

Levi, P.D., Norene Pease, Executive Director to the Board, and Paul Ballard, Assistant Attorney General and Counsel to the Board. Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor and the Respondent were also in attendance. As a result of discussion held at the foregoing pre-hearing conference, the parties agreed to enter into this final consent order.

ALLEGATIONS OF FACT

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

1. At all times relevant to the charges herein, the Respondent was licensed to practice pharmacy in the State of Maryland.

2. At all times relevant to the charges herein, the Respondent worked as a pharmacist at the Kent Island Pharmacy. The Respondent worked at the pharmacy on a part-time basis.

3. On August 3, 1996, Ms. Sharon Vandemmia, an employee of Kent Island Pharmacy saw the Respondent place a vial containing prescription drugs into his sock. Ms. Vandemmia immediately contacted the Kent Island Pharmacy owners James and Florence Wills and told them what she had just observed.

4. After arriving at the Kent Island Pharmacy, James and Florence Wills confronted the Respondent and asked the Respondent to empty his pockets. The Respondent gave the Wills' the vial of drugs that Ms Vandemmia had seen the Respondent place in his sock. The vial contained approximately fifteen (15) tablets of Soma with

aspirin. The Respondent admitted that the vial contained Soma and he confessed to stealing the vial with the drug. The Respondent did not have a prescription for the Soma, a prescription drug.

5. After the Respondent had given the vial of Soma to the Wills', the Respondent was asked to leave the pharmacy.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Facts, the Board finds that the Respondent violated 12-313(b)(14).

ORDER

Based upon the foregoing Findings of Facts, Conclusions of Law and agreement of the parties, it is this 16th day of January, 1997, by a majority of the quorum of the Board, it is hereby

ORDERED that the Respondent be **SUSPENDED** from the practice of Pharmacy. Respondent shall submit to a mental health evaluation to determine the Respondent's ability to practice pharmacy competently. The evaluation shall be given by a licensed psychologist or psychiatrist that is approved by the Board. Said suspension shall remain in effect until the Board has reviewed the mental health evaluation report and determined that the Respondent can competently practice pharmacy. On December 10, 1996, the Respondent was evaluated by a psychiatrist, Dr. Gregory Villabona, who concluded that the Respondent could safely practice pharmacy under the following conditions: (1) That the Respondent be supervised by the Pharmacist Rehabilitation Committee to judge his professional performance, and (2) That the Respondent see his current therapist once every two months and that his therapy be

followed up by an appointment with a psychiatrist. And be it further

ORDERED that the suspension shall be immediately stayed and the Respondent's license shall be placed on **PROBATION** for two years from the date of this Consent Order, subject to his compliance with the following conditions of probation:

1. The Respondent shall only work for an employer approved by the Board;
2. The Respondent cannot be employed or supervised by any person who is also on probation with the Board;
3. That beginning on March 1, 1997, The Respondent shall submit quarterly reports from his Board-approved pharmacist employer, from his Board-approved therapist and from himself of his status/progress as a pharmacist;
4. The Respondent shall not work as a floater, that is, he may not work at more than one pharmacy location for the same employer;
5. The Respondent shall take and pass a Board pre-approved college-level ethics course with a grade of "B" or better;
6. That during the probationary period and in addition to those credits required for renewal of his license, the Respondent shall obtain six continuing education credits pre-approved by the Board regarding the subject of record-keeping;
7. The Respondent cannot be a pharmacy permit holder;
8. The Respondent shall see his current therapist or a Board-approved licensed therapist at least two times every month,

abide by his therapist's recommendations, and insure that his therapy be followed up by an appointment with a psychiatrist for evaluation prior to applying for release from these conditions of probation;

9. For the first six months after the effective date of this Consent Order, the Respondent shall submit to random observed urine tests twice a month; and

10. The Respondent shall enter into a contract with the Pharmacists Rehabilitation Committee and follow the Committee's directions regarding his treatment and pharmacy practice. And be it further

ORDERED that the Respondent provide a copy of this Consent Order to his pharmacist employer and that the employer acknowledge in writing, within 30 days of the commencement of the probationary period, that he/she reviewed the Consent Order and agrees to comply with the terms affecting him/her; and be it further

ORDERED that Respondent notify the Board in writing of any change in employment and that all subsequent pharmacist employers submit written verification that they have reviewed and agree to comply with the Order as it affects them; and be it further

ORDERED that the Respondent immediately notify the Board in writing of any change in address; and be it further

ORDERED that the Respondent shall refrain from engaging in the conduct which led to the disciplinary action herein; and be it further

ORDERED that the 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 suspension or of probation or the Order, the Board, after notification, a hearing and determination of violation, may impose any lawful disciplinary sanctions it deems appropriate; and be it further

ORDERED that on or after the date that the two-year probationary period has ended, the Respondent may petition the Board to remove the conditions of probation and restore his license to practice pharmacy without conditions or restrictions, only after presenting the Board with recommendations from the Pharmacist Rehabilitation Committee, his therapist and a Board-approved psychiatrist that the Respondent can safely practice pharmacy without further probationary conditions and only after the Respondent has demonstrated to the Board that he has practiced pharmacy in compliance with the Act and with the conditions of suspension, subsequent probation and/or of the Order; however, should the Respondent fail to petition the Board, the conditions of probation will remain as is; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report from the pharmacy employer which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has substantially violated any provision of Title 12 of

the Health Occupations Article, Md. Ann. Code, or regulations thereunder, the Board may take action, including, but not limited to, revocation or suspension of the Respondent's license to practice pharmacy, after giving the Respondent notice and an opportunity for a hearing, in accordance with the Administrative Procedure Act, State Government Article, Md. Ann. Code, §10-201 et seq.; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann., §10-611 et seq. (1995 Rep. Vol.)

ORDERED that for purposes of public disclosure, as permitted by §10-617(h), State Gov't Art., Md. Ann. Code, this document consists of the contents of the foregoing Background, Findings of Facts, Conclusions of Law and Order.

2/4/97
Date



George Voxakis, President

CONSENT OF MICHAEL A. WELSH, P.D.

I, Michael A. Welsh, P.D., by affixing my signature hereto, acknowledge that:

1. I am not represent by an attorney and waived my right to be represented by an attorney.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to §12-315 of the Act, Md. State Gov't. Code Ann., 10-201 et seq. (1994), and COMAR 10.34.01.

3. By this Consent Order, I hereby consent and submit to the Order. By doing so, I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Order or as set forth in §12-316 of the Act and Md State Gov't Md. Ann. Code, Section §10-201 et seq (1994).

Jan 31, 1997
Date

Michael A. Welsh
Michael A. Welsh, P.D.

STATE OF Delaware)
CITY/COUNTY OF Deer/Kent)

I HEREBY CERTIFY that on this 31st day of January, 1997^(a), before me, a Notary Public of the State and County aforesaid, personally appeared Michael A. Welsh, License No. 07051, and made oath in due form of law that signing the foregoing Final Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Craig Lambert
Notary Public

My Commission Expires: Sept. 27, 1997

CRAIG L. LAMBERT
NOTARY PUBLIC
My commission expires Sept. 27, 1997