

IN THE MATTER OF  
SHAFAAH MAGHERIAT

Respondent

\* BEFORE THE  
\* MARYLAND BOARD  
\* OF PHARMACY

\* \* \* \* \*

CONSENT ORDER

BACKGROUND

Based on information received and reviewed by the State Board of Pharmacy (the "Board") regarding the practice of SHAFAAH MAGHERIAT (the "Respondent"), the Board found that a summary suspension of the Respondent's license under Annotated Code of Maryland, State Government Article, §10-405(b) was necessary and issued an Order for Emergency Suspension December 26, 1990.

In addition, the Board charged the Respondent with having violated §12-311(b)(14) and (21) of the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article, Annotated Code of Maryland. Section 12-311 of the Act provides:

(b) Subject to the hearing provisions of §12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, 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:

(14) Without first having received written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(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

1. Respondent was licensed to practice pharmacy in the State of Maryland during all times relevant to the facts stated herein.

2. On or about November 14, 1990, Respondent pleaded guilty to one count of possession with intent to distribute hydromorphone, a schedule II controlled dangerous substance, in violation of Article 27, §286(a)(1).

3. The guilty plea is based on the fact that Respondent sold hydromorphone on or about November 14, 1990 to an individual named John Patrick O'Connor. Respondent admitted that he had been selling O'Connor various types of drugs, including valium and xanax, during the previous two months.

4. The violation of Article 27, §286(a)(1) with respect to a schedule II drug is a felony.

### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent is subject to discipline under §12-313(b)(14) and (21) of the Act.

### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 15 day of Jan, 1992,

treatment by his therapist, Respondent shall arrange for prompt submission by the therapist of a written discharge report to the Maryland Board of Pharmacy and the Pharmacist's Rehabilitation Committee of the Maryland Pharmaceutical Association.

4. If, in violation of ¶3, Respondent fails to continue with his therapist or his program at the Oakview Treatment Center without having been discharged or ordered by the Board to change or discontinue the program or therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacists Rehabilitation Committee in writing and have his therapist notify such agencies of his status directly.

5. Respondent shall immediately give a copy of this Consent Order to his therapist and arrange for the therapist to advise the Maryland Board of Pharmacy within thirty (30) days, in writing, of her receipt thereof.

6. Respondent shall arrange for his therapist to submit written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association, reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that led to his possession and abuse of controlled dangerous substances. The first report shall be due on March 1, 1992. Subsequent reports are due on June 1, 1992, September 1,

the Alcoholics Anonymous and Narcotics Anonymous program. In such quarterly reports, Respondent shall attach a copy of proof of his attendance at those meetings. The first report is due on March 1, 1992. Subsequent reports are due on June 1, September 1 and December 1, 1992 and quarterly thereafter unless and until the probationary period has been terminated. These reports may be incorporated in the reports required in ¶8.

10. Respondent shall arrange for any and all pharmacy employers during the course of his probation to submit to the Maryland Board of Pharmacy written quarterly reports evaluating his job performance and describing the nature of his duties and his position. The first report shall be due on June 1, 1992. If, subsequent to the date of this Order, Respondent assumes a new position with a pharmacy employer, the first report shall be due one month after that position is assumed.

11. In the event that the Respondent changes jobs as a pharmacist or as an employee in a facility with drugs on the premises or decides not to practice pharmacy, or not to be employed in such a facility, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his new employer by name, address, and telephone number and describing any new position.

12. In the event that Respondent's therapist(s) or the Pharmacist Rehabilitation Committee report to the Maryland Board of Pharmacy that the Respondent is incapable of practicing

commencing on June 1, 1992. These reports shall advise the Board of the extent to which the Respondent is making satisfactory progress in therapy and in dealing with his problems of abuse of controlled dangerous substances.

16. Respondent shall refrain from engaging in the conduct which led to the charges in this case under the Maryland Pharmacy Act.

