

IN THE MATTER OF

ARNOLD L. BLAUSTEIN, P.D.

* BEFORE THE

* MARYLAND STATE

* BOARD OF PHARMACY

* * * * *

CONSENT ORDER

This Consent Order is entered into by and between the Maryland State Board of Pharmacy and Arnold L. Blaustein, P.D.

BACKGROUND

Upon certain information having come to the Maryland Board of Pharmacy (the "Board"), the Board determined to charge Arnold L. Blaustein, P.D., (the "Respondent") a person licensed to practice pharmacy in the State of Maryland with violation of § 12-311(b)(21) of the Health Occupations Article, Maryland Annotated Code, which provides:

Subject to the hearing provisions of § 12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds 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:

* * *

(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.

Appropriate notice of the charge and the grounds upon which it was based were sent to Respondent in a letter dated May

7, 1986. A prehearing conference was held on June 6, 1986, and was attended by Respondent; his counsel, Walter F. Balint, Esquire; Dr. Steve Cohen, a member of the Board; Roslyn Scheer, Executive Director of the Board; Judith K. Sykes, Assistant Attorney General, Administrative Prosecutor; and Harry J. Matz, Assistant Attorney General and Counsel to the Board.

At the prehearing conference, after preliminary statements by Mrs. Sykes and Mr. Balint, Respondent answered inquiries from Ms. Scheer, Dr. Cohen and Mr. Matz and full discussion was held on which Mr. Blaustein and his attorney participated. Following the prehearing conference, Respondent, having consulted with counsel, agreed to enter into the following Findings of Fact, Conclusions of Law and Consent Order.

FINDINGS OF FACT

1. At all times pertinent to this matter, Respondent was a pharmacist licensed in the State of Maryland and is subject to the jurisdiction of the Board.

2. The Respondent herein entered a plea of guilty to a felony, Possession With Intent To Distribute Dilaudid, a Schedule II controlled dangerous substance, in violation of Article 27, § 286 of the Maryland Annotated Code, before the Honorable Solomon Baylor, on July 10, 1985, in the Circuit Court for Baltimore City.

3. The Court imposed a fine of \$4,000 and a four year sentence to the Department of Correction. The sentence was sus-

pendent and the Respondent was placed on supervised probation. One of the conditions of probation was that in the event of disciplinary charges arising out of the guilty plea, Respondent was to accept the decision of this Board as a final decision.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board hereby concludes as a matter of law that Respondent, having entered a guilty plea to a crime which was both a felony and a crime involving moral turpitude, was in violation of § 12-311(b) (21) of the Health Occupations Article of the Annotated Code of Maryland.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of AUG., 1986, by unanimous vote of those members of the Board considering this case:

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

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

1. During his first year of probation, Respondent will not dispense any medication to the public.
2. Within thirty (30) days of the date of being hired as a pharmacist in any position, Respondent shall submit written

proof to the Board that he has given a copy of this Order to his employer and his employer has agreed to comply with all conditions of this Order that may pertain to or affect the employer.

3. Respondent shall arrange for any and all of his employers to submit to the Board written quarterly reports evaluating his job performance and describing the nature and duties of his position. The first report shall be due one month after the date that he assumes a position as a pharmacist and shall continue until all conditions are removed from Respondent's license. This includes any employment requiring the knowledge of a pharmacist or pertaining to pharmacy.

4. 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 his new employer by name, address, telephone number and describing his new position.

5. Commencing thirty (30) days from the date of this Order, or no later than August 25, 1986, Respondent shall send written quarterly reports to the Board describing the progress he feels he is making, what problems he presently faces and how he is coping with these problems. Said reports shall be forwarded to Roslyn Scheer, Executive Director of the Board, and are to be submitted on the following schedule:

August 25, 1986	May 25, 1988
November 25, 1986	August 25, 1988

February 25, 1987	November 25, 1988
May 25, 1987	February 26, 1989
August 25, 1987	May 25, 1989
November 25, 1987	August 25, 1989
February 25, 1988	

6. Respondent shall notify the Board, in writing, of his current address. In the event that Respondent moves he shall promptly notify the Board in writing of the change of address and any change in his telephone number.

7. Over the next three (3) years, Respondent shall complete a minimum of thirty (30) hours of continuing education per year in courses approved by the Board. In each year, fifteen (15) of those hours must be completed in courses addressing controlled substances management, inventory or abuse. Respondent shall submit written proof of completion of these courses.

8. Respondent shall refrain from engaging in the conduct which lead to his conviction and violation of the Maryland Pharmacy Act.

9. If the Respondent is employed in a dispensing capacity or physically located near drugs, the Respondent must arrange for any and all of his employers to conduct quarterly audits of prescriptions and CDS records and inventories sufficient to satisfy the Board that no diversion of Schedule II drugs has taken place and that Respondent has not filled any obviously illicit prescriptions.

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

ORDERED, that in the event the Board receives an unsatisfactory report which it believes in good faith to be accurate, or in the event the Board believes for any reason in good faith that Respondent has violated Health Occupation Section 12-311(b) (14) or (20) or any provision of Title 12 of the Health Occupations Article, the Board may take immediate action, including, but not limited to, revocation or suspension, without first giving Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action; but the Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED that three (3) years from the date of this Order, the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any conditions or restrictions as to the scope of practice, provided that Respondent has completed his continuing education requirements. If the Board determines that the termination of probation and complete rein-

statement would not be appropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation. However, if Respondent fails to make any such petition then his probationary status shall continue indefinitely, subject to the conditions set forth in this Order.


Anthony Padussis, P.D.
President
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 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.


Arnold L. Blaustein, P.D.

STATE OF MARYLAND

~~COUNTY~~^{City} OF BALTIMORE, to wit

I HEREBY CERTIFY that on this 9th day of ~~June~~^{Aug.}, 1986,
before me, a Notary Public of the State and County aforesaid,
personally appeared ARNOLD L. BLAUSTEIN, P.D. and he made oath in
due form of law that the foregoing Consent was his voluntary act
and deed.

AS WITNESS my hand and notarial seal.

Rosalie Thomas
Notary Public

My Commission expires:

1-1-90.