



Charles Martinez, Esq. and Michele Toth, Esq., and the Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement. As a result of negotiations entered into at the prehearing conference the parties have agreed to enter into the following Consent Order.

#### FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland.

2. On October 8, 1991, in the Circuit Court of Montgomery County, Criminal Case No. 62988, Respondent pled guilty to violation of the Criminal Code, Article 27, § 554, unnatural or perverted sexual practices and § 464C, fourth degree sexual offense.

3. The crimes described in paragraph 2 are crimes involving moral turpitude.

4. The crimes described in paragraph 2 did not occur within the practice of pharmacy.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that the Respondent violated § 12-313(21).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 15<sup>th</sup> day of June, 1994, by a majority of a quorum of the Board, hereby

ORDERED that Respondent shall be placed on PROBATION, subject to the following conditions:

1. Respondent shall be evaluated within three months of the date of this order by Dr. Richard Epstein, a psychiatrist licensed to practice medicine in the State of Maryland, or by a psychiatrist recommended by the Peer Review Committee of the Suburban Maryland Psychiatric Society; and shall comply with all recommendations for treatment made by the evaluating psychiatrist.

2. Respondent shall permit the evaluating psychiatrist to review all former psychiatric and psychological evaluations and progress notes of current and past treatment.

3. Respondent shall arrange for submission, within 30 days of the date of the evaluation, of a written report to the Board by the evaluating psychiatrist concerning recommendations for treatment.

4. Respondent shall participate in therapy with his current counselor, William Sollod, M.A., until discharged from treatment by Mr. Sollod and by Respondent's probation agent, and if additional therapy is recommended by the evaluating psychiatrist, Respondent shall participate in therapy with an additional therapist approved by the evaluating psychiatrist and comply with all recommendations

made to him until such time as he is discharged from treatment by the evaluating psychiatrist;

5. If Mr. Sollod and the probation agent or the additional treating therapist recommend termination of therapy, prior to termination Respondent shall be re-evaluated by the evaluating psychiatrist and shall arrange for submission, within 30 days of the re-evaluation, of a written report to the Board by the evaluating psychiatrist concerning whether termination is appropriate;

6. If the evaluating psychiatrist determines that it is appropriate to terminate therapy with Mr. Sollod and the additional therapist, if any, Respondent may terminate therapy;

7. If, in violation, of paragraph 4, Respondent fails to continue in therapy without having been discharged by the evaluating psychiatrist or ordered by the Board to change or to cease therapy, Respondent shall immediately notify the Board in writing and have Mr. Sollod and his additional therapist, if any, notify the Board;

8. Respondent shall provide a copy of this Order to his pharmacy employer. Within 30 days of the date of this Order Respondent shall arrange for his employer to acknowledge in writing to the Board that the employer has received a copy of this Order and agrees to comply with the conditions pertaining to the employer;

9. Within 30 days of the date of any change of employer, Respondent shall arrange for his employer to acknowledge in writing

to the Board that the employer received a copy of this Order within 30 days prior to beginning employment and agrees to comply with the conditions pertaining to the employer.

10. Respondent shall arrange for Mr. Sollod, his additional therapist, if any, his employer, and Respondent himself, to submit written quarterly reports to the Board reporting on Respondent's compliance with this Order and his progress. The reports shall be due on March 1, June 1, September 1, and December 1 of each year until Respondent has been terminated from probation. The first set of reports, from Mr. Sollod and the additional therapist, if any, the employer, and the Respondent, will be due September 1, 1994. The second set of Reports will be due December 1, 1994, and the remaining reports will be due quarterly thereafter;

11. Respondent will agree to and follow through with any change in his treatment determined to be necessary by the Board, based upon the recommendations of Mr. Sollod and his additional therapist, if any;

12. In the event that Respondent moves, he shall promptly notify the Board in writing of the change of address and of any change in his home and work telephone numbers;

13. Respondent shall refrain from engaging in the conduct which led to his probation under the Maryland Pharmacy Act;

14. Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner;

15. Respondent shall comply with all the conditions of probation in criminal case no. 62988; and be it further

ORDERED that the conditions of the Consent Order be, and the same hereby are, 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 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 or regulations thereunder, or has violated the conditions of probations herein, the Board may take action, including, but not limited to, revocation or suspension of the Respondent's license to practice pharmacy. Respondent shall have a right to a hearing, in accordance with the Administrative Procedures Act, State Government Article, Section 10-210 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, fail to entertain such request if it is received more than ninety (90) days after its action; and be it further

ORDERED that on or after two years of the date of this Order, the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any probationary conditions. Within 30 days prior to the filing of the Petition for Termination, Respondent shall be re-evaluated by the evaluating psychiatrist and shall arrange for submission to the Board of a written report with

a recommendation concerning whether termination of probation is appropriate. 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 for purposes of public disclosure, as permitted by § 10-617(h) State Gov't Art., Ann. Code of Maryland, this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.



