

IN THE MATTER OF	*	BEFORE
STANLEY ZVI FELSENBERG, P.D.	*	THE
Respondent	*	STATE BOARD
License No. 05326	*	OF PHARMACY

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Health Occupations Article, §12-315, Annotated Code of Maryland, Title 12 (the "Act"), the Board charged Stanley Zvi Felsenberg, P.D. (the "Respondent"), with a violation of §12-313. Specifically, the Board charged the Respondent with a violation of the following provision:

Subject to the hearing provisions of §12-315 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;

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging documents dated November 20, 1997. A Case Resolution Conference on those charges was held on February 10, 1998 and was attended by George Voxakis, Pharm. D. and the Reverend William E. Johnson, Sr., of the Board, Norene Pease, Executive Director of the Board, and Paul Ballard, Assistant Attorney General, Counsel to the

Board. Also in attendance were the Respondent and his attorney, Richard Butchok, and the Administrative Prosecutor, Roberta L. Gill, Assistant Attorney General.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the administrative charges by way of settlement. The parties and the Board agreed to make the following Findings of Fact and Conclusions of Law and Order.

FINDINGS OF FACT

The Board makes the following findings of facts:

1. Respondent was and is licensed to practice pharmacy in the State of Maryland during all times relevant to the facts stated herein. The Respondent was also licensed to practice medicine in the State of Maryland during all times relevant herein.

2. On October 24, 1995 the Respondent, a licensed physician who had medical offices located in Baltimore City and County, was served with a Superseding Indictment by the Grand Jury for the (Federal) District of Maryland which charged that he provided medical and physical therapy treatment to patients who were injured and had filed personal injury or Workers Compensation claims. The Superseding Indictment further charged that the Respondent submitted health insurance claims for payment for physical therapy and medical treatment purportedly rendered to patients who had health care insurance under several named companies, including Maryland Automobile Insurance Fund and the Injured Workers Insurance Fund, which are both state-funded insurers. The Superseding Indictment charges that in submitting these claims, from in or about January, 1991 and continuing until in or about April, 1995, the Respondent knowingly, willfully and unlawfully devised and intended to devise a

scheme and artifice to defraud and to obtain money and property for the various insurers by means of false and fraudulent pretenses and representations, through which scheme and artifice, the Respondent and others made claims for more than \$170,000 in payment for medical and physical therapy services purportedly provided by the Respondent, when same had never been rendered or had been rendered by unlicensed, untrained third parties.

3. By Plea Agreement with the U.S. Attorney's Office, dated December 26, 1995, the Respondent pled guilty to one count of mail fraud, as per Count 1 of said Superseding Indictment.

4. On December 27, 1995, Judge Smalkin accepted the Respondent's plea of guilty to Count 1 of the Superseding Indictment, and not guilty to Counts 2-10 thereof. Sentencing was withheld during a presentencing investigation.

5. On July 29, 1996, the Respondent was sentenced to twelve (12) months imprisonment, one year of supervised release, and a special assessment of Fifty Dollars (\$50.00)

CONCLUSIONS OF LAW

Based upon the foregoing Finds of Fact, the Board finds that Respondent violated §12-313(21) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 18th day of February, 1998, by a majority of a quorum of the

Board, hereby

ORDERED that the Respondent's license be SUSPENDED for One (1) Year and that that suspension be STAYED; and be it further

ORDERED that the Respondent be placed on one (1) year's Probation, subject to the following conditions:

1. The Respondent is to apply for, take, and pass with a minimum of 75%, the reinstatement, laboratory and law examinations administered by the Board.
2. Until such time as the Respondent satisfactorily passes all three of the above examinations, he may only practice pharmacy under the direct supervision of another pharmacist. The Respondent shall provide said supervising pharmacist a copy of this Order, which the supervising pharmacist shall acknowledge in writing that he/she has reviewed and is prepared to abide by the conditions therein affecting him/her. The supervising pharmacist agrees to provide to the Board a monthly status/progress report on the Respondent.
3. After the Respondent passes the above examinations, he may independently dispense drugs. However, his supervisor shall continue to provide monthly reports to the Board throughout the duration of the Probationary period.
4. Until the Respondent's license is reinstated without conditions or restrictions, he may not own a pharmacy in Maryland.; and be it further

ORDERED that Respondent notify the Board in writing of any change in employment and that all subsequent pharmacist employers submit written verification that they have reviewed and agree to comply with the Order as it affects them; and be it further

ORDERED that the Respondent immediately notify the Board in writing of any change in address; and be it further

ORDERED that Respondent shall refrain from engaging in the conduct which led to the disciplinary action herein; and be it further

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

ORDERED that if Respondent violates any of the foregoing conditions of probation or the Order, the Board, after notification, a hearing and determination of violation, may impose any lawful disciplinary sanctions it deems appropriate; and be it further

ORDERED that on or after the date that the one year probationary period has ended, the Respondent may petition the Board to remove the conditions of probation and restore his license to practice pharmacy without conditions or restrictions, only after the Respondent has demonstrated to the Board that he has practiced pharmacy in compliance with the Act, and with the conditions of probation and of the Order; however, should the Respondent fail to petition the Board, the conditions of probation will remain as is; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report from the pharmacy employer or supervising pharmacist, which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has substantially violated any provision of Title 12 of the Health Occupations Article, Md. Ann. Code, or regulations thereunder, the Board may take action, including, but not limited to, revocation or suspension of the Respondent's license to practice pharmacy, after giving the Respondent notice and an opportunity for a hearing, in accordance with the Administrative Procedure Act, State Government Article, Md. Ann. Code, §10-201 et seq.; and be it further

ORDERED that for purposes of public disclosure, as permitted by §10-617(h) State Government Article, Annotated Code of Maryland, this document consists of the contents of

the foregoing Findings of Fact, Conclusions of Law and Order.



David Russo, P.D., President
Maryland Board of Pharmacy

CONSENT OF STANLEY FELSEBERG, P.D.

I, Stanley Felsenberg, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Richard Butchok, Esquire, and have been advised by him of the legal implications of signing this Consent Order.
2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of §12-313 of the Act and §10-201, et seq., of the Administrative Procedure Act ("APA"), 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 Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-201, et seq., and any right to appeal this Order as well as any subsequent Order arising out of a violation of this Order, as set forth in §12-316 of the Act and §10-201, et seq., of the Act. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation,

against my license to practice pharmacy in the State of Maryland.

2/17/98
Date

Stanley Felsenberg MD B.S. in Pharm.
Stanley Felsenberg, P.D.

STATE OF MARYLAND)
) ss
COUNTY OF)

I HEREBY CERTIFY that on this 17 day of February, 1998, a Notary Public of the State of Maryland and County aforesaid, personally appeared Stanley Felsenberg, License No. 05326 and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Patricia M. Blair
Notary Public

My Commission Expires: July 1, 2000

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