

IN THE MATTER OF * BEFORE THE
MICHAEL P. HIOTIS, P.D. * MARYLAND BOARD
LICENSE NO. 10815 * OF PHARMACY

* * * * *

FINAL CONSENT ORDER

Based on information recently received and reviewed by the State Board of Pharmacy (the "Board") regarding the practice of MICHAEL P. HIOTIS, P.D. (the "Respondent"), the Board has voted to charge the Respondent with violation of the following provisions of Md. Health Occupations Article, §12-313(b):

(6) Willfully makes or files a false report or record as part of practicing

(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; and

(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.

FINDINGS OF FACT

Based upon information known and available to it, the Board makes the following findings of fact:

1. Respondent was and is licensed to practice pharmacy in the State of Maryland during all times relevant to the facts stated herein and was employed at the Revco pharmacy located at 6852 Reisterstown Road, Baltimore, Maryland, 21215.

2. On February 15, 1993, Respondent came into possession of a blank prescription from Dr. A.F. Nour. On

February 16, 1993, he wrote out and filled this prescription for 100 Percocet (Oxycodone with Apap 325). He wrote the prescription in the name of George Karelles and signed Dr. Nour's name at the bottom.

3. On March 18, 1993, Respondent's supervisor, G. Birch Hall, confronted the Respondent with the forged prescription. Respondent admitted that he took a blank prescription, wrote it for 100 Percocet and signed Dr. Nour's name to it. He said that he did so because his friend, George Karelles, is suffering from a very serious disease and has a lot of pain. Respondent said that Mr. Karelles' uncle picked up the prescription for him.

4. On June 9, 1993, Respondent pled guilty to one count of misdemeanor Medicaid fraud in violation of Article 27, Section 230B and one count of unlawfully obtaining a controlled dangerous substance by fraud and forgery in violation of Article 27, Section 287(b) of the Annotated Code of Maryland before the Circuit Court for Baltimore City based upon the attached Statement of Facts and Plea Agreement labelled as Exhibits A and B and incorporated into this Final Consent Order.

5. Section 12-313(b)(14) of Title 12, Health Occupations Article, Annotated Code of Maryland, prohibits a pharmacist from dispensing any drug for which a prescription is required without first having received a written or oral prescription for the drug from an authorized prescriber.

6. Section 12-313(b)(6) of Title 12 prohibits a pharmacist from willfully making or filing a false report or record as part of practicing pharmacy.

7. Section 12-313(b)(21) of Title 12 applies to a pharmacist who has been convicted of or who has pleaded guilty or nolo contendere to a felony or to a crime involving moral turpitude.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent has violated Sections 12-313(b)(6), (14), and (21) of the Act.

ORDER

It is this 16 day of Sept, 1993, by a two-thirds majority of the Board of Pharmacy

ORDERED that the Respondent's license to practice pharmacy in Maryland is hereby SUSPENDED, that the suspension is immediately STAYED and that the Respondent is placed on PROBATION under the following conditions:

1. The Respondent shall enter into a two year contract with the Pharmacist Rehabilitation Committee that provides for the Respondent to undergo supervised urine testing. Respondent shall continue under contract with the Pharmacist Rehabilitation Committee until his pharmacist license is reinstated without

conditions.

2. The Respondent will obtain the Board's permission prior to changing employment. The Respondent shall not work as a "floater" and shall not accept employment with temporary employment agencies.

3. The Respondent shall participate in any therapy program recommended by the Rehabilitation Committee and will comply with all recommendations made by his therapist until such time as he is discharged from treatment by the therapist. If such discharge occurs, Respondent shall arrange for prompt submission by the therapist of a written discharge report to the Board and the Committee.

4. Within 10 days of a receipt of a copy of this Order by Respondent, Respondent shall arrange for his therapist to acknowledge in writing to the Board that he/she has received the Order and agrees to comply with it.

5. Respondent shall immediately provide a copy of this Order to any and all current pharmacy employers. Within 10 days of Respondent's receipt of the Order, he shall arrange for his employer(s) to acknowledge in writing to the Board that the employer(s) has received a copy of it and agrees to comply with the conditions pertaining to the employer(s).

6. For any employment of Respondent as a dispensing pharmacist beginning after the date of this Order the employment shall be pre-approved by the Board before Respondent commences

employment. Respondent shall submit a written description of the job and the job location to the Board.

7 The Respondent shall submit written quarterly reports to the Board reporting on his progress and on his compliance with this Order. The Respondent shall also arrange for his therapist(s), the Rehabilitation Committee and his employers to submit similar reports. The first of these reports shall be due on September 1, 1993. Subsequent reports are due December 1, March 1, June 1, and September 1 of each year until this requirement has been removed by Order of the Board. Said reports shall be sent to Ms. Roslyn Scheer, Executive Director, Board of Pharmacy, 4201 Patterson Avenue, Baltimore, Maryland 21215.

8 The Respondent shall obtain thirty hours of continuing education in substance abuse and narcotics handling in addition to the thirty hours of continuing education required by COMAR 10.34.18. The Respondent shall provide proof of completion of all sixty hours of continuing education for the renewal period ending September 30, 1995. However, if Respondent petitions for reinstatement prior to that time, the petition shall include proof of completion of all sixty hours.

ORDERED that Respondent shall refrain from engaging in the conduct which led to his suspension from the practice of pharmacy under the Maryland Pharmacy Act; 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 the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that Respondent violates the conditions of Probation, or in the event that the Board finds for any reason in good faith that 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 a hearing. However, 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, decline to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED that on or after July 21, 1995, the Board shall entertain a Petition for Reinstatement of Respondent's license to practice pharmacy and termination of his probationary status. If the Board determines that the termination of probation and

complete reinstatement would be inappropriate at the 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; and be it further

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.

Sept 16, 1993
Date



Steven Cohen, P.D.
President
Board of Pharmacy

CONSENT OF MICHAEL P. HIOTIS

I, Michael P. Hiotis, by affixing my signature hereto, acknowledge that:

1. I am represented by James Ulwick, 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 to practice Pharmacy in this State cannot be limited except pursuant to the provisions of §12-313 of the Act and § 10-205 et seq. 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;
4. By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order. By doing so, I waive my right to a formal hearing and to any right to appeal pursuant to §12-316 of the Act.

5. I acknowledge that by failure to abide by the conditions set forth in this Order, I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

8/30/1993
DATE

Michael P. Hiotis
MICHAEL P. HIOTIS, P.D.

STATE OF MARYLAND
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 30 day of August, 1993, before me, a Notary Public of the State of Maryland and (City/County), personally appeared Michael P. Hiotis, P.D., 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.

Joan M. Naus
NOTARY PUBLIC

My Commission Expires: 2/1/94