

IN THE MATTER OF

\* BEFORE THE STATE

MARIAN BUTLER, P.D.

\* BOARD OF PHARMACY

LICENSE NO. 8821

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\* \* \* \* \*

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to Health Occupations Article, §12-315, Annotated Code of Maryland (the "Act"), the Board charged Marian Butler, P.D. (the "Respondent") with violations of §12-313.

Specifically, the Board charged the Respondent with violation of the following provisions:

Subject to the hearing provisions of §12-315 of this subtitle, the Board 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:

(16) Violates any provision of §12-509 of this title, which concerns the labeling requirements for prescription medicines.

Section 12-509 states that:

(b) Label required. - Except for a medication dispensed to an inpatient in a hospital or related institution, a pharmacist shall label each container of medication that the pharmacist dispenses.

(c) Required information. - In addition to any other information required by law, the pharmacist shall include on the label:

(1) The date the prescription is filled; and

(2) Unless otherwise required by the prescriber:

(i) The month and year when the medication expires, if known;

(ii) Any appropriate special handling instructions regarding proper storage of the medication; and  
(iii) Subject to the provisions of subsection (d) of this section, the name and strength of the medication.

(d) Name of medication. - (1) except as provided in paragraph (2) of this subsection, the pharmacist shall indicate on the label the same name for the medication as that used by the authorized prescriber.

(2) If, under §12-508 of this subtitle, the pharmacist substitutes a drug product for that named by the authorized prescriber, the pharmacist shall indicate on the label both the established name of the drug product prescribed and the name of the manufacturer or distributor of the drug dispensed.

#### FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. At the time of the incident described herein, Respondent was working as a "floater" at the Annapolis Professional Pharmacy in Anne Arundel County, Maryland.

2. On July 12, 1991, Respondent received a telephone call from Terry Grimes asking that his Diazepam prescription be refilled; Mr. Grimes indicated that he would pick it up later that day.

3. Shortly thereafter, Mr. Grimes arrived at the pharmacy and Respondent put 10 of the Diazepam tablets in an unlabeled bottle and gave it to him.<sup>1</sup>

4. At approximately 3:45 p.m. on July 12, 1991, Mr. Grimes was involved in an automobile accident. During the investigation of that accident, the State Police officer discovered that Mr. Grimes possessed a hypodermic syringe and an unlabeled bottle of a controlled dangerous substance, namely the Diazepam.<sup>2</sup>

5. Diazepam is a Schedule IV tranquilizer that is habit forming and requires a prescription.

6. Respondent admitted to both the State Police Officer and to an investigator from the Department of Health and Mental Hygiene that she gave the above Schedule IV controlled dangerous substance to Mr. Grimes in an unlabeled container.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds that Respondent violated §12-313(16) and §12-509(b), (c) and (d).

#### ORDER

**ORDERED** that Respondent be **REPRIMANDED**; and be it further

**ORDERED** that Respondent practice subject to the following conditions:

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<sup>1</sup> The balance of the Diazepam prescription, which was filled to be picked up later that day, was properly labelled.

<sup>2</sup> Mr. Grimes was placed under arrest for possession of these items.

1. Attend an Ethics Course approved by the Board and document completion of the course to the Board. The Respondent must receive a passing grade of at least a "C" (or a "pass", should the course be of the pass/fail type).

2. Take and pass with at least a 75% grade both the Pharmacy Law and laboratory examination tests administered by the Board in September, 1992. Should Respondent fail to attain a 75% grade on either test, her license to practice pharmacy would be suspended thirty (30) days after the announcement of the test results and until such time as she passed said tests with a 75% grade. Respondent may retake the aforesaid tests within the 30 day period between the announced results and the effective date of the suspension or anytime thereafter by submitting a written request to the Board; and be it further


ORDERED that Respondent shall refrain from engaging in the conduct which led to this disciplinary action in the practice of pharmacy under the Maryland Pharmacy Act; and be it further

ORDERED that Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED that Respondent may petition the Board for removal of these conditions after documenting to the Board that she received a passing grade of at least a "C" (or a "pass" in a pass/fail system) in the aforementioned ethics course.

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.

Aug 10, 1992  
DATE

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

CONSENT OF MARIAN BUTLER, P.D.

I, Marian Butler, by affixing my signature hereto, acknowledge that:

1. I am represented by Nicholas Fotos, Esquire, and 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 §12-315 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 in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 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 §12-316 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.

7/24/92  
Date

Marian Butler  
Marian Butler, P.D.

STATE OF MARYLAND )  
CITY/COUNTY of )

I HEREBY CERTIFY that on this 24<sup>th</sup> day of July, 1992, before me, a Notary Public of the State and County aforesaid, personally appeared MARIAN BUTLER, P.D. and made oath in due form of law that the foregoing Final Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Charles A. Johnson  
Notary Public

My Commission Expires: 5-1-93