

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>JEFFREY S. STOCKTON, P.D.</b>	*	<b>STATE</b>
<b>LICENSE NO. 10082 (Expired)</b>	*	<b>BOARD OF</b>
<b>Respondent</b>	*	<b>PHARMACY</b>

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Code Ann. tit. 12 (the "Act"), the Board charged Jeffrey S. Stockton, P.D., (the "Respondent"), with violations of the Act.

Specifically, the Board charged the Respondent with violation of the following provisions of § 12-701(Practicing pharmacy without a license):

§ 12-701. Practicing pharmacy without a license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice pharmacy in this State unless licensed by the Board.

The Respondent was given notice of the issues underlying the Board's Charges by a letter dated May 18, 2001. Accordingly, a Case Resolution Conference was held on August 14, 2001 which was attended by Ramona Hawkins and Melvin Rubin, Pharmacist Members of the Board, LaVerne Naesea, Executive Director of the Board, and Paul Ballard, Assistant Attorney General, Board Counsel. Also in attendance were the Respondent, who waived his right to an attorney, and the Administrative Prosecutor, Roberta L. Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

### **FINDINGS OF FACT**

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. The Respondent was originally issued a license by the Board to practice pharmacy in Maryland on May 8, 1983. The Respondent voluntarily surrendered his license on August 17, 1993, due to a substance abuse problem. On July 16, 1996, the Respondent's license was reinstated, pursuant to a Consent Order of Reinstatement and he was placed on probation for one year. Subsequently, the Respondent submitted a renewal application on September 20, 1996 and was issued a probationary license that expired on September 30, 1997. On September 17, 1997, the Respondent was granted full reinstatement without any restrictions. On October 3, 1997, the Respondent was issued an unrestricted license, however, the expiration date printed on this renewal certificate is unknown.<sup>1</sup>

At any rate, Board records indicate that a renewal application was generated on August 10, 1998. Had this application been completed and submitted by the Respondent

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<sup>1</sup> The Board's copy of the license could not be located. However, Board licenses are normally valid for a two-year period, but, because this was a reinstated license, it may have expired prior to the normal two-year period.

and processed, it would have expired on October 31, 2000.<sup>2</sup> The Respondent claims that the license issued to him in October 1997 expired in 1999. The Respondent further stated that he did not receive a renewal application in 1999, prompting him to contact the Board to inquire about his status.

The Respondent further stated that he was told by Board staff that his license was to have been renewed in 1998, rather in 1999, and that he needed to submit 30 Continuing Education Units (CEUs), attained between 1996 and 1998, for renewal. The Respondent stated that, because he was unable to locate his records of the CEUs, and because of his past history of disciplinary action with the Board, he did not seek to renew his license. Whereupon, the Respondent did not pursue the matter any further. Thus, even had the Respondent submitted an application for renewal/reinstatement, he was not qualified to be licensed, due to his failure to complete the requirements of licensing, e.g., obtaining the requisite number of CEUs.

2. At all times relevant hereto, the Respondent was an employee of Rite Aid of Maryland, Inc., d/b/a Rite Aid Discount Pharmacy. Between 1997 and March 12, 2001, the Respondent was assigned to 22 different locations within the Rite Aid system. On March 12, 2001, the Respondent was the on-duty manager of Rite Aid Discount Pharmacy #397 in Carrolltown, Maryland, in Carroll County, and had been so for approximately three years.

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<sup>2</sup> Board regulations, effective November 3, 1997, changed the expiration date to coincide with the licensee's birth month. Inasmuch as the Respondent was born in October, his license would have expired on October 31 of the applicable year.

3. On that date, an inspector from the Division of Drug Control (DDC) inspected the pharmacy, finding numerous deficiencies. Foremost among those was the fact that the Respondent had no valid license. As a result, the DDC Inspector ordered that the pharmacy be closed immediately and no more prescriptions were allowed to be dispensed until a validly licensed pharmacist could take over for the Respondent.

As set forth above, the Respondent practiced pharmacy in Maryland without a license.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-701 of the Act.

### **ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 12th day of September, 2001, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's license to practice be and is hereby **REPRIMANDED**; and, be it further

**ORDERED** that the Respondent shall be placed on two (2) years' Probation, subject to the following conditions:

1. The Respondent shall enroll in and shall pass, with a "B" or better, a three (3) credit, college-level course in ethics, pre-approved by

the Board. The aforesaid course shall not be counted as part of any Continuing Education Credits (CEUs) required for license renewal;

2. Pay to the Board a fine of Two Thousand Five Hundred Dollars (\$2500), at no less than \$300 due each quarter, with the first installment due in 90 days.
3. Obtain 90 CEUs by October 2002, to be submitted to the Board in quarters. By October 2001, the Respondent shall submit to the Board all credits earned from 1997 to October 2001; the balance of the 90 would be due quarterly thereafter.

**ORDERED** that the Respondent shall submit to the Board a completed licensure renewal application, paying any renewal fees or assessments incident thereto.

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

**ORDERED** that the Respondent shall practice in a competent manner in adherence to the laws governing the practice of pharmacy in Maryland.

**ORDERED** that the Respondent may apply for termination of Probation by submitting a petition to the Board to remove the conditions of Probation. The Board shall remove the conditions of Probation if the Respondent has demonstrated compliance with

the Board's Order. Should the Respondent fail to apply for removal of conditions, the Respondent shall remain on probation.

**ORDERED** that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare or safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions.

**ORDERED** that for purposes of public disclosure, including any data banks that the Board is mandated to report to, as permitted by Md. State Govt. Code Ann. § 10-617 (h) (1999 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.

  
Stanton G. Ades, P.D., Chairman  
State Board of Pharmacy

**CONSENT OF JEFFREY S. STOCKTON, P.D.**

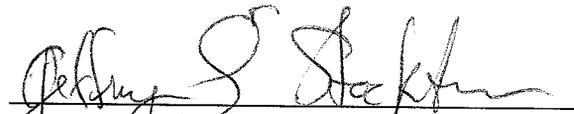
I, Jeffrey S. Stockton, by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney and have knowingly and voluntarily waived my right to any such representation.
  
2. Although as I am not currently licensed, I am aware that I am entitled to a full hearing regarding the Board's Charges, pursuant to the provisions of § 12-315 of the Act and the Administrative Procedure Act, Md. State Govt. Code Ann. ("APA") § 10-201, et seq., (1999 Repl. Vol.). By doing so, I waive my right to a formal hearing as set forth in § 12-315 of the Act and § 10-201, et seq., of the APA, and any right to appeal as set forth in § 12-316 of the Act and § 10-201, et seq., of the APA.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Consent Order in its entirety. I acknowledge that my 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.

9/6/01

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Date

  
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Jeffrey S. Stockton

STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 6<sup>th</sup> day of September, 2001, before me, FELIX AFOLABI, a Notary Public of the aforesaid State and City/County, personally appeared Jeffrey S. Stockton, License No. 10082, 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 WITNESSETH my hand and notarial seal.

Felix I. Afolabi, Notary Public  
City of Baltimore  
State of Maryland  
My Commission Expires 10/01/05 Felix Afolabi  
Notary Public

My Commission Expires: 10/01/05