

6/13/84

IN THE MATTER OF

*

BEFORE THE

DAVID C. CURRY, P.D.

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MARYLAND STATE BOARD

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OF PHARMACY

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FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the Maryland State Board of Pharmacy (the "Board") the Board directed an investigation of the pharmacy practice of David C. Curry, P.D., (the "Respondent"). Following the investigation and after considering various reports the Board determined to charge Respondent pursuant to §12-311(b)(4),(7),(14), and (20) of the Health Occupations Article (the "Act"), and with violation of conditions of probation set forth in a Consent Order of April 27, 1983 into which Respondent and the Board had entered. (The Consent Order is attached hereto as Exhibit A) The specific alleged violations of probation and of the Act are more fully set forth in the charge letter of February 2, 1984, attached hereto as exhibit B.

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated February 2, 1984. A hearing on the charges was scheduled for March 21, 1984. A prehearing conference on the charges was scheduled for February 21, 1984.

A prehearing telephone conference call was held on February 21, 1984, at 9:00 A.M. in which participated Respondent's attorney, Allen D. Greif, Esquire, Bernard B. Lachman, President of the Board, Roslyn Scheer, Executive Director of the Board, Ronald S. Gass, Assistant Attorney General, counsel to the Board, and Barbara Hull Foster, Assistant Attorney General, and the Administrative Prosecutor. At the prehearing conference Mr.

Greif and Ms. Foster presented their suggestions for settlement of the case to Dr. Lachman, a representative of the Board. Respondent, after consultation with his counsel, agreed to enter into the following Consent Order.

FINDINGS OF FACT

Based upon the information known and available to it the Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed and practicing in Maryland and was and is subject to the jurisdiction of the Board;
2. On January 24, 1983 Respondent was charged by the Board of being addicted to any controlled dangerous substance. As a result of this charge Respondent entered into a Consent Order with the Board (attached hereto) and his license was suspended, said suspension being immediately stayed providing Respondent complied with certain probationary conditions;
3. During the time Respondent was negotiating the Consent Order with the Board Respondent was still addicted to controlled dangerous substances;
4. Unbeknownst to the Board at the time Respondent was negotiating the Consent Order and prior to Respondent's signing the Order were the following facts:
 - a) On or about September 15, 1982, Respondent stole approximately 20 Dilaudid 4 mg. tablets from Shuster Pharmacy, 1231 West Baltimore Street, Baltimore, Maryland; and
 - b) Respondent admitted to Mrs. Shuster of Shuster's Pharmacy that he stole the drugs due to financial difficulties;
 - c) On or about April 19, 1983, Respondent stole an unidentified amount of cocaine from Constant Care Health Center, ("Consent Care"), 1501 Division Street, Baltimore, Maryland.

5. Respondent admitted that he stole approximately a gram a week of cocaine from Constant Care over a seven month period;
6. Respondent admitted that he ordered and sold drugs and
7. On May of 1983 Respondent entered Taylor Manor Hospital, Ellicott City Maryland for treatment of his drug abuse problem.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(4), (7), (14), and (20) of the Act:

- (4) Is addicted to any controlled dangerous substance or habitually is intoxicated;
- (7) Willfully fails to file or record any report that is required by law;
- (14) Without having first received a written or oral prescription for a drug from an authorized prescriber, dispenses any drug for which a prescription is required;
- (20) Is professionally . . . incompetent.

and with the following violations of the Consent Order of April 27, 1983, see paragraphs 1-9 and 13-16 under the Order Section of the Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 13th day of June 1984, by unanimous vote of those members of the Board considering this case:

ORDERED that Respondent's license to practice pharmacy is hereby REVOKED with Respondent's consent; and be it further


ORDERED that in the event Respondent is convicted of any of the actions described in the Findings of Fact he will not be charged again by the Board as a result of such conviction; and be it further

ORDERED that Respondent has a right to petition the Board after two (2) years from the date of this Order to have his license reinstated; and be it further

ORDERED that in considering Respondent's petition for reinstatement the Board will consider the following factors:

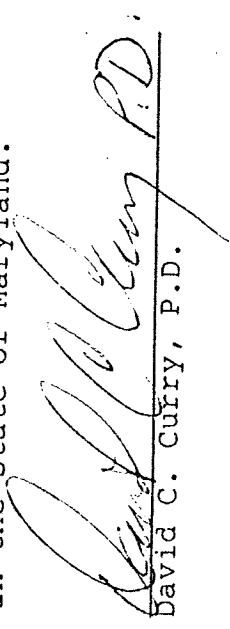
1. The amount of continuing education Respondent has taken during the two years when his license was revoked;
2. The number of conferences relating to pharmaceutical practice that the Respondent has attended and the nature of those conferences;
3. An evaluation from Respondent's therapist and/or drug counselor, indicating the progress Respondent has made in dealing with the problems that led to his drug addiction and his drug abuse problems;
4. In the event that Respondent is convicted of a crime relating to any of the actions described in the Findings Of Fact, a report from Respondent's probation officer;
5. Any reports submitted by Respondent indicating what progress he is making dealing with the problems that lead to his drug addiction and what progress he is making dealing with any present problems; and
6. Any other factor which the Board considers relevant to the issue of reinstatement; and be it further

ORDERED that if the Board determines that the termination of the revocation of Respondent's license and complete reinstatement would not be appropriate at the time Respondent petitions the Board may refuse to reinstate Respondent's license or place Respondent on probation and impose any conditions on his license that the Board deems appropriate.


Bernard B. Lachman, P.D.
President, Maryland Board
of Pharmacy

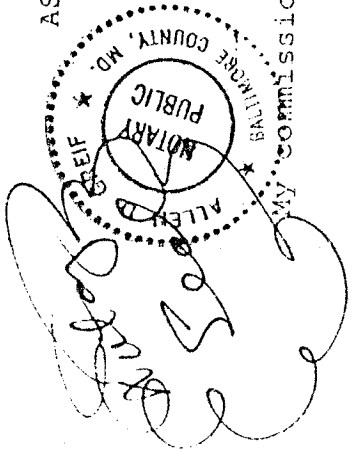
CONSENT

By this consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I do not admit the truth of the charges but acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to abide by the conditions set forth in the Order, I may suffer disciplinary action against my license to practice pharmacy in the State of Maryland.

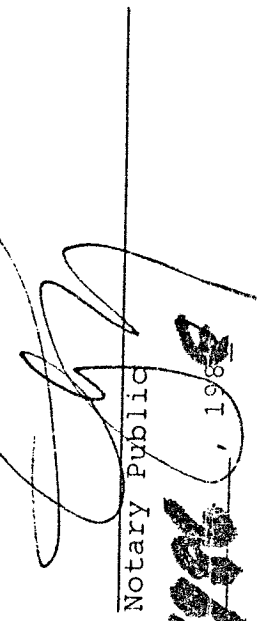

David C. Curry, P.D.

STATE OF MARYLAND)
CITY OF BALTIMORE) ss:

I HEREBY CERTIFY that on this 15 day of May, 1984 before me, a Notary Public of the State and City aforesaid, personally appeared David C. Curry, P.D., and he made oath in due form of law that the foregoing Consent was his voluntary act and deed.



AS WITNESS my hand and notarial seal.


Notary Public

My commission expires: 3/1986, 1986