

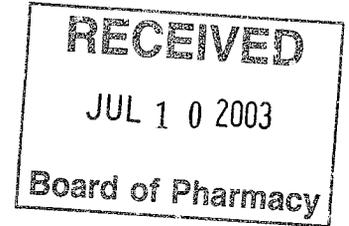
IN THE MATTER OF  
RICHARD BENCHOFF, P.D.  
LICENSE NO. 10514

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BEFORE THE MARYLAND  
STATE BOARD OF  
PHARMACY

\* \* \* \* \*

CONSENT ORDER OF REINSTATEMENT



Background

On March 10, 2003, Mr. Benchoff submitted a Petition for Reinstatement to the Board of Pharmacy (the "Board") for reinstatement of his license to practice pharmacy. On June 16, 2003, Mr. Benchoff appeared in front of a quorum of the Board to present his case in support of reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner.

Mr. Benchoff has a protracted history with the Board that dates back to 1994. Mr. Benchoff suffers from an alcohol addiction that has caused him to enter into contracts with the Pharmacists Education and Assistance Committee ("PEAC") on four separate occasions. Mr. Benchoff has also been the subject of three prior Board orders, two of which focused on his alcohol problem. Prior to his current period of sobriety, Mr. Benchoff's longest span of sobriety was between twelve and eighteen months.

On January 20, 1999, the Board issued a Consent Order of Reinstatement permitting Mr. Benchoff to practice pharmacy under certain probationary conditions. On April 21, 1999, the Board summarily suspended Mr. Benchoff's license because he had violated his probationary conditions due to a relapse. Mr. Benchoff subsequently entered into a PEAC contract on November 14, 1999. In December 2000, the Board denied a petition for reinstatement filed by Mr. Benchoff, ordering that Mr. Benchoff must first successfully complete his PEAC contract before the Board would consider any possible reinstatement of his license.

### FINDINGS OF FACT

1. Mr. Benchoff successfully completed a three-year PEAC contract in November 2002, which included random urinalysis, participation in a 12-step program, weekly monitoring, and therapy.
2. Mr. Benchoff is currently working as a program director of the Wells House, a state-licensed drug and alcohol continuing care facility in Hagerstown, Maryland. Mr. Benchoff's supervisor at the Wells House is also his AA sponsor.
3. Mr. Benchoff is an active member of the Hagerstown area AA groups and is continuing to undergo treatment with a psychiatrist.

### ORDER

Based on an affirmative vote of a quorum of the Board, it is this 16th day of July, 2003, hereby:

**ORDERED** that Mr. Benchoff's license to practice pharmacy be reinstated provided that Mr. Benchoff **FIRST COMPLETES THE FOLLOWING CONDITIONS:**

1. Successful completion of the Board's Pharmacy Law Test;
2. Successful completion of the Board's Practice of Pharmacy Reinstatement Examination;  
and
3. Payment to the Board of the applicable reinstatement fee; and be it further

**ORDERED** that, upon reinstatement, Mr. Benchoff's license to practice pharmacy be immediately placed on **PROBATION** for a period of at least three (3) years under the following conditions:

1. Mr. Benchoff shall continue with treatment under a psychiatrist and shall insure that the psychiatrist submits progress reports to the Board every six (6) months. Mr. Benchoff

shall provide the psychiatrist with an appropriate waiver of confidentiality allowing the psychiatrist to file substantive reports with the Board.

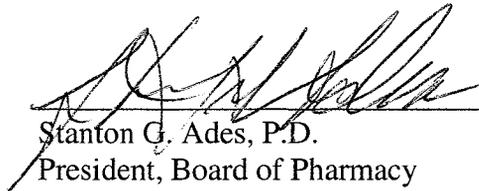
2. While employed at the Wells House, Mr. Benchoff shall insure that the Board receives quarterly employer reports from the Wells House.
3. If Mr. Benchoff commences employment as a pharmacist, he shall insure that the pharmacy employer submits quarterly employer reports to the Board. Mr. Benchoff is restricted to working for one pharmacy at a time, which restriction shall prohibit Mr. Benchoff from working as a floater.
4. Mr. Benchoff shall notify the Board of any change in employment, whether or not the employment is pharmacy-related.
5. If Mr. Benchoff's employment at the Wells House terminates for any reason, the Board reserves the right to amend this Order to require a PEAC contract or other mechanism of monitoring; and be it further,

**ORDERED** that in the event the Board finds for any good faith reason that Mr. Benchoff has relapsed, has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Benchoff has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend Mr. Benchoff's license prior to a hearing; and be it further,

**ORDERED** that Mr. Benchoff may petition the Board for release from probation after three (3) years provided that he has been in compliance with all of the terms of probation; and be it further,

**ORDERED** that this is a final order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

7/16/03  
Date

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

**CONSENT**

1. By signing this Consent, I hereby admit to the truth of the findings contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

7/9/03  
Date

  
Richard Benchoff, P.D.

STATE OF MARYLAND  
COUNTY/CITY OF WASHINGTON :

I hereby certify that on this 9TH day of July, 2003, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared RICHARD BENCHOFF and made an oath in due form that the foregoing Consent was his voluntary act and deed.

  
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Notary Public  
My commission expires July 3, 2004  
JEFFREY A. PAULES  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires July 3, 2004