

IN THE MATTER OF
JOHN F. RILEY, P.D.

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BEFORE THE
MARYLAND STATE BOARD
OF PHARMACY
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FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the Maryland State Board of Pharmacy (the "Board") the Board directed an investigation of the pharmacy practice of **John F. Riley, P.D.,.** (the "Respondent"). Following the investigation and after considering various reports the Board determined to charge Respondent pursuant to §12-311(b)(4)(ii), (6), (14), and (20) of the Pharmacy Act, Health Occupations Article, Annotated Code of Maryland (the "Act").

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated December 20, 1984. A prehearing conference on the charges was scheduled for January 4, 1985. A hearing on the charges was scheduled for March 20, 1985.

The prehearing conference was held on February 4, 1985, and was attended by Respondent, Respondent's counselor, Patricia A. Mysak, M.A., Roslyn Scheer, Executive Director of the Board, and Barbara Hull Foster, Assistant Attorney General, and the Administrative Prosecutor. Although respondent was not represented by an attorney at the hearing he had been advised of

his right to be represented by an attorney at the hearing and knowingly, voluntarily and intelligently waived this right. At the prehearing conference Respondent and Ms. Foster presented their suggestions for settlement of the case to Ms. Scheer. Ms. Scheer presented the negotiated settlement to the Board for its approval. The Board accepted the following Consent Order.

FINDINGS OF FACT

Based upon the information known and available to it the Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed and practicing in Maryland and was and is subject to the jurisdiction of the Board;
2. At all times pertinent to to the charge Respondent was employed as a pharmacist at Johns Hopkins Hospital Pharmacy Department ("Johns Hopkins");
3. For approximately two (2) years while working at Johns Hopkins, by falsifying records Respondent was able to obtain the following legend drugs for his own use: tylox, halcion, valium, methodone and dilaudid and Respondent did not have a prescription issued for these drugs;
4. Respondent ingested these legend drugs while practicing pharmacy;
5. Respondent admitted on that he had diverted the legend drugs and ingested the drugs at work as well as when he was off work;

6. In December 1983, Respondent entered an inpatient drug treatment program;
7. On January 14, 1984, Respondent was discharged from this program;
8. On January 22, 1985, Respondent entered the Resource Group Treatment Program where he is still in treatment;
9. Respondent is presently employed at Rite Aide and his employer has full knowledge of his previous drug problem;
10. Respondent presented letters from the Resource Group, his employer, and Dr. Beattie all of whom attested to his progress and continuing diligence in dealing with his drug addiction; and
11. Obtaining legend drugs for one's own use by falsifying records, dispensing drugs without a prescription, providing professional services while using a narcotic are acts that evidence incompetence.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(4)(ii), (6), (14), (20), of the Act:

- (4) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Willfully makes or files a false report or record

as part of practicing pharmacy;

(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;

(20) Is professionally incompetent;

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 12th day of April 1985, by unanimous vote of those members of the Board considering this case:

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

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

1. Within thirty (30) days from the date of this Order, Respondent shall arrange for the Resource Group ("the program") to submit a complete evaluation to the Board which shall include recommendations for treatment. Respondent shall bear the cost for this evaluation;

2. The evaluation report shall include a recommendation, if any, for treatment of Respondent's drug and/or alcohol abuse problem and an evaluation of whether Respondent is capable of returning to the practice of pharmacy without endangering himself and/or others;

3. Respondent shall comply with any and all

recommendations made by the Resource Group;

4. Respondent shall immediately give a copy of the Findings of Fact, Conclusions of Law and Order to the program;

5. Respondent shall continue in therapy with the Resource Group and comply with any and all recommendations made by the program in the time suggested by the program;

6. The Respondent shall arrange for the program to submit written quarterly reports indicating that Respondent is making satisfactory progress in drug therapy and in dealing with his problem of abuse of controlled dangerous substances. The first report shall be submitted to the Board within thirty (30) days after the evaluation. With the Board's approval, after the first year of Respondent's probation the Respondent shall arrange for the program to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;

7. Respondent shall continue in program until such a time as he is discharged from treatment by the program. Upon discharge from treatment, Respondent shall arrange for his program to submit a written discharge report to the Board;

