

Birthdate  
1/10/43

Reciprocity from  
Virginia # 4130

IN THE MATTER OF \* BEFORE THE MARYLAND STATE  
STEVEN L. SILVERMAN, P.D. \* BOARD OF PHARMACY  
Lic # 7844 \*

\* \* \* \* \*  
1573 allview Drive  
Potomac, MD 20854

CONSENT ORDER

This Consent Order is entered into by and between the Maryland State Board of Pharmacy and Steven L. Silverman, P.D.

Findings of Fact

1. The factual allegations of an Order for Emergency Suspension of Pharmacy License, dated June 29, 1984, (herein after the "Emergency Suspension") by the Maryland Board of Pharmacy (hereinafter the "Maryland Board") are incorporated by reference as if set forth in full herein.
2. The Preliminary Statement of Facts of a Consent Order entered into between Steven L. Silverman (hereinafter the "Respondent" or "Licensee") and the Virginia State Board of Pharmacy (hereinafter "the Virginia Board") are incorporated as if set forth in full herein.
3. Through reciprocity with Virginia, the Maryland Board issued Respondent Pharmacist License No. 7844 on July 20, 1973.
4. By an undated document entitled "Notice of Hearing and Statement of Particulars," the Virginia Board alleged, among other things, that Respondent had diverted certain controlled

dangerous substances for personal use from pharmacies at which he was employed, including Percodan, Valium, Tylenol with Codeine, Doriden and Fiorinal.

5. The Virginia Board entered an Order of Summary Suspension of Respondent's license on June 7, 1984.

6. Based on information detailed further therein, the Maryland Board entered an Order for Emergency Suspension of Respondent's license.

7. On or about February 8, 1985, the Virginia Board entered into a Consent Order, and Steven L. Silverman signed a Consent acknowledging the truth of the Findings of Fact in the Consent Order and consenting to the Order itself. The Consent Order suspended Respondent's license for a minimum period of eighteen (18) months from May 1, 1984 and allowed him to submit a petition for reinstatement of the license to the Board one month prior to expiration of that eighteen (18) month period. The minimum eighteen (18) month period ended on November 1, 1985. The Virginia Board agreed in its Order to entertain a petition for reinstatement of the license on or after October 1, 1985.

8. Following the entry of the Maryland Board's Order for Emergency Suspension, counsel to the Respondent represented to counsel to the Maryland Board that the Respondent had complied with the terms of the Virginia Board Consent Order in that he had refrained from practicing pharmacy since his admission to the National Orthopaedic Hospital on May 1, 1984. Counsel further advised that Respondent was actively engaged in rehabilitative efforts including psychotherapy and drug therapy. Finally, the

Maryland Board's counsel was advised that Respondent intended to exercise his right to petition for reinstatement in Virginia and Maryland, if given the opportunity.

9. Respondent, between May 1, 1984 and continuing to the date of this Consent Order, engaged in an extensive rehabilitative program specifically designed to remedy his drug dependency, to keep him current in the practice of pharmacy, and to demonstrate to the public, to Respondent's professional colleagues, and to the Maryland Board that he was worthy of reinstatement. The specific efforts made by Respondent are more specifically set forth in Respondent's Petition for Reinstatement.

10. On January 22, 1986, Respondent appeared before the Maryland Board of Pharmacy in order to formally present his Petition for Reinstatement and to respond to any and all inquiries of the Maryland Board. The Maryland Board questioned Respondent about his rehabilitation program, his chemical dependency, and issues concerning his ability to practice pharmacy competently and without the risk of substance abuse in the future. Following that hearing, Respondent was advised by the Maryland Board of Pharmacy that it was impressed with Respondent's rehabilitation.

Conclusions of Law

Based on the foregoing Findings of Fact, the Maryland Board hereby concludes, as a matter of law, that Respondent violated the following subsections of §12-311(B) of the Health Occupations Article of the Annotated Code of Maryland:

(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;

\* \* \*

(7) Willfully fails to file

Report  
Record

Ros,

Please see the attached errors. I do not know if it should have been corrected, but I thought I would bring it to your attention.  
Thanks Pat

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... state . . . for an act that would be grounds for disciplinary action under the Board's disciplinary statutes . . .

Order

Based on the foregoing Findings of Fact and Conclusions of Law, IT IS, this 28 day of February, 1986, by the 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) That Respondent continue to receive treatment from a qualified therapist approved by the Board; that Respondent immediately give a copy of this Consent Order to his therapist and arrange for him to advise the Maryland Board of Pharmacy, in writing, of his receipt thereof;

(2) That Respondent continue in therapy and comply with any and all recommendations made to him by his therapist in the time suggested by his therapist;

(3) That Respondent 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 indicating what progress he has made in dealing with the problems that led to his chemical dependency. The first report shall be due May 1, 1986. Such reports shall be due, quarterly, until such time as Respondent has been terminated from probation;

(4) That Respondent shall continue in therapy until such a time as he is discharged from treatment by his therapist. Upon discharge from treatment, Respondent shall arrange for his therapist to submit a written discharge report to the Maryland Board of Pharmacy and to the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association;

(5) In the event that Respondent discontinues therapy prior to discharge by his therapist, he 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;

(6) That in the event that Respondent's therapist reports to the Maryland Board of Pharmacy that he is incapable of practicing pharmacy safely or that his previous problems are interfering with his ability to practice pharmacy, he shall voluntarily discontinue the practice of pharmacy until such time as his therapist indicates that he is capable of resuming the practice of pharmacy or until the Board of Pharmacy has given him permission to resume the practice of pharmacy;

(7) That Respondent continue treatment with his current therapist until discharged, and that following such discharge, Respondent shall immediately begin treatment with another therapist in order that his treatment remained uninterrupted;