17. The Respondent shall practice pharmacy 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 are hereby effective as of the date of this Order; and be it further

**ORDERED** that in the event that 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 Pharmacy Board finds for any reason in good faith that the Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations thereunder, or has violated a condition of probation in this Order, 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 hearing. However, the Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article,

petition shall be accompanied by reports from the person or persons serving as his therapist and case manager at Oakview and Pharmacists Rehabilitation Committee which were prepared within thirty (30) days of his petition. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at that 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.

June 15, 1992  
Date

  
\_\_\_\_\_  
President  
Maryland Board of Pharmacy

**CONSENT**

I, Shafaah Maghfriat, P.D., by affixing my signature hereto, acknowledge:

1. That I have been advised to seek advice of counsel prior to signing this document and have sought such advise;

2. That I am aware that without my consent, no legal action can be taken against me, except pursuant to the Maryland Administrative Procedure Act, State Government Article, §10-201 et seq., Annotated Code of Maryland.

3. That I have the following rights, among others: to have a formal evidentiary hearing before the Board, to

*Martha G. Allen*  
Notary Public

My Commission Expires: *August 1, 1995.*

IN THE MATTER OF  
SHAFAAH MAGHERIAT

Respondent

\* BEFORE THE  
\* MARYLAND BOARD  
\* OF PHARMACY

\* \* \* \* \*

CONSENT ORDER

BACKGROUND

Based on information received and reviewed by the State Board of Pharmacy (the "Board") regarding the practice of SHAFAAH MAGHERIAT (the "Respondent"), the Board found that a summary suspension of the Respondent's license under Annotated Code of Maryland, State Government Article, §10-405(b) was necessary and issued an Order for Emergency Suspension December 26, 1990.

In addition, the Board charged the Respondent with having violated §12-311(b)(14) and (21) of the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article, Annotated Code of Maryland. Section 12-311 of the Act provides:

(b) Subject to the hearing provisions of §12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, 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:

(14) Without first having received written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(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.

Appropriate notice of the charges and the grounds upon which they were based was sent to Respondent in a letter dated December 26, 1990. A prehearing conference was held on January 14, 1991 and was attended by Respondent; Ralph Small, P.D., designee of the Board; Roslyn Scheer, Executive Director of the Board, and Nancy P. Tennis, Assistant Attorney General, Counsel to the Board.

Following the prehearing conference, Respondent agreed to be evaluated to determine if he has the disease of substance abuse. Subsequently, Respondent signed a contract with the Pharmacist Rehabilitation Committee of the Maryland Pharmacists Association and entered treatment for the disease of substance abuse.

By letter dated November 6, 1991, Respondent petitioned the Board for reinstatement of his license to practice pharmacy in Maryland. At the Board's meeting on October 11, 1991, the Respondent presented his petition for reinstatement. Based on its review of that petition and the reports submitted to the Board by the persons monitoring Respondent's progress, the Board determined that it is appropriate for Respondent to return to the practice of pharmacy in a non-dispensing role.

FINDINGS OF FACT

1. Respondent was licensed to practice pharmacy in the State of Maryland during all times relevant to the facts stated herein.

2. On or about November 14, 1990, Respondent pleaded guilty to one count of possession with intent to distribute hydromorphone, a schedule II controlled dangerous substance, in violation of Article 27, §286(a)(1).

3. The guilty plea is based on the fact that Respondent sold hydromorphone on or about November 14, 1990 to an individual named John Patrick O'Connor. Respondent admitted that he had been selling O'Connor various types of drugs, including valium and xanax, during the previous two months.

4. The violation of Article 27, §286(a)(1) with respect to a schedule II drug is a felony.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent is subject to discipline under §12-313(b)(14) and (21) of the Act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 15 day of Jan, 1992.

