

IN THE MATTER OF  
DENNIS RAY DREYER

\* 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 Dennis Ray Dreyer.

FINDINGS OF FACT AND BACKGROUND

By letter dated February 2, 1987, the Maryland Board of Pharmacy (hereinafter referred to as the "Board") charged Dennis Ray Dreyer (hereinafter referred to as the "Respondent") with violating the Maryland Pharmacy Act, Health Occupations Article, Sections 12-311(b)(14), (16), and (20). The basis of the charges was an allegation that on February 2, 1986, the Respondent was stopped in Howard County for traffic violations at which time a hypodermic needle and vile of narcotics was observed in the vehicle and seized by the police officer. Subsequent thereto, the Respondent was placed under arrest and charged with unlawful possession of CDS.

A prehearing conference was held on April 1, 1987. Present at the conference were the Respondent, Dennis Ray Dreyer, P.D.; his attorney, Theresa L. Osterman, Esq. of Levan, Schimel, Richman & Belman, P.A.; Stephen Cohen, P.D., designee of the Board; and Roslyn Scheer, Executive Director of the Board. The following evidence was introduced at the prehearing conference by the Respondent:

1. Certified copy of the docket entries of the case in the District Court of Maryland for Howard County, Case No. 2512T6,

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indicating that all but one of the charges of February 2, 1986 were placed on the stet docket (inactive docket) and that in the remaining charge of possession of CDS, the Respondent was given probation before judgment by the District Court.

2. Certified copy of the Order of Probation in the District Court of Maryland for Howard County, Case No. 2512T6 dated September 3, 1986, in which the Respondent was placed on probation under Article 27, Section 292 of the Annotated Code of Maryland, under the supervision of the Maryland Division of Parole and Probation for a period of 24 months, subject to special conditions as follows: "any after care program (after Oakview program is completed) and weekly urinalysis at U. of MD Hospital and authorize U. of MD results to be sent to P & P Agent."

3. Letter dated March 5, 1987 from Oakview Treatment Center indicating the Respondent's successful completion of the residential program on March 6, 1986, and the Respondent's successful completion and discharge from the continuing recovery group on August 6, 1986.

4. Letter dated March 30, 1987 from Charles R. Goshen, M.D., a treating psychiatrist of the Respondent.

5. Letter dated March 27, 1987 from Morrell C. Delcher, MBA, Associate Director of Operations and Administration, University of Maryland Medical System, the employer and supervisor of the Respondent.

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6. Letter from R. Michael Zerner, Division of Parole and Probation, indicating the Respondent's compliance with the Order of Probation dated September 3, 1986.

7. Letters from co-workers, Lynn E. Caulkins, P.D.; Evie P. Williams, P.D.; and Natalie A. Brown.

8. Letter from Mr. Tomasello of the Pharmacists Rehabilitation Committee.

The Respondent explained at the prehearing conference that he had previously abused tylenol No. 3 with codeine and morphine, and had pending a trespass charge in Howard County. The Respondent also indicated that he had been undergoing weekly urinalysis at the University of Maryland Drug Treatment Center since September, 1986 and would give permission to the Board to directly contact that Center for information regarding same. The Respondent indicated that all urinalysis had been negative. The Respondent further indicated that he had recently started group therapy with Dr. Richard Anderson, as directed by the Pharmacists Rehabilitation Committee, and was continuing individual therapy with Dr. Charles Goshen on a weekly basis. The Respondent indicated that he was attending AA meetings on a weekly basis, and had moved home to live with his parents.

