

IN THE MATTER OF * BEFORE THE MARYLAND
DOMINIC GASDIA, P.D. * STATE BOARD OF
LICENSE NO. 08479 * PHARMACY

* * * * *

CONSENT ORDER

Background

On December 12, 1996, a jury in the Harford County Circuit Court found Mr. Gasdia guilty of certain criminal violations of the Controlled Dangerous Substances Act, Art. 27 § 300(g-1), (1) and (3) and § 300(i). Mr. Gasdia was sentenced to five years incarceration with all but 15 days suspended, probation for the remainder of the sentence and fined \$2,500. The Board followed with an Order of Revocation, dated June 11, 1997.

Mr. Gasdia submitted a petition for reinstatement to the Board of Pharmacy (the “Board”) in 2005. At that time, the Board denied Mr. Gasdia’s petition stating that his criminal conviction under Art. 27 § 300(i), now codified at Criminal Law § 5-702, prohibited him from practicing pharmacy in Maryland. Specifically, the statute stated “A person convicted under this section may not practice under a certificate or registration issued under State law.”¹ Md. Code Ann. Crim. Law § 5-702(c)(2) (2002 Repl. Vol.)

In 2006, the General Assembly amended the above section to require revocation of a pharmacist’s license in accordance with Health Occ. § 12-313(c). Md. Code Ann. Crim. Law § 5-702(c)(2) (2006 Supp.) The Maryland Pharmacy Act was contemporaneously amended to require that the Board revoke the license of a pharmacist convicted under Crim. Law § 5-702, and to allow the Board to reinstate the license in accordance with regulations adopted by the Board. Although the Board has drafted and voted upon regulations to enforce this provision, those regulations have not yet been promulgated. The proposed regulations allow the Board to

¹ Although Art. 27 § 300(i) originally stated that a person convicted under this section shall “forfeit” the right to practice pharmacy in Maryland, the language was changed during recodification to omit the word “forfeit”.

reinstate an individual who was revoked under Crim. Law Art. § 5-702 if: (1) the individual petitions the Board for reinstatement; (2) the petition for reinstatement is made after the expiration of 5 years of the revocation; (3) the individual has met the requirements of COMAR 10.34.13 to reinstate a license; and (4) the individual has made restitution to aggrieved persons that may have resulted from a violation and conviction under Crim. Law Art. § 5-702. Although these regulations have not yet been promulgated, Mr. Gasdia has substantially met all of the requirements the Board intends to enforce with respect to the eligibility for reinstatement of those individuals. In addition, however, the Board's current reinstatement regulations also permit the Board to impose any restrictions or conditions on the license that it considers appropriate. COMAR 10.34.01.15F.

On December 4, 2006, Mr. Gasdia submitted another Petition for Reinstatement to the Board of Pharmacy for reinstatement of his license to practice pharmacy. On April 18, 2007, Mr. Gasdia appeared with counsel before a quorum of the Board to present his case in support of reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner.

FINDINGS OF FACT

1. Mr. Gasdia has not practiced pharmacy since the revocation of his Maryland license on June 11, 1997.
2. Mr. Gasdia has completed 45 continuing education credits.
3. Mr. Gasdia has completed at least 2,000 hours of pharmacy experience as a pharmacy technician at Lyons Pharmacy in Havre de Grace, Maryland.
4. Mr. Gasdia has passed the Maryland Jurisprudence examination.

CONCLUSION

Mr. Gasdia has demonstrated to the Board that he has learned from his past professional errors and is capable of practicing pharmacy in a safe and ethical manner under the terms and conditions set forth below.

ORDER

Based on agreement of the parties, it is this 3rd day of May, 2007, by an affirmative vote of the Board, hereby

ORDERED that Mr. Gasdia's license to practice pharmacy, License No. 08479, be REINSTATED provided that Mr. Gasdia shall not own a pharmacy nor work in a pharmacy that is owned, in whole or in part, by a family member; and be it further,

ORDERED that Mr. Gasdia's license be placed on immediate PROBATION for at least TWO (2) YEARS, subject to the following conditions:

1. Mr. Gasdia shall successfully complete a college level ethics course within the first year of probation;

2. Mr. Gasdia shall practice under the supervision of a pharmacist for at least six (6) months;

3. Mr. Gasdia shall insure that his pharmacist supervisor submits progress reports to the Board regarding Mr. Gasdia's competence every three (3) months during the six (6) month supervision period. The Board has the authority to extend the period of supervision and reporting should the Board find the competency reports unsatisfactory.

4. Mr. Gasdia may only work for one permit holder at a time.

ORDERED that Mr. Gasdia is responsible for all costs associated with complying with this Order; and be it further,

ORDERED that in the event the Board finds for any good faith reason that Mr. Gasdia

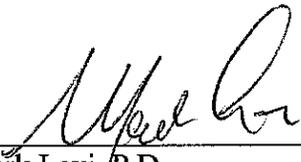
has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Gasdia has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action against Mr. Gasdia, after notice and a hearing in accordance with the Maryland Pharmacy Act and the Administrative Procedure Act; and be it further,

ORDERED that Mr. Gasdia may petition the Board for release from probation after two (2) years provided that he has been fully compliant with the terms of probation and no complaints have been filed against him; and be it further,

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

Date

5/3/07


Mark Levi, P.D.
President, Board of Pharmacy

CONSENT

By signing this Consent, I hereby agree to be bound by the foregoing Consent Order and its conditions.

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings of fact and conclusions contained in this Consent Order.

2. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

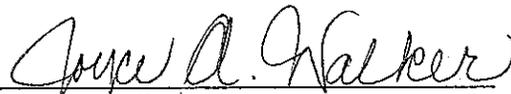
3. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

5/2/2007
Date


Dominic Gasdia

STATE OF MARYLAND
COUNTY/CITY OF Baltimore

I hereby certify that on this 2nd day of May, 2007, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Dominic Gasdia, and made an oath in due form that the foregoing Consent was his voluntary act and deed.


Notary Public
My commission expires: Nov 1, 2008