1992, by unanimous vote of those members of the Board considering this case:

**ORDERED** that Respondent's license to practice pharmacy is hereby **SUSPENDED**; and be it further

**ORDERED** that said suspension is **IMMEDIATELY STAYED** and Respondent is placed on **PROBATION** subject to the following conditions:

1. Respondent shall not dispense any medications.
2. Respondent shall immediately give a copy of this Consent Order to any and all Pharmacy employers. He shall arrange for any and all such employers to write to the Maryland Board of Pharmacy within thirty (30) days of their receipt of the Order acknowledging receipt of the Order and stating that they agree to comply with all conditions thereof that apply to employers. These requirements extend to any and all present and/or future such employers during the period of his probation.
3. Respondent shall continue at his own expense his participation in the Oakview Treatment Center program of outpatient group therapy and structured follow-up monitoring; and shall comply with all recommendations made to him by the person who leads his group therapy program (hereinafter, "his therapist") in the time suggested by her until such time as and unless he is discharged from treatment by his therapist. His therapist at the present time is Kathleen C. Jones, R.N., C.D., who also serves as his case manager. If he is discharged from

treatment by his therapist, Respondent shall arrange for prompt submission by the therapist of a written discharge report to the Maryland Board of Pharmacy and the Pharmacist's Rehabilitation Committee of the Maryland Pharmaceutical Association.

4. If, in violation of ¶3, Respondent fails to continue with his therapist or his program at the Oakview Treatment Center without having been discharged or ordered by the Board to change or discontinue the program or therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacists Rehabilitation Committee in writing and have his therapist notify such agencies of his status directly.

5. Respondent shall immediately give a copy of this Consent Order to his therapist and arrange for the therapist to advise the Maryland Board of Pharmacy within thirty (30) days, in writing, of her receipt thereof.

6. Respondent shall arrange for his therapist to ✓ submit written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association, reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that led to his possession and abuse of controlled dangerous substances. The first report shall be due on March 1, 1992. Subsequent reports are due on June 1, 1992, September 1,

1992, December 1, 1992 and quarterly thereafter until such time as Respondent has been terminated from probation.

7. Respondent is responsible for arranging, through the Oakview Treatment Center program, for random observed urine screenings in a manner acceptable to the Board. Respondent shall also arrange for immediate notification to the Board by the screener and his case manager at any time the tests indicate a likelihood that Respondent has ingested a prohibited drug. He shall arrange for his therapist to advise the Board of the results of all of Respondent's urine screenings by incorporating the results and into her quarterly reports to the Board.

8. Respondent shall send written quarterly reports to the Board describing what he is doing, the progress he feels he is making, what, if any, problems he presently faces, and how he is coping with those problems. Said reports shall be forwarded to Roslyn Scheer, Executive Director of the Board. The first report is due on March 1, 1992. Subsequent reports are due on June 1, 1992, September 1 and December 1, 1992 and quarterly thereafter unless and until the probationary period has been terminated.

9. Respondent shall participate, on a regular basis, in meetings of Alcoholics Anonymous or Narcotics Anonymous programs as recommended by his therapists. Respondent shall submit quarterly reports to the Board as to the dates and places of meetings attending and as to the progress he has made within

the Alcoholics Anonymous and Narcotics Anonymous program. In such quarterly reports, Respondent shall attach a copy of proof of his attendance at those meetings. The first report is due on March 1, 1992. Subsequent reports are due on June 1, September 1 and December 1, 1992 and quarterly thereafter unless and until the probationary period has been terminated. These reports may be incorporated in the reports required in ¶8.

10. Respondent shall arrange for any and all pharmacy employers during the course of his probation to submit to the Maryland Board of Pharmacy written quarterly reports evaluating his job performance and describing the nature of his duties and his position. The first report shall be due on June 1, 1992. If, subsequent to the date of this Order, Respondent assumes a new position with a pharmacy employer, the first report shall be due one month after that position is assumed.

11. In the event that the Respondent changes jobs as a pharmacist or as an employee in a facility with drugs on the premises or decides not to practice pharmacy, or not to be employed in such a facility, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his new employer by name, address, and telephone number and describing any new position.

12. In the event that Respondent's therapist(s) or the Pharmacist Rehabilitation Committee report to the Maryland Board of Pharmacy that the Respondent is incapable of practicing

pharmacy safely, or that his previous problems are interfering with his ability to practice pharmacy, the Respondent shall, within twenty-four (24) hours of being informed by the Pharmacy Board of that report, voluntarily discontinue the practice of pharmacy until the Pharmacy Board determines that the Respondent is capable of resuming the practice of pharmacy or gives him permission to resume the practice of pharmacy, with or without a report from that therapist or another therapist.