#### CONCLUSIONS OF LAW

Respondent has violated the Maryland Pharmacy Act, Health Occupations Article, Sections 12-311(14), (16), and (20), to wit:

(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;

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(16) Violates any provision of Section 12-510 of this title, which concerns the labeling requirements for prescription medicines; and

(20) Is professionally, physically, or mentally incompetent.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 6<sup>TH</sup> day of MAY, 1987, by the unanimous vote of those members of the Board considering this case

ORDERED, that the Respondent's license to practice pharmacy be, and the same is hereby suspended; and it is further,

ORDERED, that such suspension is IMMEDIATELY STAYED and Respondent is placed upon PROBATION subject to the following conditions:

1. That Respondent continue at his own expense in group therapy through Dr. Richard Anderson and individual therapy through Dr. Charles Goshen and comply with all recommendations made to him by these therapists in the time suggested by these therapists, until such time and unless he is discharged from treatment by the respective therapist. If such discharge occurs, Respondent shall arrange prompt submission by the respective therapist of a written discharge report to the Maryland Board of Pharmacy and the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association.

2. If, in violation of paragraph 1, Respondent fails to continue with his therapist(s) without having been discharged or

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ordered by the Board to change and cease therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacist Rehabilitation Committee in writing and have his therapist notify such agencies of his status directly.

3. That Respondent shall immediately give a copy of this Consent Order to both of his therapists and arrange for both therapists to advise the Maryland Board of Pharmacy within thirty (30) days, in writing, of their respective receipt thereof.

4. That Respondent arrange for each of his therapists to submit written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association, reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that led to his possession and/or abuse of controlled dangerous substances. The first report shall be due on July 1, 1987. Thereafter, the reports shall be due quarterly, until such time as Respondent has been terminated from probation.

5. Respondent is responsible for arranging, through the University of Maryland Drug Treatment Center or the program with Dr. Richard Anderson, for random observed urine screenings one time a week, in a manner acceptable to the Board. Respondent shall arrange for the results of all of said screenings be reported directly to Dr. Anderson. Respondent shall also arrange for immediate notification to the Board by the screener and Dr. Anderson at any time the tests indicate a likelihood that the Respondent has ingested a prohibited drug. Dr. Anderson shall

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advise the Board of the results of all of Respondent's urine screenings by incorporating the results into his quarterly reports to the Board.

6. The Respondent shall immediately give a copy of this Consent Order to all of his Pharmacy employers and arrange for those employers to advise the Maryland Board of Pharmacy, in writing, within thirty (30) days of their receipt thereof. Respondent's duty to provide a copy of this Order to his employers extends to any and all present and/or future Pharmacy employers during the period of his Probation. Respondent shall arrange for the Employers to send notification to the Maryland Board of Pharmacy, in writing, acknowledging their receipt of this Consent Order and a statement that they agree to comply with all conditions thereof that pertain to employers.

7. Respondent shall participate in at least four meetings per week of Alcoholics Anonymous or Narcotics Anonymous programs. Respondent shall report to the Board on a quarterly basis as to the dates and places of meetings attended and as to the progress he has made within the Alcoholics Anonymous or Narcotics Anonymous program. In such quarterly reports, Respondent shall attach a copy of proof of his attendance at those meetings.

8. Respondent shall arrange for any and all Pharmacy employers during the course of his Probation 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 July 1, 1987.

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If, subsequent to the date of this Order, Respondent assumes a new position as a Pharmacist, the first report shall be due one month after that position is assumed.

9. In the event that the 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, telephone number and describing his new position.

10. In the event that Respondent's therapist(s) or the Pharmacists Rehabilitation Committee report to the Maryland Board of Pharmacy that the Respondent is incapable of practicing pharmacy safely, or that his previous problems are interfering with his ability to practice pharmacy, the Respondent shall, within twenty-four hours of being informed by the Pharmacy Board of that report, voluntarily discontinue the practice of pharmacy. The Respondent shall not resume the practice of pharmacy until the Pharmacy Board determines that the Respondent is capable of resuming the practice of pharmacy or gives him permission to resume the practice of pharmacy, with or without a report from that therapist or another therapist.

11. Commencing on July 1, 1987, Respondent shall send written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association describing the progress he feels that he is making, what problems he feels that he presently faces, and how he intends or is coping with these problems. The report as

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to the Alcoholics Anonymous or Narcotics Anonymous participation and progress required by this Order may be incorporated into and attached to this quarterly report of the Respondent.

