

**IN THE MATTER OF
LAWRENCE APPEL, P.D.
LICENSE NO. 08351
RESPONDENT**

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

* * * * *

CONSENT ORDER

Based on evidence admitted at a show cause hearing and evidentiary hearing before the Board, the Board voted to issue and continue a summary suspension order prohibiting Lawrence Appel, Respondent, from practicing pharmacy in this State. The summary suspension was based on a psychiatric evaluation concluding that the Respondent had a propensity towards violence, lacked any feelings of responsibility for his actions, and was unlikely to experience any successful rehabilitation. The Board also charged the Respondent with violating the Maryland Pharmacists Act, specifically Health Occ. §12-313(b)(20), which in pertinent part provides:

(b) In General - Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a 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:

(20) Is professionally, physically, or mentally incompetent;

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to the Respondent on August 31, 2000. A Case Resolution Conference on the charges was held on November 9, 2000. In attendance on behalf of the Board were Commissioners Jeanne Furman and Donald Yee. Also present were Roberta L. Gill, Administrative Prosecutor, Assistant Attorney General, Lawrence Appel, P.D., Respondent, Michael

Mann, Respondent's attorney, LaVerne Naesea, Executive Director, Paul Ballard, Board Counsel, Assistant Attorney General, and Linda Bethman, Staff Attorney. The issues presented at the Case Resolution Conference were essentially the same issues that have been presented to the Board with respect to the Respondent's summary suspension. In an attempt to expeditiously adjudicate the Respondent's case, the Board and the Respondent have determined that this Consent Order, based on the Findings of Fact set forth below, provides the Respondent with a fair resolution to this case while protecting the public from any further danger from the Respondent's abusive behavior.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant, the Respondent was a licensed pharmacist in the State of Maryland.
2. On February 12, 1999, while the Respondent was working as a pharmacist at the Rite Aid Pharmacy at the Hawthorne Shopping Center location, Baltimore County, he engaged in a telephone conversation with Mrs. Theis in which he was rude and abrupt. Mr. and Mrs. Theis thereafter went into the pharmacy that same evening to confront the Respondent for his rude behavior.
3. After Mrs. Theis identified herself and questioned his behavior, the Respondent cursed at her. Thereafter, Mr. Theis endeavored to climb over the counter in an attempt to attack the Respondent. The Respondent then used a metal cranking pole to repel Mr. Theis away from the pharmacy area. Mr. Theis suffered a small, round bruise on his right upper rib cage area as a result of the Respondent's actions.
4. Mr. and Mrs. Theis filed criminal charges against the Respondent. The Respondent was found guilty of second degree assault in the District Court for Baltimore County on September 29, 1999. The Respondent appealed the district court decision to the Circuit Court where he pleaded

guilty to second degree assault and received probation before judgment.

5. Mr. and Mrs. Theis thereafter filed a complaint with the Board citing the same allegations made in the criminal case.

6. The Respondent was involved in a prior physical altercation with a former employer resulting in a conviction for assault and two years of supervised probation. (T. 21; State's Ex. 18).

7. Based on the Theis' complaint, the Board ordered that the Respondent submit to a psychiatric evaluation. The initial evaluation was performed by Dr. Giannandrea who found that the Respondent gave no indications of any potential for physical violence that would impede his practice of pharmacy. However, the Board had not provided Dr. Giannandrea with any relevant background documentation regarding numerous complaints received about the Respondent, his prior record with the Board, or his employment history.

8. The Board ordered that the Respondent submit to another psychiatric evaluation with Dr. Ellen McDaniel. Dr. McDaniel was provided with relevant information necessary to conduct an informed evaluation of Appel. Dr. McDaniel's evaluation found that based on her professional opinion, the Respondent had a propensity for violence and was currently not a suitable therapy candidate because he was unwilling to acknowledge his contribution to his problems.

9. The Respondent's employment records demonstrate that the Respondent's combative tendencies have consistently created conflicts in the workplace, with customers, employers and fellow employees. Oftentimes, these conflicts resulted in his termination from employment.

10. After holding a show cause hearing, the Board determined that the Respondent's misconduct posed an imminent threat to the health, safety and welfare of the public, and thus voted to summarily suspend the Respondent's license to practice pharmacy.

11. The Board finds that the Respondent may be able to practice pharmacy effectively once again should the Respondent participate in a therapy program specifically tailored to address the Respondent's various issues with respect to anger management, responsibility and interpersonal skills.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. Art., §12-313(b)(20).

ORDER

ORDERED that the summary suspension issued against the Respondent is hereby terminated; and be it further,

ORDERED that the Respondent shall be placed on probation for an indefinite period; and be it further,

ORDERED that the Respondent will enter into a therapy program at Respondent's expense. Such program shall be developed through the evaluation and recommendation of the Pharmacists Education and Assistance Committee ("PEAC") and approved by the Board. The program shall be specifically tailored to address the issues presented by the Respondent's violation herein; and be it further,

ORDERED that the Board shall be provided with therapy reports regarding the Respondent's progress every three months; and be it further,

ORDERED that the Respondent's pharmacy practice shall be supervised by a pharmacist, and the supervising pharmacist shall submit written supervisory reports to the Board every three

months; and be it further,

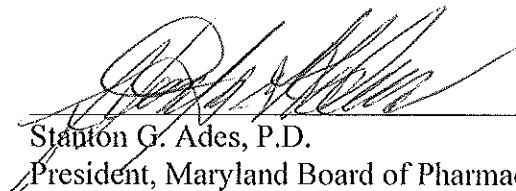
ORDERED that the Respondent may petition the Board, with favorable reports from the therapist and the employer, for modification of the probationary conditions or for full release from probation after one year; and be it further,

ORDERED that the Board may require additional evaluations of the Respondent prior to any release from or modification of probation;

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein, then the Board, after determination of a violation and notice and an opportunity for a hearing, may impose any other disciplinary sanction it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further,

ORDERED that this is a final order and as such is a public document pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (1999).

11/15/00
Date


Stanton G. Ades, P.D.
President, Maryland Board of Pharmacy

CONSENT OF LAWRENCE APPEL, P.D.

I, Lawrence Appel, by affixing my signature hereto, acknowledge that:

1. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited, except pursuant to the provisions of §12-315 of the Maryland Pharmacy Act and §10-201

et seq. of the Administrative Procedure Act, State Gov't Article, Annotated Code of Maryland.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board of an Administrative Law Judge.

3. I understand and agree that this Consent Order is a public document pursuant to §10-617(h) of the State Gov't Article, Annotated Code of Maryland.

4. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law.

5. I understand that by signing this Consent Order I waive my right to appeal any adverse ruling that might have followed such a hearing.

I, Lawrence Appel, have read this Consent Order in its entirety. I have been given the opportunity to consult with my attorney and to review each and every part of this Consent Order with the counsel of my choice. I understand this Consent Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

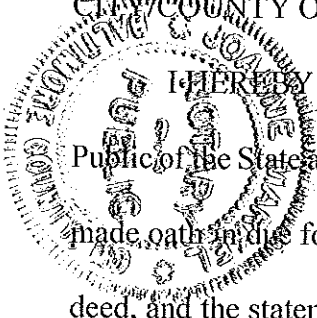
11/16/00
Date

Lawrence W. Appel, P.D.
Lawrence Appel, P.D.

VERIFICATION

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE :



I HEREBY CERTIFY that on this 17th day of November, 2000, before me, a Notary Public of the State and City/County aforesaid, personally appeared LAWRENCE APPEL, P.D., 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 WITNESS my hand and notarial seal.

Joanne Markel
Notary Public
My commission expires: 11/01/01