

IN THE MATTER OF

*

BEFORE THE MARYLAND STATE

RICHARD BENCHOFF, P.D.

*

BOARD OF PHARMACY

License No. 10514

*

* * * * *

CONSENT ORDER OF REINSTATEMENT

Pursuant to the agreement made by the Maryland State Board of Pharmacy (the "Board") with Richard Benchoff (the "Applicant")¹, the Board hereby **ORDERS** the reinstatement of the Applicant's license subject to the following probationary conditions recommended by Paul Giannandra, M.D., with certain additional modifications by the Board:

(1) The Applicant shall enter into a contract with the Pharmacy Education and Assistance Committee (the "PEAC") and shall consent to the PEAC's release of information to the Board;

(2) The Applicant shall contact the PEAC or a monitor designated by the PEAC three times per work-week to determine whether he should submit a urine specimen. At least one specimen per week shall be requested by the PEAC representative, which shall be submitted for drug analysis;

¹ The Board previously conditioned the Applicant's reinstatement upon his successful completion of the Board's reinstatement examination and upon the recommendations of a mental health evaluator. Paul Giannandra, M.D., was selected to conduct this evaluation and make recommendations. On November 13, 1998, he made specific recommendations regarding under what conditions the Applicant could return to the practice of pharmacy given his history of alcohol abuse.

(3) The Applicant shall actively participate in weekly group therapy that focuses on relapse, recovery, and drug rehabilitation until released from further treatment by the Board approved licensed mental health professional;

(4) The Applicant shall meet with a PEAC representative at least once per month to address and coordinate his recovery effort; and

(5) The Applicant shall meet with a Board-approved licensed mental health professional at least once per month to provide an ongoing assessment to the Applicant and the PEAC, taking into consideration whether Antabuse on a monitored, supervised and ongoing basis should be also applied. The Board-approved licensed mental health professional must also consider alternative diagnoses and provide the Board with quarterly reports regarding the Applicant's progress in therapy and his recovery effort in general.² The Applicant must abide with all treatment recommendations of the Board-approved licensed mental health professional and consent to release of all information to the Board deemed relevant by the Board-approved licensed mental health professional. And be it further

² The Applicant is already in possession of a license, which license was issued prematurely. However, the Board's previous agreement with the Applicant made clear that licensure would be made conditional upon the recommendations of a mental health evaluator.

ORDERED that one year following the effective date of this Consent Order of Reinstatement, the Applicant may petition the Board to release him from probation or to modify the terms of probation. Any such petition must be endorsed by the PEAC and the Board approved licensed mental health professional assessing the Applicant's progress in treatment, which petition may be accepted or rejected at the Board's sole discretion. And be it further

ORDERED that the terms of this Consent Order of Reinstatement do not preclude the Board from summarily suspending the Applicant's license as warranted by facts or circumstances of which the Board is not presently aware. And be it further

ORDERED that this Consent Order of Reinstatement constitutes a final order of the Board and is a public document subject to inspection by members of the public upon request, which Consent Order of Reinstatement may be shared by the Board with other licensing boards and otherwise published or disseminated consistent with Board policy regarding the dissemination and publication of Board orders. And be it further

ORDERED, that if the Applicant fails to abide by the terms of this Consent Order of Reinstatement and/or otherwise appears to be a danger to himself or to others, then the Board may, **without prior notice and without an opportunity to be heard**, summarily suspend the Applicant's license to practice pharmacy. And be it further

ORDERED, that if the Board summarily suspends the Applicant's license to practice pharmacy, the Board shall give the Applicant immediate notice of the summary suspension and an opportunity to be heard within thirty (30) days of requesting a hearing.

1/26/99
Date

W. Irving Lottier, P.D.
W. Irving Lottier, P.D.
Secretary, Board of Pharmacy

CONSENT

I, **RICHARD BENCHOFF**, have read this Consent Order of Reinstatement and acknowledge the following:

1. I understand that this Consent Order of Reinstatement is a public document, disclosable under §10-617(h) of the State Government Article, Annotated Code of Maryland.

2. I sign this Consent Order of Reinstatement after having an opportunity to consult with an attorney, whether or not I have done so, and without reservation, and I fully understand its meaning.

3. I further acknowledge that this Consent Order of Reinstatement provides that in the event the Board receives information that I am not complying with the conditions of this Consent Order of Reinstatement or that indicates that I appear to be a danger to myself or others, the Board may summarily suspend my license to practice pharmacy **WITHOUT PRIOR NOTICE AND WITHOUT A PRIOR OPPORTUNITY TO BE HEARD**. I acknowledge that should the Board take such action, I will then be given immediate notice of the summary suspension and an opportunity to be heard within thirty (30) days of my requesting a hearing.

