

IN THE MATTER OF * BEFORE THE MARYLAND STATE
RICHARD BENCHOFF, P.D. * BOARD OF PHARMACY
License No. 10514 *

* * * * *

ORDER OF SUMMARY SUSPENSION OF PHARMACIST'S LICENSE

Background

On January 14, 1999, Richard Benchoff, P.D., License No. 10514 (the "Respondent"), and the Maryland State Board of Pharmacy (the "Board"), entered into a Consent Order of Reinstatement (the "Order") attached and incorporated herein. In accordance with the terms of the Order, the Board reinstated the Respondent's license subject to the following probationary conditions recommended by Paul Giannandria, M.D., with certain additional modifications by the Board:

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

(2) The Respondent was required to 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 was to be requested by the PEAC representative, which was to be submitted for drug analysis;

(3) The Respondent was required to actively participate in weekly group therapy that focuses on relapse, recovery, and drug

rehabilitation until released from further treatment by the Board approved psychiatrist;

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

(5) The Respondent was required to meet with a Board-approved psychiatrist at least once per month to provide an ongoing assessment to the Respondent and the PEAC, taking into consideration whether Antabuse on a monitored, supervised, and ongoing basis should be also applied. The Board-approved psychiatrist was also to consider alternative diagnoses and provide the Board with quarterly reports regarding the Respondent's progress in therapy and his recovery effort in general. The Respondent was required to abide with all treatment recommendations of the Board-approved psychiatrist and consented to release of all information to the Board deemed relevant by the Board-approved psychiatrist.

In the Order, the Respondent agreed that should he fail to abide by the Order's probationary terms 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 Respondent's license to practice pharmacy.

FINDINGS OF FACT

1. The Board received a quarterly report from PEAC for the period between December 1, 1998 and March 1, 1999. (Exhibit A). In that report, PEAC Coordinator, Patricia Tommasello, reported that PEAC had not received progress reports from the Respondent's therapist nor had the Respondent informed PEAC of his place of employment. Ms. Tommasello further reported that the Respondent had failed to maintain contact with PEAC, forcing PEAC to send him a certified letter, which then resulted in the Respondent making contact with the PEAC. The Respondent reported to PEAC that he had received a DWI in July, 1998 and that he remained sober for the next two months but had relapsed and entered rehabilitation with the Veteran's Administration in September through December, 1998. Although the Respondent claimed he had been submitting to urine screens, PEAC has not received any documentation of such urine screens.

2. On April 16, 1999, Norene Pease, the Board's Executive Director, sent the Respondent a letter warning him that he must comply with the terms of the Order to prevent Board action against his license. (Exhibit B). In that letter, Ms. Pease also reminded the Respondent of his legal obligation under the Maryland Pharmacy Act to inform the Board of his change of employment.¹ Ms. Pease

¹ Under the Maryland Pharmacy Act, Health Occ. Art., §12-313(24), the Respondent is subject to Board discipline should he violate any Board regulation. COMAR 10.34.06 requires the Respondent to notify the Board of any changes in employment. The

required the Respondent to provide the Board with an updated report from him and/or his PEAC representative by the Board's meeting that was to be held on April 21, 1999. That report was to include all the details of the Respondent's employment and recovery status. To date, the Respondent has failed to submit that report to the Board's office

3. Based on the foregoing information, the Board finds that the Respondent has failed to abide by the conditions set forth in the Order, which failure warrants emergency action under the terms set forth in the Order. In addition, the Respondent has continued to abuse alcohol, making his continued practice of pharmacy an imminent threat to the public safety.

CONCLUSIONS OF LAW

Based upon the Respondent's failure to abide by the terms of the Consent Order and the imminent danger created by his continued abuse of alcohol which renders him professionally, physically, mentally incompetent under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. Art., §12-313(20), the Board concludes that the summary suspension of the Respondent's license is required to protect the public health and safety pursuant to Md. Code Ann., State Gov't Art., §10-226(c).

ORDER

Respondent's failure to abide by this regulation under the circumstances of his probationary status is especially troubling to the Board.

Based on the foregoing Findings of Fact and Conclusions of Law, it is on this 21st day of April, 1999, by a majority of the Board,

ORDERED that the pharmacist's license held by the Respondent be **SUMMARILY SUSPENDED** upon actual or constructive service of this Order for Summary Suspension of Pharmacist's License. And be it further

ORDERED that upon actual or constructive service of the this Order for Summary Suspension, the Respondent shall return all certificates issued by the Board pertaining to License No. 10514, including his pocket license and wall display certificate. And be it further

ORDERED that this Order for Summary Suspension of Pharmacist's License is a final order and as such is a public document under Md. Code Ann., State Gov't Art., §§10-611, et seq.

Date _____



W. Irving Lottier, Jr., P.D.
Board Secretary

NOTICE OF HEARING

In accordance with the Consent Order of Reinstatement, the Board will schedule a show cause hearing on the matters set forth herein within thirty days after receiving the Respondent's written request for a hearing.

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