

IN THE MATTER OF * BEFORE THE MARYLAND
ROBB FOOTE * STATE BOARD OF PHARMACY
LICENSE NO. 12098 *

CONSENT ORDER OF REINSTATEMENT

Background

On July 28, 1999, Robb Foote, License No. 12098 (the "Respondent"), voluntarily surrendered his pharmacist's license to the Maryland Board of Pharmacy (the "Board") (see Letter of Surrender attached as Exhibit A and incorporated herein). On January 1, 2000, the Respondent filed a petition for reinstatement. He then addressed the Board at its meeting on April 19, 2000. The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. On June 24, 1999, the Respondent signed a Letter of Surrender in which he acknowledged his substance abuse problem and agreed to seek treatment and abide by all recommendations of the Pharmacy Education and Assistance Committee ("PEAC") prior to seeking reinstatement of his pharmacist' license (see Letter of Surrender attached as Exhibit A) .
2. The Respondent has met all the conditions set forth in the Letter of Surrender that permitted him to petition for reinstatement of his license. He has regularly attended NA/AA meetings, all his urine screens have been negative, and he has abided by all recommendations made by PEAC, which has endorsed his reinstatement. His therapist has also endorsed his reinstatement as required by the Letter of Surrender. The Respondent, who had pled guilty to one count of controlled dangerous substance distribution, has complied with all conditions of

probation according to his probation officer, who recommends reinstatement of his pharmacist's license.

CONCLUSIONS OF LAW

The Respondent has met all the prerequisite conditions for reinstatement and may practice pharmacy under conditions of probation set forth in this Consent Order of Reinstatement.

ORDER

Based on agreement of the parties, it is this 21 day of JUNE, 2000, by a majority of a quorum of the Board, hereby

ORDERED that the Respondent's license be reinstated and placed on **PROBATION** for a period of two years, subject to the following conditions:

1. The Respondent may not work in a setting in which he has access to drugs.
2. The Respondent may not dispense drugs.
3. The Respondent shall continue to abide by his PEAC contract and abide by all recommendations made by PEAC.
4. The Respondent may not have an ownership interest in a pharmacy.
5. The Respondent shall notify his employer that his license is on probation and that the employer must provide the Board with quarterly reports regarding his progress. These reports shall detail the Respondent's work habits and any complaints or incidents. The Respondent is solely responsible to insure that the employer submits these reports to the Board on a timely basis. The Respondent shall provide the employer with a copy of this Consent Order of Reinstatement and shall insure that the employer notifies the Board that the Consent Order has been received by the employer, and that the employer agrees to abide by the Consent Order's

probationary conditions regarding the supervision of the Respondent and the submission of quarterly reports to the Board.

6. The Respondent's work shall be monitored by a supervisor who shall be aware of, and accountable for, all the Respondent's activities at work. The minimum level of required supervision shall be determined by PEAC.

7. The Respondent shall obtain prior approval from PEAC regarding his work schedule, hours, and degree of supervision of his work by supervisors, and shall allow PEAC to monitor his work schedule, hours, and degree of supervision. Any changes to the Respondent's work schedule, hours, or degree of supervision must be approved in advance by PEAC.

8. The Respondent shall submit quarterly self-reports to the Board regarding his progress at work, where he is employed, and his current status with the criminal justice system.

9. The Respondent shall immediately notify the Board of any change in his mailing address.

ORDERED that in the event that the Board finds for any good faith reason that the Respondent has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may charge the Respondent with violating this Consent Order, and following a hearing held in accordance with the Maryland Pharmacy Act, Health Occ. Art., Section 12-315 and the Maryland Administrative Procedure Act, State Gov't Art., Sections 10-201 *et seq.*, may reprimand, suspend, revoke, or fine the Respondent, or place additional conditions of probation on his license. And be it further

ORDERED that two years following the date this Consent Order has been executed by the Board, the conditions of probation shall cease and the Respondent's license shall be

reinstated without further restrictions provided that the Respondent has abided by all the conditions of this Consent Order of Reinstatement. And be it further

ORDERED that at the end of one year following the date this Consent Order has been executed by the Board, the Respondent may petition the Board for modification of the probationary conditions set forth in this Consent Order and/or for release from all probationary conditions, which petition shall be granted at the sole discretion of the Board. And be it further

ORDERED that this is a final order of the State Board of Pharmacy and as such is a Public Document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

6/28/00
Date

W. Irving Lottier, Jr.
W. Irving Lottier, Jr., P.D.
Secretary, State Board of Pharmacy

CONSENT

By signing this Consent, I hereby admit to the truth of the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order of Reinstatement and its conditions. I acknowledge the validity of the Order as if made after a hearing in which I

would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law. I understand that by signing this Consent I waive my right to appeal any adverse ruling that might have followed such a hearing.

I, Robb Foote, have read this Consent Order in its entirety. I have been given the opportunity to consult an attorney of my choosing to review each and every part of this Consent Order. I understand this Consent Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

5/31/00
Date

Robb Foote
Robb Foote, P.D.

NOTARY

STATE OF MARYLAND

COUNTY/CITY OF Baltimore

I hereby certify that on this 31st day of May, 2000, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Robb Foote,

P.D., and made an oath in due form that the foregoing Consent was his voluntary act and deed.

My Commission expires: March 1, 2002

Constance S. Sellars
Notary Public

