two weeks; and be it further,

ORDERED that the Respondent may petition the Board, with favorable reports from the therapist and the employer, for modification of the probationary conditions or for full release from probation after one year; and be it further,

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein, then the Board, after determination of a violation and notice and an opportunity for a hearing, may impose any other disciplinary sanction it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further.

ORDERED that this is a final order and as such is a public document pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (1999).

Date



Stanton G. Ades, P.D.
President, Maryland Board of Pharmacy

CONSENT OF LAWRENCE APPEL, P.D.

I, Lawrence Appel, by affixing my signature hereto, acknowledge that:

1. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited, except pursuant to the provisions of §12-315 of the Maryland Pharmacy Act and §10-201 *et seq.* of the Administrative Procedure Act, State Gov't Article, Annotated Code of Maryland.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board of an Administrative Law Judge.
3. I understand and agree that this Consent Order is a public document pursuant to §10-617(h) of the State Gov't Article, Annotated Code of Maryland.
4. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a hearing in which I would have 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.

5. I understand that by signing this Consent Order I waive my right to appeal any adverse ruling that might have followed such a hearing.

I, Lawrence Appel, have read this Consent Order in its entirety. I have been given the opportunity to consult with my attorney and to review each and every part of this Consent Order with the counsel of my choice. I understand this Consent Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

Date

Lawrence Appel, P.D.

VERIFICATION

STATE OF MARYLAND
CITY/COUNTY OF _____:

I HEREBY CERTIFY that on this ____ day of _____, 2000, before me, a Notary Public of the State and City/County aforesaid, personally appeared LAWRENCE APPEL, P.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and notarial seal.

Notary Public
My commission expires: _____