

IN THE MATTER OF  
DAVID DOWLING, P.D.

BEFORE THE MARYLAND STATE  
BOARD OF PHARMACY

\* \* \* \* \*

FINAL CONSENT ORDER

This Consent Order is entered into by the Maryland State Board of Pharmacy and David Dowling, P.D.

Background

Upon certain information having come to the Maryland Board of Pharmacy (the "Board"), the Board determined to charge David Dowling, P.D. (the "Respondent") with the violation of §12-311(b) (14) and (23) of the Health Occupations Article, Annotated Code of Maryland (the "Act") which prohibit the following conduct:

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

(23) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

Notice of the charges was provided in a letter which was sent with the charging document to the Respondent by certified mail on September 25, 1987. A prehearing conference on the charges was scheduled and held on November 30, 1988.

Present during the prehearing conference were: David Dowling, the Respondent; Dirk Widdowson, Esquire, counsel for Respondent; Nancy P. Tennis, Administrative Prosecutor; Steven S. Cohen, P.D., President of the Board, and Roslyn Scheer, Executive Director of the Board. Following discussions during the prehearing conference, Respondent voluntarily agreed to enter into the following Findings of Fact, Conclusions of Law and Consent Order.

#### FINDINGS OF FACT

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

2. At all times pertinent to this charge, the Respondent was employed as a pharmacist at Edgehill Drugs, Inc. or Peninsula General Hospital Pharmacy.

3. On various dates from July 1986 through July 1987, the Respondent diverted controlled dangerous substances from Edgehill Drugs, Inc. in Seaford, Delaware and Peninsula General Hospital Pharmacy in Salisbury, Maryland for his personal use.

4. On August 14, 1987, the Delaware Board of Pharmacy filed a disciplinary action against the Respondent and subsequently suspended his license to practice pharmacy in Delaware.

5. On August 17, 1987, the Delaware Board reinstated Respondent's license subject to one year's probation with specified conditions.

**CONCLUSION OF LAW**

Based upon the foregoing facts, the Board concludes as a matter of law that the Respondent is GUILTY of violating §12-311(b)(14) and (23) of the Health Occupations Article, of the Annotated Code of Maryland.

**ORDER**

It is this 22<sup>nd</sup> day of FEB., 1988<sup>89</sup>, by the Board of Pharmacy

**ORDERED** that Respondent's license to practice pharmacy in the State of Maryland is **SUSPENDED** for one year, and be it further

**ORDERED** that said **SUSPENSION** is immediately **STAYED** with Respondent placed on **PROBATION** for one year beginning on January 1, 1989 and subject to the following terms and conditions:

1. Respondent shall not be convicted of any felony or any drug-related offense; and

2. Respondent shall make available to the Board all results from unannounced urine screenings ordered by the Delaware State Board of Pharmacy or its agents; and

3. Respondent shall practice in accordance with all federal, state and local laws governing the practice of pharmacy, including, but not limited to, the Act and regulations; and

4. Respondent shall not use prescription drugs without a valid prescription, abuse alcohol or use illegal drugs; and

5. Respondent shall attend Alcohol Anonymous meetings or whatever other meetings deemed necessary by the Delaware Board or its agents; and

6. Respondent shall continue his treatment with Dr. Mario Pazzaglino; and

7. On a quarterly basis, Respondent shall make available to the Board all probation information maintained in his licensure file by the Delaware Board and all information made available by him to the Delaware Board, including his work schedule and oral or written reports by Dr. Pazzaglino; and be it further

**ORDERED** that if the Board receives reliable information that the Respondent has violated any of the foregoing conditions of probation or any provision of Title 12 of the Health Occupations Article, the Board may lift the stay and suspend the Respondent's license, subject to a hearing on the violation of probation within thirty days after a request for such hearing is filed with the Board. The Board may, in its discretion, refuse to entertain such a request if the request is received more than ninety (90) days after the Board's action; and be it further

**ORDERED** that after one year from the date of this Order and upon receipt of Respondent's Petition for Reinstatement, the Board will reinstate Respondent's license to be a pharmacist in Maryland, provided that Respondent has successfully completed his probationary and continuing education requirements. If the Board determines that the termination of probation and complete reinstatement would not be appropriate, it may modify one or more of the conditions of the Respondent's probation.

**ORDERED** that a copy of this Order shall be filed with the Board of Pharmacy as part of Respondent's licensure file.

**ORDERED** that this is a Final Order and as such is a public document pursuant to §10-611 et seq. of the State Government Article, Annotated Code of Maryland.



---

Steven S. Cohen, P.D.  
President  
Board of Pharmacy

**CONSENT**

I, David Dowling, by affixing my signature hereto, acknowledge that;

1. I am represented by Dirk Widdowson, Esquire and I have had the opportunity to consult with counsel before signing this document;

2. I am aware that without my consent, my license as a pharmacist in this State cannot be limited except pursuant to the provisions of §12-311 of the Act and §10-405 of the

Administrative Procedure Act, State Government Article, Annotated Code of Maryland;

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent, I hereby consent and submit to the foregoing Findings of Fact, Conclusion of Law and Order. By doing so, I waive my right to a formal hearing and acknowledge the validity of the Order as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my own behalf and to all other substantive and procedural protections provided by law. I also recognize that, with regard to this Order, I am waiving my rights to appeal as set forth in §12-311 of the Act and §10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland. By this Consent, I waive all such rights and acknowledge that by my failure to abide by the conditions set forth in this Order, I may suffer the suspension of my license to be a pharmacist in the State of Maryland.

  
David Dowling

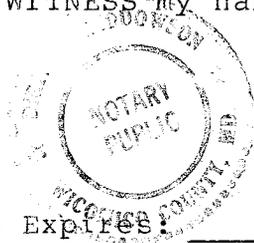
STATE OF MARYLAND )

CITY/COUNTY OF )

I HEREBY CERTIFY that on this 20<sup>th</sup> day of December, 1988, before me, a Notary Public of the State and County

aforesaid, personally appeared David Dowling, 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.



Wick M. Middleton  
Notary Public

My Commission Expires: 7/90