12. The Respondent shall notify the Maryland Board of Pharmacy, in writing, of his current address. In the event that he moves, the Respondent shall promptly notify the Maryland Board of Pharmacy in writing of any change of address and/or change of telephone number.

13. Respondent shall enter into a new contract with and/or renew his former contract with the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association to extend for a period of two years from the date of this Order. Respondent shall comply with all terms of that contract. In the event that the Pharmacists Rehabilitation Committee terminates Respondent's contract prior to the expiration of his probation period, the Respondent shall arrange for the Pharmacists Rehabilitation Committee to immediately notify the Maryland Board of Pharmacy of such action.

14. The Respondent shall arrange for the Pharmacists Rehabilitation Committee to forward to the Maryland Board of Pharmacy quarterly reports, commencing on July 1, 1987. These reports shall advise the Board of the extent to which Respondent is making satisfactory progress in therapy and in dealing with his problems of abuse of controlled dangerous substances.

15. The Respondent shall refrain from engaging in the conduct which led to his suspension of the practice of pharmacy under the Maryland Pharmacy Act.

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16. The Respondent shall practice pharmacy in accordance with the Maryland Pharmacy Act and in a competent manner.

17. The Respondent will agree to and follow through with any change in his program determined to be necessary by the Board, based upon the recommendations of his therapists or the Pharmacists Rehabilitation Committee; and be it further

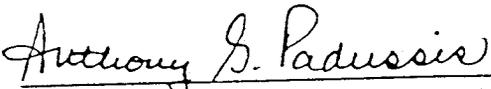
ORDERED, that the conditions of this Consent Order be, and the same are hereby effective, as of the date of this Order; and be it further,

ORDERED, that in the event that the Maryland Board of Pharmacy receive an unsatisfactory report, which it believes in good faith to be accurate, or in the event that the Maryland Pharmacy Board finds for any reason in good faith that the Respondent has violated 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 of the Respondent's license to practice pharmacy prior to giving the Respondent an opportunity for hearing. However, the 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. The Board may, in its discretion, after notification to the Respondent, a hearing and determination of violation, withdraw the stay of suspension on Respondent's license or impose any other disciplinary action it deems appropriate; and be it further,

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ORDERED, that two (2) 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. If the Board determines that the termination of probations 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.

  
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President,  
Maryland Board of Pharmacy

CONSENT

I, Dennis Ray Dreyer, P.D., by affixing my signature hereto acknowledge:

1. That I have been advised to seek advice of counsel prior to signing this document; that I have in fact sought advice of counsel prior to signing this document;

2. That I am aware that without my consent, no legal action can be taken against me, except pursuant to the Maryland Administrative Procedure Act, State Government Article, Section 10-201 et seq., Annotated Code of Maryland;

3. That I have the following rights, among others: to have a formal evidentiary hearing before the Board, to reasonable

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notice of said hearing, to representation by counsel, and to subpoena and cross-examine witnesses against me;

4. That I waive all such rights to a formal hearing;

5. That I admit to the truth of the foregoing Findings of Fact;

6. That I consent to the entry of the foregoing Order affecting my license to practice pharmacy in the State of Maryland;

7. That I acknowledge the validity of this Consent Order as if it were made following a formal hearing before the Board;

8. That I enter into this Consent Order of my own free will and under no duress or undue influence.

Dennis R. Dreyer, P.D.  
Dennis Ray Dreyer, P.D.

STATE OF MARYLAND )  
COUNTY HOWARD ) to wit:

On this 27th day of April, 1987, Dennis Ray Dreyer, P.D., known to me (or satisfactorily proven) to be the person whose name appears on the above signature line appeared before me and acknowledged that he executed the above Consent under oath administered by me.

Billie Ann Wagoner  
Notary Public

My Commission Expires: July 1, 1995

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