(8) That Respondent shall arrange for weekly observed random urine screenings and arrange for any positive reports to be immediately sent to the Maryland Board of Pharmacy and the Pharmacists Rehabilitation Committee. The urinalysis procedure shall be in a time, place, and manner satisfactory to the Maryland Board of Pharmacy. Further, the quarterly reports of Respondent's therapist shall, in some form, advise the Board of the results of Respondent's weekly observed random urine screenings for the relevant quarter;

(9) That Respondent shall immediately notify any and all of his pharmacy employers that he has been placed on probation by the Maryland Board of Pharmacy and inform those employers of the conditions of his probation by submitting to them copies of this Consent Order. Within thirty (30) days of being hired as a pharmacist, Respondent shall submit written proof to the Maryland Board of Pharmacy that he has given a copy of this Order to all of Respondent's pharmacy employers and have his employers send notification to the Maryland Board, in writing, an acknowledgment of receipt of this Consent Order and a statement that they agree to comply with all conditions thereof that pertain to employers;

(10) That Respondent shall arrange for any and all of his pharmacy employers 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 a month after the date of this Order or the date Respondent assumes a new position as a pharmacist,

whichever is first. These reports shall be due on May 1, 1986 and continue quarterly until all conditions are removed from Respondent's license;

(11) In the event that Respondent changes jobs as a pharmacist or decides not to practice pharmacy, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his new employer by name, address, telephone number, and describing his new position;

(12) Commencing thirty (30) days from the date of this Order, Respondent shall send written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association describing the progress he feels that he is making, what problems he feels that he presently faces and how he is coping with these problems;

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

(14) That Respondent shall immediately contact the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association, 650 W. Lombard Street, Baltimore, Maryland 21201 and, through the President of the Committee, develop a contract satisfactory to the Pharmacists Rehabilitation Committee which, by design, sets forth standards of performance for him during his probation period. In the event that the

Pharmacists Rehabilitation Committee terminates Respondent's contract prior to the expiration of his probation period, Respondent shall arrange for the Pharmacists Rehabilitation Committee to immediately contact the Maryland Board of Pharmacy of such action at the time it takes place;

(15) Respondent shall arrange for the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association to notify the Maryland Board of Pharmacy, in writing, of his contract, and shall further arrange for the Pharmacists Rehabilitation Committee to forward to the Maryland Board of Pharmacy quarterly reports, commencing May 15, 1986. These reports shall advise the Board the extent to which Respondent is making satisfactory progress in therapy and in dealing with his problem of chemical dependency;

(16) Respondent shall continue treatment with the Pharmacists Rehabilitation Committee of the Maryland Pharmaceutical Association until such time as he is discharged from treatment by the Committee. Upon discharge from treatment by the Pharmacists Rehabilitation Committee, Respondent shall arrange for the Committee to submit a written discharge report to the Maryland Board of Pharmacy;

(17) In the event that Respondent discontinues treatment through the Pharmacists Rehabilitation Committee prior to discharge by the Committee, Respondent shall immediately notify the Maryland Board of Pharmacy in writing;

(18) In the event that the Pharmacists Rehabilitation Committee reports to the Maryland Board of Pharmacy that Respondent is incapable of practicing pharmacy safely, Respondent will voluntarily discontinue the practice of pharmacy until such time as the Committee or the Maryland Board of Pharmacy indicates that he is capable of resuming the practice of pharmacy;

(19) That Respondent will arrange at his expense to be evaluated by Charles L. Whitfield, M.D., of the Resource Group, Inc., within seventeen (17) to nineteen (19) months of the date of this Order for the purposes of being evaluated for progress in dealing with the problem of chemical dependency. Respondent shall further arrange for Dr. Whitfield to send to the Maryland Board of Pharmacy a written report indicating his findings;

(20) That Respondent shall refrain from engaging in the conduct which led to his suspension of the practice of pharmacy under the Maryland Pharmacy Act;

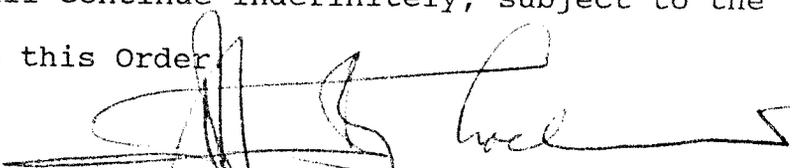
(21) That Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED that the Conditions of this Consent Order BE, and the same hereby are EFFECTIVE, as of this date; 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 believes for any reason in good faith that Respondent has violated H. O. Section 12-311(b)(4)(ii)(7), (14), (20), (23), or 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, without first giving 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; but the Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

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. 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.



Bernard B. Lachman, P.D.  
President, Maryland Board of  
Pharmacy

Consent

I, Steven L. Silverman, P.D., by affixing my signature hereto acknowledge:

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

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 a 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;

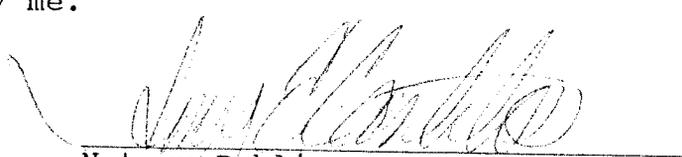
8. That I enter into this Consent Order of my own free will and under no duress or undue influence.

  
\_\_\_\_\_  
Steven L. Silverman, P.D.

STATE OF MARYLAND  
MONTGOMERY COUNTY

To wit:

On this 22 day of February, 1986, Steven L. Silverman, P.D. known to me (or satisfactorily proven) to be the person whose name appears on the above signature line appeared before me and acknowledged that he executed the above Consent under oath administered by me.

  
\_\_\_\_\_  
Notary Public

My Commission expires:

July 1, 1986