

THE MATTER OF \* BEFORE THE MARYLAND STATE  
Earl Madison Towers, Jr. \* 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 Earl Madison Towers, Jr. (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 October 15, 1990.

In addition, the Board charged the Respondent with having violated §12-311(b)(14) 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;

On April 17, 1991, the Board issued a Final Consent Order which was effective October 15, 1990. The Order continued the suspension of Respondent's license to practice pharmacy and specified that Respondent could petition 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.

By Letter dated September 30, 1991, Respondent petitioned the Board for reinstatement of his license to practice pharmacy in Maryland. Respondent was

not available to meet with the Board until its meeting on February 19, 1992. At that time 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 subject to conditions of probation set by the Board. The Board believes that Respondent has satisfactorily complied with all of the conditions required of him during his period of Suspension. The Board concludes that it is appropriate to stay Respondent's Suspension and place him on probation subject to conditions set by the Board.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 3 day of April, 1992 by unanimous vote of those members of the Board considering this case:

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

1. Respondent shall not work as a pharmacist without approval from the Board for the particular employment situation.

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. In addition , Respondent agrees to the following conditions:

3. Respondent shall not work as a floater pharmacist.

4. Respondent shall not be a pharmacy owner.

5. Any and all pharmacy employers shall arrange for weekly audits of all Schedule II Controlled Dangerous Substances. The results of these audits shall be included in the employer's quarterly report as specified in number 7. However, if any significant discrepancy is discovered, the employer shall notify the Board immediately.

6. Respondent shall not work as a pharmacist without providing verification in writing from the Circuit Court for Caroline County indicating employment as a pharmacist is approved or that the Court's permission to work as a pharmacist is no longer required by the Court.

7. 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 June 1, 1992. Subsequent reports are due on September 1, 1992, December 1, 1992, March 1, 1993 and quarterly thereafter unless and until the probationary period has been terminated.

8. 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.

9. In the event that the Respondent desires to change 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 prospective employer by name, address, and telephone number and describing any prospective position.

10. No later than two (2) years from the date of this Order, Respondent shall complete 30 hours of continuing education in addition to the amount required for his license renewal. Respondent shall provide written verification of these additional continuing education hours to the Board with his petition for termination of probation.

11. 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.

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

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

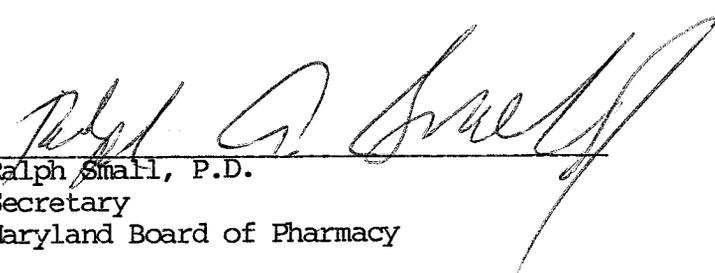
**ORDERED** that the conditions of this Consent Order be and the same are hereby effective as of the date of this Order; and be it further

**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 promulgated under that Article or under Article 27, 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 two (2) Years from the date of this Order, the Board shall entertain a petition for 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 supervising Respondent's employment as a pharmacist. Said reports must be prepared within thirty (30) days prior to submission 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.

April 3, 1992  
Date

  
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Ralph Small, P.D.  
Secretary  
Maryland Board of Pharmacy

CONSENT

I, Earl Madison Towers, Jr., 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 advice;

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.

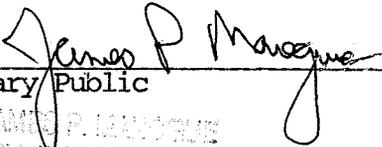
Earl Madison Towers, Jr., P.D.  
Earl Madison Towers, Jr., P.D.

STATE OF DELAWARE

CITY/COUNTY OF SUSSEX

I HEREBY CERTIFY that on this 26<sup>th</sup> day of MARCH, 1980, before me, a Notary Public of the State and County aforesaid, personally appeared Earl Madison Towers, Jr. and made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

  
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Notary Public

My Commission Expires:

JAMES P. MANOGUE  
NOTARY PUBLIC - DELAWARE  
My Commission expires October 13, 1995  
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