

IN THE MATTER OF * **BEFORE THE MARYLAND**
FRANK LEUNG, P.D. * **STATE BOARD OF**
LICENSE NO. 15395 * **PHARMACY**

* * * * *

CONSENT ORDER OF REINSTATEMENT

Background Findings

On March 15, 2006, Frank Leung appeared before a quorum of the Maryland Board of Pharmacy (the "Board") in support of his Petition for Reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner.

On March 29, 2005, Mr. Leung entered into a Consent Order with the Board in which his license to practice pharmacy was suspended. The Consent Order was based upon Mr. Leung's diversion of significant quantities of controlled dangerous substances, including Oxycontin and Percocet, from a hospital pharmacy. Based upon the terms of the 2005 Consent Order, Mr. Leung could petition to lift the suspension no earlier than November 8, 2005, provided that he submitted a substance abuse evaluation that was satisfactory to the Board and complied with all conditions imposed during his suspension period.

FINDINGS OF FACT

1. Mr. Leung has successfully completed the Intensive Outpatient Program and Recovery Skills Program at Suburban Hospital.
2. Mr. Leung entered into rehabilitation contract with PEAC on September 23, 2004, and has been compliant with its terms.
3. Mr. Leung has submitted a substance abuse assessment that has determined that Mr. Leung has a good prognosis of remaining abstinent from drug use.
4. Mr. Leung attends NA meetings once per week and has a NA sponsor.

CONCLUSIONS OF LAW

Mr. Leung has successfully complied with the terms of reinstatement under the Board's Consent Order, dated March 29, 2005, and has otherwise demonstrated that he is capable of practicing pharmacy, in a safe and ethical manner under the probationary conditions set forth below.

ORDER

Based on an affirmative vote of the Board, it is this 1 day of May, 2006,
hereby:

ORDERED that Mr. Leung's license to practice pharmacy be reinstated, *PROVIDED THAT* Mr. Leung first submit evidence of completion of 30 continuing education credits in satisfaction of the renewal period 7/1/03 to 6/30/05; and be it further,

ORDERED that upon reinstatement, Mr. Leung's license shall be immediately placed on PROBATION for at least three (3) years, subject to the following conditions:

1. Mr. Leung shall not practice as a dispensing pharmacist.
2. Mr. Leung shall not have access to controlled dangerous substances.
3. Mr. Leung shall enter into, or continue, a contract with a rehabilitation program, which contract shall include:
 - A. authorization for release of program's records, including therapy records, to the Board;
 - B. random full urine screens at least twice monthly;
 - C. individual therapy;
 - D. weekly attendance to NA meetings;

- E. requirement of Board approval prior to any change or modification to the rehabilitation contract;
- E. quarterly progress reports to the Board by the rehabilitation program; and
- F. requirement that the rehabilitation program notify the Board of any incident of non-compliance with the contract, this Consent Order, or treatment, within two (2) business days of the occurrence.

4. Mr. Leung shall comply with all conditions of the substance abuse rehabilitation contract.

ORDERED that Mr. Leung may petition the Board for modification of the probationary terms one (1) year after the effective date of this Order provided that he has been compliant with all of the terms of probation; and be it further,

ORDERED that Mr. Leung may petition the Board for release from probation no earlier than three (3) years after the effective date of this Order provided that he has been compliant with all of the terms of probation; and be it further,

ORDERED that in the event the Board finds for any good faith reason that Mr. Leung has relapsed, has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Leung has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend Mr. Leung's license prior to a hearing; and be it further,

ORDERED that this is a formal 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).

May 1, 2006
Date

John Balch, P.D.
John Balch, P.D.
President, Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. 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 and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. 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.

Date

Frank Leung, P.D.

STATE OF MARYLAND
COUNTY/CITY OF _____:

I hereby certify that on this _____ day of _____, 2006, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared FRANK LEUNG, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Notary Public
My commission expires: _____