

IN THE MATTER OF

BEFORE THE MARYLAND STATE

JAMES M. GASS

BOARD OF PHARMACY

* * * * *

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to its attention, the Maryland State Board of Pharmacy (the "Board") determined to charge James M. Gass (the "Respondent") with violation of Article 43, Sections 266A(c)(1)(xii) and (xvi), which read:

(xii) Addiction to Controlled Dangerous Substances, habitual drunkenness, or rendering of professional services when intoxicated or under the influence of drugs with abuse potential;

(xvi) Professional incompetence.

Appropriate notice of the charges and the grounds upon which they arose was given to the Respondent, and a hearing on said charges was scheduled before the Board for November 14, 1978. Prior to the hearing, Samuel Brown, Esquire, attorney for Respondent, entered into discussions with Assistant Attorney General, Stephen J. Sfekas, counsel for the Board, and with members of the Board, at which time the following Consent Decree was agreed to and entered into.

FINDINGS OF FACT


The Board finds that:

1. Respondent was accused of violating Md. Code Anno. Art. 27, Sec. 641, and put on probation before judgment by the Circuit Court for Anne Arundel County, on the following conditions:

- a. That Respondent be on probation for a period of two (2) years;
- b. That Respondent voluntarily refrain from practicing

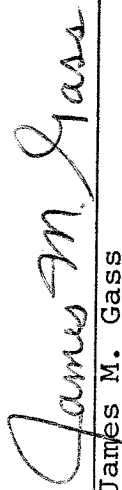
by a psychiatrist of the Board's choosing prior to and as a condition of lifting the Suspension of Respondent's license; and, be it further

ORDERED that should Respondent violate any of the conditions of this Order, upon notification by and a hearing before the Board, the Board may reopen this proceeding and impose such additional sanctions or conditions as may seem appropriate.


Paul Freiman, Secretary
MARYLAND STATE BOARD OF PHARMACY

CONSENT

By executing this Consent, I acknowledge that I have determined to accept and submit to the above Order. By doing so, I recognize that I have waived my rights to a hearing before the Board, and accept the Findings of Fact and Conclusions of Law and Order as if the same had resulted from a full hearing at which time I would have been able to present my entire case through counsel. I further recognize that failure to abide by the Conditions of Probation may result in the imposition of additional sanctions in the discretion of the Board.


James M. Gass

STATE OF MARYLAND, CITY/COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, that on this 3rd day of Ma^h 1979 before me, the subscriber, a Notary Public of the Maryland, City/County of Baltimore, personally appeared GASS, and he made oath in due form of law that the Consent is his voluntary act and deed.

AS WITNESS ~~my~~ hand and Notarial Seal

- c. That restitution be made to Respondent's previous employer in the amount of \$192.00.
- d. That Respondent undergo psychiatric treatment.

CONCLUSIONS OF LAW

The Board concludes that Respondent is GUILTY of violating Maryland Code Anno., Article 43, Section 266A(c)(1) (xii) and (xvi).

ORDER

IT IS this 21st day of March, 1979, by the Maryland State Board of Pharmacy,

ORDERED that the license to practice pharmacy in the State of Maryland heretofore issued to Respondent be and the same is hereby SUSPENDED: and be it further
ORDERED that the Respondent be placed on probation upon the following Conditions of Probation:

(1) That Respondent shall comply to the satisfaction of the Court with terms of the aforesaid probation before judgment;

(2) The Respondent immediately shall notify the Board of any changes in his status under this Court ordered probation; and be it further ordered at such time as Respondent shall have completed satisfactorily the aforesaid probation before judgment, he may petition this Board to lift the suspension of his license to practice pharmacy; and be it further

ORDERED that if at this time of the said Petition Respondent can demonstrate to the satisfaction of the Board, by the affidavit or testimony of the psychiatrist who has been treating the Respondent, that the Respondent can return to the practice