1-14-99
Date


Richard Benchoff

NOTARY

STATE OF MARYLAND

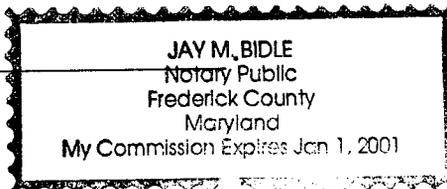
Washington COUNTY

I HEREBY CERTIFY that on this 14th day of January, 1999,
before me, a Notary Public of the State and City aforesaid,
personally appeared Richard Benchoff, P.D., and made oath in due
form of law that the execution of the foregoing Consent Order of
Reinstatement is his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Jay M. Bidle
Notary Seal

My Commission expires on _____



State of Maryland Department of Health and Mental Hygiene

Parris N. Glendening, Governor - Martin P. Wasserman, M.D., J.D., Secretary

Health Professionals Boards And Commission

MAILED
WW 4-16-99

April 16, 1999

Z 251 022 833

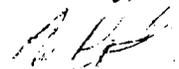
Richard C. Benchoff II
4203 Ritchie Highway
Baltimore, MD 21225-2705

Dear Mr. Benchoff:

The Board of Pharmacy has received reports from the Pharmacists Education and Assistance Committee that you are not in compliance with the Reinstatement Order executed by the Board in January, 1999. Unless PEAC and the Board receive information which indicates you are in compliance with the Order, the Board will consider taking action against your license to practice pharmacy. The Board meets on April 21, 1999, and expects to have an updated report from you and/or the PEAC representative to consider at that time.

In addition, the Board recently received a report that you have changed employers. The Maryland Pharmacy Act requires that you report your change of employment to the Board. Considering your status with the Board, as a pharmacist monitored under a Reinstatement Order, all the details of your employment and recovery status should be submitted to the Board as soon as possible. Please call the Board of Pharmacy Offices if you have any questions.

Sincerely,



Norene Pease
Executive Director

cc: PEAC

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State of Maryland Department of Health and Mental Hygiene

Parris N. Glendening, Governor - Martin P. Wasserman, M.D., J.D., Secretary



State Board of Pharmacy

September 25, 1998

**CERTIFIED MAIL (Receipt No. P 198 031003)
RETURN RECEIPT REQUESTED**

Patrick Burke, P.D.
3602 Chestnut Avenue
Baltimore, Maryland 21211

RE: Order of Dismissal and Letter of Admonishment

Dear Mr. Burke:

On September 9, 1998, you appeared at a Case Resolution Conference regarding the charge filed against you on July 2, 1998 for your alleged failure to obtain continuing education credits required by the Maryland Board of Pharmacy's regulation. At the conference, you provided the Board representatives with acceptable proof that you had obtained the continuing education credits within the extension period previously granted by the Board. As such, the Board's charges are not sustainable and the Board voted to dismiss those charges at its meeting held on September 16, 1998.

At the Case Resolution Conference, you were informed that the Board could decide to issue new charges for your failure to inform the Board that you had completed the continuing education credits as had been required by the Board when it granted you an extension to obtain those credits. Instead, the Board representatives recommended that you be given a letter admonishing you for your failure to inform the Board that you had obtained those credits within the required time period. I informed you at the Case Resolution Conference that Board resources and time were wastefully expended due to your failure to provide the Board with the requested information. The Board has decided to issue this Letter of Admonishment as a warning to you to provide the Board with timely proof of your completion of all continuing education credits. In addition I relayed to the Board my concern that you were practicing without a physical copy of your license in your workplace when you were not aware that an extension to practice had been granted to you. You were not aware of the extension because you failed to retrieve the certified mail informing you of the extension that was sent by the Board. See Health Occupations §12-311 Display of Licenses. (Each licensee shall display conspicuously in the office or place of business of the licensee).

4201 Patterson Avenue - Baltimore, Maryland 21215-2299 - (410) 764-4755
Fax (410) 358-6207 - TDD (800) 542-4964 - Maryland Relay Service (800) 735-2258

Healthy People in Healthy Communities

This Letter of Admonishment will form a part of your permanent record with the Board. However, this Letter will not be revealed to any person and will not be obtainable by any person under the Public Information Act, State Government Article, §10-611, et seq. At the end of five years following the date you sign the Consent

Statement attached to this Letter, you may request that the Board expunge this Letter from your files.

This Letter of Admonishment is not considered to be disciplinary action by the Board. You need not reveal it to any person or report it if you are asked if the Board has taken any action against your license. Further, if the Board charges you with a violation of the Maryland Pharmacy Act, this Letter cannot be considered as evidence against you. However, if the Board finds you guilty of a similar charge, then this letter can be used in considering what penalty may be appropriate, for example, public reprimand, probation, suspension, fine, and/or revocation.

If you agree to accept this Letter of Admonishment, with the conditions outlined, please sign, have notarized, and return the enclosed Consent Statement together with this Letter of Admonishment no later than close of business on Friday, October 9, 1998. Otherwise, the Board will consider further charges against you for your failure to cooperate with the Board. If you accept this Letter of Admonishment, the Board will consider this matter to be closed.

If you have questions about this Letter of Admonishment, please contact Ms. Norene Pease, the Board's Executive Director, who can respond to you or see that your questions are directed to the appropriate person.

Sincerely,



David M. Russo, P.D., M.B.A.
President

cc: Norene F. Pease, Executive Director
Lisa Hall, Assistant Attorney General,
Administrative Prosecutor
Paul J. Ballard, Assistant Attorney General
Board Counsel

CONSENT STATEMENT

I, Patrick Burke, having read the Letter of Admonishment of the Board of Pharmacy hereby accept the same as resolution of the matter and agree to abide by its conditions.

10/13/98
Date

Pat Burke
Patrick Burke, P.D.

STATE OF MARYLAND)
)
COUNTY/CITY OF)

I HEREBY CERTIFY that on this 13th day of October, 1998, a Notary Public of the State of Maryland and County/~~City~~ of Baltimore, personally appeared Patrick Burke, P.D. and made oath in due form of law that signing the foregoing was his voluntary act and deed, and the statements herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Norma Lane
Notary Public

My Commission Expires: 8/01/01