

IN THE MATTER OF
SCOTT M. COOPER, P.D.
RESPONDENT
LICENSE NO.: 10434

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BEFORE THE
STATE BOARD
OF
PHARMACY

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ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE PHARMACY

Pursuant to Md. State Govt. Code Ann. § 10-226 (c) (1999 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Scott M. Cooper, P.D., License No. 10434, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101, et seq., (2000 Rep. Vol.).

INVESTIGATIVE FINDINGS

The Board has reason to believe that the following facts are true:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on January 17, 1985.
2. On February 2, 1998, the Board filed charges against the Respondent, charging him with violating §12-313(b) (20)¹, (21)². On October 1, 1998, the Board filed amended charges against the Respondent to include a violation of § 12-313 (b)(14)³.
3. The Board's charges resulted from the Respondent's plea and subsequent sentencing in the District Court of Maryland for Baltimore City in *State of Maryland v. Scott*

¹ Is professionally, physically, or mentally incompetent.

² Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

³ Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or

Michael Cooper, Case No.: 2B00085941, in which the Respondent pled guilty to one count of theft by scheming under three hundred dollars (\$300), that pertained to his stealing Morphine from his employer, NeighborCare Infusion Pharmacy ("NeighborCare")⁴ and one count of possession of a controlled dangerous substance of Schedule II: to wit: Morphine.

4. The Respondent was sentence by Judge Price to three (3) years supervised probation, required to pay restitution to NeighborCare, and participate in drug screening and treatment.

5. On January 20, 1999, the Board entered into a disposition agreement with the Respondent. The Respondent agreed to extend his contract with the Pharmacy Education Assistance Committee ("PEAC") until mid-November 1999. (A copy of the Disposition Agreement and attachments are attached hereto and incorporated herein as Exhibit 1).

6. Between May 28, 2001 and May 6, 2002, the Respondent was employed at Mid Atlantic Home Infusion, Inc., ("Mid Atlantic Home Infusion") located in Owings Mills, Maryland. Mid Atlantic Home Infusion fills prescriptions and delivers the medication to home bound patients.

7. Between May 20 and 22, 2002, the Board received information from a co-worker and the management at Mid Atlantic Home Infusion that they believed that the Respondent had diverted morphine from the pharmacy. The Respondent told an employee that he "had gain knowledge that the morphine in the pharmacy safe did not meet the labeled statements and should not be used in patient care." The Respondent did

electronically transmitted prescription from an authorized prescribed.

⁴ NeighborCare Pharmacy, a specialized infusion pharmacy, prepared and dispensed special orders of

not elaborate on his comment to his co-worker.

8. Subsequently, Mid Atlantic Home Infusion discovered that numerous vials of morphine sulfate locked in the pharmacy showed signs of tampering. The Board requested that the Maryland Division of Drug have an analysis of twenty-three (23) vials of morphine sulfate that were taken from Mid Atlantic Home's pharmacy. The results of the analysis revealed that eighteen (18) of the twenty-three (23) vials did not contain the labeled amount of morphine sulfate. The vials had been diluted with water.

9. By letter dated August 16, 2002, the Respondent admitted that he had tampered with the morphine sulfate in Mid Atlantic Home Infusion's pharmacy and used it for his own personal use.

10. Based on the above investigative facts, the Board has cause to believe that the Respondent has violated Md. Health Occ. Code Ann. § 12-313(b) (14), (20), and (21), which provide as follows:

(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 and licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber.

(20) Professionally, physically, or mentally incompetent.

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

morphine for intravenous therapy.

CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. § 10-226(c)(2) (1999 Repl. Vol.).

ORDER

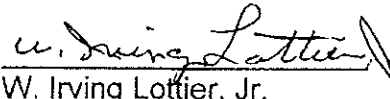
Based on the foregoing, it is therefore this 19th day of **September, 2002**, that a majority of the fully authorized membership of the State Board of Pharmacy:

ORDERED that pursuant to the authority vested by Md. St. Govt. Code Ann. § 10-226, Respondent's license to practice pharmacy in the State of Maryland, be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that on presentation of this Order, the Respondent **SHALL SURRENDER** to the Board's Executive Director, the following items:

- (1) Respondent's original Maryland display license, number 10434;
- (2) Respondent's current wallet license, number 10434; and be it further

ORDERED, that this is a Final Order of the Board and, and as such is a **PUBLIC DOCUMENT** pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (1999 Rep. Vol.).


W. Irving Lottier, Jr.
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held on At the Show Cause Hearing scheduled for **Wednesday, September 26, 2002 at 10:30 a.m.**, you will have the opportunity to address the Board before its final deliberations on the matter, before the Board at 4201 Patterson Avenue, Baltimore, 21215.