13. Respondent shall notify the Maryland Board of Pharmacy, in writing, of his current address. In the event that he moves, the Respondent shall promptly notify the Maryland Board of Pharmacy, in writing, of any change of address and/or change of telephone number.

14. Respondent shall enter into a new contract with and/or renew his former contract with the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association to extend for a period of two years from the date of this Order. In the event that the Pharmacists' Rehabilitation Committee terminates Respondent's contract prior to the expiration of his probation period, the Respondent shall arrange for the Pharmacists' Rehabilitation Committee to immediately notify the Maryland Board of Pharmacy of such action.

15. Respondent shall arrange for the Pharmacists' Rehabilitation Committee to forward to the Maryland Board of Pharmacy a report on March 1, 1992 and quarterly thereafter

commencing on June 1, 1992. These reports shall advise the Board of the extent to which the Respondent is making satisfactory progress in therapy and in dealing with his problems of abuse of controlled dangerous substances.

16. Respondent shall refrain from engaging in the conduct which led to the charges in this case under the Maryland Pharmacy Act.

17. The Respondent shall practice pharmacy 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 are hereby effective as of the date of this Order; and be it further

**ORDERED** that in the event that 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 Pharmacy Board finds for any reason in good faith that the Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations thereunder, or has violated a condition of probation in this Order, 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 hearing. However, the Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article,

§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, after notifying the Respondent, conducting a hearing and determining that a violation has occurred, withdraw the stay of suspension of Respondent's license or impose any other disciplinary action it deems appropriate; and be it further

**ORDERED** that on or after one (1) year from the date of this Order, the Board shall entertain a petition from Respondent for modification of the provision in this Order which prohibits him from dispensing medication other than radiopharmaceuticals. Any such petition shall be accompanied by letters from the person or persons serving as his therapist and case manager at Oakview and from the Pharmacists Rehabilitation Committee prepared within thirty (30) days of his petition stating that in their opinion, the requested modification of the Order would be appropriate. If the Board, in its discretion, determines that the requested modification would not be appropriate at that time, it may make such other modifications, if any, as are deemed to be appropriate by it at the time of its review; and be it further

**ORDERED** that on or after three (3) years from 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 conditions or restrictions as to the scope of practice. Any such

petition shall be accompanied by reports from the person or persons serving as his therapist and case manager at Oakview and Pharmacists Rehabilitation Committee which were prepared within thirty (30) days of his petition. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at that 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.

Jan 15, 1992  
Date

  
\_\_\_\_\_  
President  
Maryland Board of Pharmacy

CONSENT

I, Shafaah Maghfriat, P.D., by affixing my signature hereto, acknowledge:

1. That I have been advised to seek advice of counsel prior to signing this document and have sought such advise;

2. That I am aware that without my consent, no legal action can be taken against me, except pursuant to the Maryland Administrative Procedure Act, State Government Article, §10-201 et seq., Annotated Code of Maryland.

3. That I have the following rights, among others: to have a formal evidentiary hearing before the Board, to

reasonable notice of said hearing, to representation by counsel, and to subpoena and cross-examine witnesses against me;

4. That I waive all such rights to the formal hearing;

5. That I admit to the truth of the foregoing Findings of Fact;

6. That I consent to the entry of the foregoing Order affecting my license to practice pharmacy in the State of Maryland;

7. That I acknowledge the validity of this Consent Order as if it were made following a formal hearing before the Board;

8. That I enter into this Consent Order of my own free will and under no duress or undue influence.

  
Shafaah Maghfriat, P.D.

STATE OF MARYLAND  
CITY/COUNTY OF

I HEREBY CERTIFY that on this 8 day of January, 1992, before me, a Notary Public of the State and City/County aforesaid, personally appeared SHAFAAH MAGHFRIAT and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

*Kartha B. Allen*  
Notary Public

My Commission Expires: *August 1, 1995*