

Lic # 7976  
300 E. Topper Road  
Suite 703  
Baltimore, MD 21204  
IN THE MATTER OF

DOB 11/5/45  
Rec'd 30 Exam

4/8/87

DAVID CLYDE CURRY

\*  
\* BEFORE THE MARYLAND  
\* BOARD OF PHARMACY  
\*

\* \* \* \* \*

REINSTATEMENT ORDER

This Consent Order is enacted into by and between the Maryland State Board of Pharmacy, (the "Board") and David D. Curry, P.D. (the "Respondent").

FINDINGS OF FACT

1. Upon certain information coming to the attention of the Board, an investigation of the pharmaceutical practice of David C. Curry took place resulting in the suspension of his license with immediate stay of the suspension in April, 1983.

2. Upon further information coming to the attention of the Board from the Drug Enforcement Administration (the "DEA"), the Board summarily suspended David C. Curry's license to practice pharmacy in May, 1983.

3. Subsequent to a prehearing conference in February, 1984, the Board revoked David C. Curry's license to practice pharmacy. The Order provided that the Respondent could petition the Board for reinstatement after two years from the date of the Order, June 13, 1984.

4. In the June 13, 1984 Order (attached hereto as Exhibit A), the Board made the Conclusions of Law that Respondent, David C. Curry, had violated § 12-311(b)(4), (7), (14) and (20) of the

Maryland Pharmacy Act, Health Occupations Article, § 12-101 et seq., Ann. Code Md.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(4),(7),(14), and (20) of the Act:

(4) Is addicted to any controlled dangerous substance or habitually is intoxicated;

(7) Willfully fails to file or record any report that is required by law;

(14) Without having first received a written or oral prescription for a drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(20) Is professionally . . . incompetent.

and with the following violations of the Consent Order of April 27, 1983, see paragraphs 1-9 and 13-16 under the Order Section of the Order.

5. David C. Curry petitioned the Board to reinstate his license and the Board held a reinstatement hearing on December 10, 1986. Respondent was represented by counsel, Allen D. Greif, Esquire. The following exhibits were introduced into evidence on behalf of Respondent.

(A) Certificate for at least 20 hours of continuing professional education in the twelve month enrollment period ending November, 1985 from Arnold and Marie Schwartz College of Pharmacy and Health Sciences, Long Island University and St. John's University College of Pharmacy and Allied Health Professions.

(B) A packet of certificates for continuing pharmaceutical education participation totaling 18 hours for the period January through November, 1986.

(C) Statement from Respondent to the Board of Pharmacy.

6. At the December 10 hearing, the Board received statements from Peter Campbell, a U.S. Probation Officer; Richard Brogton, the Arresting Officer; Gerard Hunt, Ph.D., of the Resource Group; and Tony Tommasello, from the Pharmacists Rehabilitation Committee. All statements were in support of David C. Curry and evidenced his devotion and continued efforts towards his successful rehabilitation.

7. Based on his appearance, demeanor and testimony before the Board on December 10, 1986, the Board finds the Respondent to

be sincerely engaged in attempts to arrest his dependency on drugs and alcohol.

8. The Respondent acknowledges that he still has the disease of addiction, that he will continue to require counseling and other outpatient treatment, and that various monitoring and other conditions are advisable for the Board to impose should it decide to allow the Respondent to resume his practice of pharmacy in this State.

#### CONCLUSION OF LAW

Based on evidence on the record and duly considered, the Board finds that David C. Curry is qualified to practice pharmacy in Maryland and is entitled to reinstatement of his license, with certain conditions contained in the Order attached hereto.

#### ORDER

Based on the foregoing Findings of Fact and Conclusion of Law, it is this 8<sup>TH</sup> day of April, 1987, by the unanimous vote of those members of the Board considering this case:

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

ORDERED that Respondent is placed on PROBATION subject to the following conditions:

(1) That Respondent be monitored monthly by a qualified therapist approved by the Board; that Respondent immediately give a copy of this Order to his therapist and arrange for the therapist to advise the Maryland Board of Pharmacy within thirty (30) days of the date of this Order, in writing, of his receipt thereof;

(2) That Respondent comply with any and all recommendations made to him by his therapist in the time suggested by the therapist;

(3) That Respondent arrange for his therapist to submit written quarterly reports to the Maryland Board of Pharmacy indicating what progress he has made in dealing with the problems that led to his chemical dependency. The first report shall be due June 1, 1987. Such reports shall be due, quarterly, until such time as Respondent has been terminated from probation;

(4) That Respondent shall continue to be monitored by the therapist until such time as Respondent has been terminated from probation;

(5) That in the event that Respondent discontinues seeing the therapist prior to termination of his probation, he shall immediately notify the Maryland Board of Pharmacy and have his therapist notify the Board of his status, directly;

(6) That in the event that Respondent's therapist reports to the Maryland Board of Pharmacy that he is incapable of practicing pharmacy safely or that his previous problems are interfering with his ability to practice pharmacy, he shall voluntarily discontinue the practice of pharmacy until such time as his therapist indicates that he is capable of resuming the practice of pharmacy or until the Board of Pharmacy has given him permission to resume the practice of pharmacy;

(7) That Respondent attend at least one (1) meeting each week of Alcoholics Anonymous or Narcotics Anonymous. Respondent shall have his presence verified in writing by the Group

Secretary initialing a record to be kept by Respondent. The Respondent shall attach a copy of this record for the relevant quarter to the quarterly reports he submits to the Board.