8. Respondent shall arrange for weekly observed random urine screenings and arrange for any positive reports to be immediately sent to the Board; one (1) year after the effective date of this Order Respondent may petition the Board to cease having urine screens;

9. In the event that Respondent discontinues therapy prior to discharge by the program, the program shall immediately notify the Board in writing;

10. In the event that Respondent's program reports to the Board that Respondent is incapable of practicing pharmacy safely or that Respondent's previous problems are interfering with Respondent's ability to practice pharmacy, Respondent shall voluntarily discontinue the practice of pharmacy until such time as the program indicates that Respondent is capable of resuming his practice of pharmacy;

11. Respondent shall contact the Pharmacist Rehabilitation Committee (the "Committee") and make arrangements to meet with this Committee within thirty (30) days of the Order;

12. Respondent shall comply with any and all recommendations made by the Committee in the time suggested by the Committee;

13. Respondent shall immediately provide the Board with a copy of any contract entered into by Respondent with the Committee;

14. Respondent shall arrange for the Committee to submit written quarterly reports indicating Respondent is making satisfactory progress in therapy in dealing with his problem of abuse of controlled dangerous substances. The first report shall be submitted to the Board thirty (30) days after the effective date of this Order;

15. After the first year of Respondent's probation, with the Board's approval, the Respondent shall arrange for the Committee to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;

16. Respondent shall continue with the Committee until such time he is discharged from treatment by the Committee. Upon discharge from treatment by the Committee, Respondent shall arrange for the Committee to submit a written discharge report;

17. In the event Respondent discontinues treatment with the Committee prior to his discharge by the Committee, the Committee shall immediately notify the Board in writing;

18. In the event the Committee reports to the Board that Respondent is incapable of practicing pharmacy safely, the Respondent shall voluntarily discontinue the practice of pharmacy until such time as the Committee indicates that Respondent is capable of resuming his practice of pharmacy;

19. Respondent shall arrange for any and all of his pharmacy employers to submit to the Board written quarterly reports evaluating his job performance and describing the nature and duties of his position. The first report shall be due a month after the effective date of this Order;

20. In the event that Respondent changes jobs as a pharmacist, or decides not to practice pharmacy, Respondent shall immediately notify the Board, in writing, identifying his new

employer by name, address, telephone number and describing his new position;

21. Commencing thirty(30) days from the effective date of this Order, Respondent shall send written quarterly reports to the Board describing the progress he feels he is making, what problems he presently faces and how he is coping with these problems;

22. Respondent shall notify the Board, in writing, of his current address. In the event that Respondent moves he shall promptly notify the Board in writing of the change of address and any change in his telephone number;

23. Respondent shall continue to attend narcotic anonymous or alcoholics anonymous meetings at least once a week and as mandated by the program; and

24. Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED, that if Respondent violates any of the foregoing conditions of probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland or if the Board receives an unsatisfactory report from the Respondent's program or the Committee, after notification and hearing, and a determination of violation, withdraw Respondent's probationary status and may impose such disciplinary action as - provided by law; and be it further

the conditions set forth in the Order, I may suffer disciplinary action against my license to practice pharmacy in the State of Maryland.

John F. Tiley P.D.
John Riley P.D.

STATE OF MARYLAND)
CITY OF BALTIMORE) ss:

I HEREBY CERTIFY that on this 1st day of April, 1985 before me, a Notary Public of the State and City aforesaid, personally appeared John Riley, P.D. and he made oath in due form of law that the foregoing Consent was his voluntary act and deed.

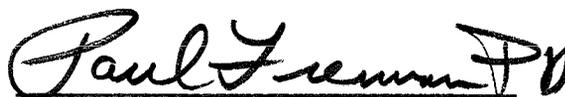
AS WITNESS my hand and notarial seal.

Michael B.
Notary Public

My commission expires: 7-1-86

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APR 15 1985
NOTARY PUBLIC
STATE OF MARYLAND

ORDERED that two (2) 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 provided that Respondent has complied with all terms of probation. 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.


Paul Freiman, P.D.
Maryland Board of Pharmacy

CONSENT

By this consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to abide by