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Steven Cohen, P.D.  
President  
Maryland Board of Pharmacy

CONSENT OF BARRY LEE LURIA, P.D.

I, Barry Lee Luria, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by attorneys, Charles Martinez, Esq. and Michele Toth, Esq., and have been advised by them 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 § 10-205 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.

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 § 10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in § 12-316 of the Act and § 10-215 of the Administrative Procedure Act. I acknowledge that by 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.

6/13/94  
Date

Barry Lee Luria, P.D.  
Barry Lee Luria, P.D.

STATE OF MARYLAND )  
CITY/COUNTY OF Baltimore ) ss:

I HEREBY CERTIFY that on this 13th day of June, 1994, a Notary Public of the State of Maryland and City/County of Baltimore, personally appeared Barry Lee Luria, P.D., License No. 8003, 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 WITNESS my hand and Notarial Seal.

Regina M. Calabrese  
Notary Public

My Commission Expires: July 1, 1996

IN THE MATTER OF	*	BEFORE THE
BARRY LEE LURIA, P.D.	*	MARYLAND STATE
License No. 8003	*	BOARD OF PHARMACY
Respondent	*	

\* \* \* \* \*

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to Health Occupations Article § 12-315, Annotated Code of Maryland (the "Act"), the Board charged Barry Lee Luria, P.D. (the "Respondent"), with violations of § 12-313 of the Act.

Specifically, the Board charges Respondent with violation of the following provisions:

Subject to the hearing provisions of § 12-315 of this subtitle, the Board 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 document sent to Respondent on April 25, 1994. A prehearing conference on those charges was held on June 1, 1994 and was attended by George Voxakis, P.D., Board member, Roslyn Scheer, Executive Director of the Board, and Catherine S. Putz, P.D., Pharmacy Compliance Officer. Also in attendance were the Respondent; his attorneys,

Charles Martinez, Esq. and Michele Toth, Esq., and the Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement. As a result of negotiations entered into at the prehearing conference the parties have agreed to enter into the following Consent Order.

#### FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland.

2. On October 8, 1991, in the Circuit Court of Montgomery County, Criminal Case No. 62988, Respondent pled guilty to violation of the Criminal Code, Article 27, § 554, unnatural or perverted sexual practices and § 464C, fourth degree sexual offense.

3. The crimes described in paragraph 2 are crimes involving moral turpitude.

4. The crimes described in paragraph 2 did not occur within the practice of pharmacy.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that the Respondent violated § 12-313(21).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 15<sup>th</sup> day of June, 1994, by a majority of a quorum of the Board, hereby

ORDERED that Respondent shall be placed on PROBATION, subject to the following conditions:

1. Respondent shall be evaluated within three months of the date of this order by Dr. Richard Epstein, a psychiatrist licensed to practice medicine in the State of Maryland, or by a psychiatrist recommended by the Peer Review Committee of the Suburban Maryland Psychiatric Society; and shall comply with all recommendations for treatment made by the evaluating psychiatrist.

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Steven Cohen, P.D.  
President  
Maryland Board of Pharmacy

CONSENT OF BARRY LEE LURIA, P.D.

I, Barry Lee Luria, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by attorneys, Charles Martinez, Esq. and Michele Toth, Esq., and have been advised by them of the legal implications of signing this Consent Order.

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I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

6/13/94  
Date

Barry Lee Luria, P.D.  
Barry Lee Luria, P.D.

STATE OF MARYLAND  
CITY/COUNTY OF Baltimore } ss:

I HEREBY CERTIFY that on this 13th day of June, 1994, a Notary Public of the State of Maryland and City/County of Baltimore, personally appeared Barry Lee Luria, P.D., License No. 8003, 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 WITNESS my hand and Notarial Seal.

Regina M. Calabrese  
Notary Public

My Commission Expires: July 1, 1996