(8) That Respondent shall arrange for weekly observed random urine screenings and arrange for any positive reports to be immediately sent to the Maryland Board of Pharmacy. The urinalysis procedure shall be in a time, place, and manner satisfactory to the Maryland Board of Pharmacy. Further, the Respondent shall include the quarterly reports of Respondent's weekly observed random urine screenings in his report to the Board for the relevant quarter;

(9) That Respondent shall immediately notify any and all of his pharmacy employers that he has been placed on probation by the Maryland Board of Pharmacy and inform those employers of the conditions of his probation by submitting to them copies of this Order. Within thirty (30) days of being hired as a pharmacist, Respondent shall submit written proof to the Maryland Board of Pharmacy that he has given a copy of this Order to all of Respondent's pharmacy employers and have his employers send to the Maryland Board, in writing, an acknowledgment of receipt of this Order and a statement that the employer agrees to comply with all conditions thereof that pertain to employers;

(10) That Respondent shall arrange for any and all of his pharmacy employers to submit to the Maryland Board of Pharmacy written quarterly reports evaluating his job performance and describing the nature of his duties and his position. The first report shall be due on June 1, 1987 (if Respondent is employed by

then), and subsequent reports shall be filed quarterly until all conditions are removed from Respondent's license;

(11) The Respondent must arrange for any and all of his pharmacy employers to conduct semi-annual 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. The employer shall include results of these audits in the employer's quarterly reports.

(12) In the event that Respondent changes jobs as a pharmacist or decides not to practice pharmacy, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his new employer by name, address and telephone number, and describing his new position;

(13) Commencing on June 1, 1987 and then quarterly thereafter, Respondent shall send written reports to the Maryland Board of Pharmacy describing the progress he feels that he is making in treating his addiction and in his practice of pharmacy, what problems he feels that he presently faces and how he is coping with these problems;

(14) That Respondent shall notify the Maryland Board of Pharmacy, in writing, of his current address. In the event that he moves, Respondent shall promptly notify the Maryland Board of Pharmacy in writing of the change of address and any change in his telephone number;

(15) That Respondent immediately gives a copy of this Order to his probation officer and arrange for the probation officer to

advise the Maryland Board of Pharmacy, in writing by June 1, 1987, of his receipt thereof;

(16) That Respondent arrange for his probation officer to submit written quarterly reports to the Maryland Board of Pharmacy indicating what progress Respondent is making. The first report shall be due June 1, 1987. Such reports shall be due, quarterly, until such time as Respondent has been terminated from probation;

(17) That Respondent's wallet-size license to practice pharmacy shall indicate "conditional" licensure;

(18) That Respondent will arrange at his expense to be evaluated by a therapist approved by the Board within one month of the time he applies for amendment of this Order for the purposes of being evaluated for progress in dealing with the problem of chemical dependency. Respondent shall further arrange for the therapist to send to the Maryland Board of Pharmacy a written report indicating his findings;

(19) That Respondent shall refrain from engaging in the conduct which led to revocation of his license to practice pharmacy under the Maryland Pharmacy Act;

(20) That Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED that the Conditions of this Order BE, and the same hereby are EFFECTIVE, as of this date; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith

to be accurate, or in the event that the Maryland Board of Pharmacy believes for any reason in good faith that Respondent has violated H.O. § 12-311(b)(4),(7), (14), (20), or any provision of Title 12 of the Health Occupations Article or regulations thereunder, 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, § 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 on or after December 10, 1988, the Board shall entertain a petition for modification of one or more of the Conditions of this Order; and be it further

ORDERED that on or after December 10, 1991, 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. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at that 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.

ORDERED that if Respondent violates any of the terms of Respondent's probation, or if the Board receives an unsatisfactory report from Respondent's therapist, or if Respondent fails to practice in accordance with the laws governing the practice of Pharmacy in Maryland, or if Respondent fails to remain alcohol and drug free, the Board, after notification, a hearing and determination of violation may impose any disciplinary sanctions it deems appropriate.



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Anthony Padussis, P.D.  
President, Maryland Board of  
Pharmacy