

The Respondent was given notice of the Order, the charges and the issues underlying those charges by letter, Order and charging documents served on Respondent on or about October 15, 1990. The Respondent waived his right to a hearing on the emergency suspension of said license and permit. Subsequently, a transfer of the Pharmacy took place, which transfer was approved by the Board. The transfer mooted the summary suspension of the pharmacy permit. The issues underlying the emergency suspension of Respondent's license and the charges against said license were merged and a prehearing conference on those charges was held on January 18, 1991 and was attended by Ralph Small, P.D., member of the Board, and Roslyn Scheer, Executive Director of the Board. Also in attendance were the Respondent and his attorney, Broughton Earnest, Esquire, and the Administrative Prosecutor, Roberta L. Gill, Assistant Attorney General.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement.

FINDINGS OF FACTS

The Board finds that:

1. At all times relevant to the charges herein, Respondent was licensed as a pharmacist in the State of Maryland.
2. On or about October 1, 1990, the Respondent permit-holder dispensed prescription drugs, including Dilaudid (Schedule II), Percodan (Schedule III), Fastin (Schedule IV) and

Emprin III (Schedule III) to the following persons without a prescription: George Perakis, Greg Sammons and Michael Besser.

3. All of the above were in violation of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Respondent violated §12-311(b)(14) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17th day of

April, 1991, by a majority of a quorum of the Board,

ORDERED that the license of the Respondent to practice Pharmacy continue to be **SUSPENDED**, effective October 15, 1990; and be it further

ORDERED that Respondent obtain fifteen (15) hours of additional continuing educational credits, of which at least five (5) shall be related to drug abuse and five (5) shall be related to record-keeping in controlled dangerous substances (CDS); and be it further

ORDERED that Respondent shall promptly notify the Board in writing of the outcome of the criminal proceedings involving the distribution of controlled dangerous substances without a prescription; said criminal proceedings involve the same issues

and events that are the subject of these administrative charges. Regardless of the outcome of those proceedings, e.g., a felony conviction, the Board will not bring supplemental charges under the Act as a result thereof; and be it further

ORDERED that Respondent shall submit written quarterly reports to the Board on his progress. The first such report shall be due on April 1, 1991. Said reports shall be sent to Ms. Roslyn Scheer, Executive Director, Board of Pharmacy, 4201 Patterson Avenue, Baltimore, Maryland 21215; and be it further

ORDERED that if the Board determines that Respondent has failed to comply with any of the aforesaid conditions during the period of suspension, the Board will revoke Respondent's license immediately without a hearing, subject to the Respondent's subsequent right to request a hearing on the Board's action; and be it further

ORDERED that Respondent may petition the Board for reinstatement on or after October 1, 1991 and request that the **SUSPENSION** be **STAYED** and that he be placed on **PROBATION** subject to conditions set by the Board.

Although the Board will not issue additional charges as a result of the disposition of the related criminal charges against Respondent, the Board will take into account such disposition, along with any other pertinent factors, in its evaluation of any future reinstatement request.

ORDERED that this is a Final Order and, as such, is a public document pursuant to §10-611 et seq of the State Government Article, Annotated Code of Maryland.



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

CONSENT OF EARL MADISON TOWERS, JR.

I, Earl Madison Towers, Jr., by affixing my signature hereto, acknowledge that:

1. I am represented by Earnest Broughton, Esquire, and I have had the opportunity to consult with counsel before signing this document;

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 §12-312 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 §12-312 of the Act and §10-205 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland and any right to appeal as set forth in §12-313 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.

March 7, 1991
(Date)

Earl Madison Towers, Jr.
Earl Madison Towers, Jr.

STATE OF MARYLAND
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 7th day of March,
1991, a Notary Public of the State of Maryland and (City/County),
Denton/Caroline, personally appeared Earl Madison Towers,
Jr., P.D., License No. 7010, 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.

Melissa R. Phillips
Notary Public
Melissa R. Phillips

My Commission Expires: July 1, 1994

MELISSA R. PHILLIPS
NOTARY PUBLIC STATE OF MARYLAND
Commission Expires July 1, 1994

IN THE MATTER OF * BEFORE THE
EARL MADISON TOWERS, JR. * MARYLAND BOARD
LICENSE # 7010 * OF PHARMACY
* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board") and subject to Health Occupations Article, §12-312, Annotated Code of Maryland (the "Act"), the Board charged Earl Madison Towers, Jr., (the "Respondent"), with violation of certain provisions of Md. Health-Occupations Article, §12-311(b)(14) of the Act.

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

- (b) In general. 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 a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

The above charges were serious enough to warrant summary suspension on October 15, 1990 under the State Government Article, Annotated Code of Maryland, §10-405(b) of both the individual license #7010 and that of the permit for the pharmacy owned and operated by the Respondent, permit #P00791.

The Respondent was given notice of the Order, the charges and the issues underlying those charges by letter, Order and charging documents served on Respondent on or about October 15, 1990. The Respondent waived his right to a hearing on the emergency suspension of said license and permit. Subsequently, a transfer of the Pharmacy took place, which transfer was approved by the Board. The transfer mooted the summary suspension of the pharmacy permit. The issues underlying the emergency suspension of Respondent's license and the charges against said license were merged and a prehearing conference on those charges was held on January 18, 1991 and was attended by Ralph Small, P.D., member of the Board, and Roslyn Scheer, Executive Director of the Board. Also in attendance were the Respondent and his attorney, Broughton Earnest, Esquire, and the Administrative Prosecutor, Roberta L. Gill, Assistant Attorney General.

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FINDINGS OF FACTS

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April, 1991, by a majority of a quorum of the Board,

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ORDERED that this is a Final Order and, as such, is a public document pursuant to §10-611 et seq of the State Government Article, Annotated Code of Maryland.



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

CONSENT OF EARL MADISON TOWERS, JR.

I, Earl Madison Towers, Jr., by affixing my signature hereto, acknowledge that:

1. I am represented by Earnest Broughton, Esquire, and I have had the opportunity to consult with counsel before signing this document;

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 §12-312 of the Act and §10-205 et seq of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland;

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March 7, 1991
(Date)

Earl Madison Towers, Jr.
Earl Madison Towers, Jr.

STATE OF MARYLAND
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 7th day of March,
1991, a Notary Public of the State of Maryland and (City/County),
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Jr., P.D., License No. 7010, 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.


Notary Public
Melissa R. Phillips

My Commission Expires: July 1, 1994

MELISSA R. PHILLIPS
NOTARY PUBLIC
STATE OF MARYLAND
Commission Expires July 1, 1994