

IN THE MATTER OF

\* BEFORE THE MARYLAND

WILLIAM J. MCCORMICK

\* BOARD OF PHARMACY

\* \* \* \* \*

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to its attention, the Maryland Board of Pharmacy (the "Board") determined to charge William J. McCormick, a registered pharmacist, (the "Respondent") with certain violations of the Maryland Code. The specific charges in question are Article 43, Section 266A(c)(iii), (vii), (xiii), (xiv), and (xvi) which read as follows:

(iii) Fraudulent or deceitful procurement or use of a pharmacist's certificate of renewal.

(vii) Dispensing or sale of any drug for which a prescription is required without first having receiving from an authorized prescriber a written or oral prescription for the drug.

(xii) Addiction to controlled dangerous substances, habitual drunkenness or rendering of professional services when intoxicated or under the influence of drugs with abuse potential.

(xiv) Wilful making or filing of any false report or record in his practice as a pharmacist.

(xvi) Professional, physical or mental incompetence.

Appropriate notice of the charges and the grounds from which they arose was given to the Respondent and a hearing on these charges was held before the Board on December 10, 1980.

The Respondent was represented by G. Gary Hanna, Esquire. Susan K. Gauvey, Assistant Attorney General, presented the case on behalf of the Board. Jack C. Tranter, Assistant Attorney General, advised the Board on rules of evidence.

Ms. Gauvey's case consisted of Joint Exhibit No. 1, an Agreed Statement of Facts, a proffer of evidence and State's Exhibit No. 1, a Drug Fair prescription tab No. 8056460.

Mr. Hanna's presentation included testimony from the Respondent and Mr. Frank E. Johnson, and the following documentary evidence:

Respondent's Exhibit No. 1 - document entitled "Discharge Summary" prepared by Dr. Frank P. Haws.

Respondent's Exhibit No. 2 - copy of a letter dated November 28, 1980 addressed "To Whom It May Concern" from Cecil M. Taylor.

Respondent's Exhibit No. 3 - copy of a Discharge Summary prepared by A. Demunecas, M.D.

Respondent's Exhibit No. 4 - copy of a letter dated November 15, 1980 addressed "To Whom It May Concern" from Norman Sober, pharmacist.

Respondent's Exhibit No. 5 - copy of a letter dated November 26, 1980 from Jonas R. Rappeport, M.D., addressed to Mr. Hanna.

Respondent's Exhibit No. 6 - copy of a letter dated December 4, 1980 from Edward M. Lipski, M.D. to Mr. Hanna.

Respondent's Exhibit No. 7 - copy of a letter and attachment dated November 17, 1980 from Frank E. Johnson to Mr. Hanna.

Following closing arguments by Ms. Gauvey and Mr. Hanna, the hearing was concluded.

#### FINDINGS OF FACT

The Board adopts as its Findings of Fact the Agreed Statement of Facts attached hereto as Exhibit A and made a part hereof. In addition, the Board finds that the Respondent appears to have made progress in dealing with the problems which led to the conduct described in the Agreed Statement of Facts.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is guilty of violating Article 43, Section 266A(c)(iii), (vii), (xii), (xiv), and (xvi).

ORDER

Upon the foregoing Findings of Fact and Conclusions of Law, it is this 13 day of May, 1981, by the unanimous vote of those members of the Board of Pharmacy hearing this case:

ORDERED that the license to practice pharmacy in the State of Maryland heretofore issued to the Respondent is hereby REVOKED; and be it further

ORDERED that the foregoing revocation shall be STAYED and the Respondent placed on probation subject to the following terms and conditions:

1. That the Respondent, at his own expense, shall submit to a psychiatric evaluation by Jonas R. Rappeport, M.D.
2. That the psychiatric evaluation performed by Dr. Rappeport shall indicate no present emotional difficulty which would interfere with the Respondent's competent practice of pharmacy.
3. That the Respondent shall obtain from any and all employers and submit to the Board monthly reports evaluating his practice of pharmacy.
4. That the Respondent shall notify any and all employers of the probationary status of his license.
5. That the Respondent shall participate in a counseling program acceptable to the Board for a minimum of one year.
6. That the Respondent shall arrange for his counselor to submit monthly reports to the Board regarding his progress in dealing with emotional problems described to the Board.
7. That the Respondent shall immediately notify the Board if he changes employment or if there is any change in his job status.

8. That the Respondent shall arrange for his employer to immediately notify the Board of any prescription errors or drug inventory shortages attributable to the Respondent.


9. That the Respondent shall meet with the Board whenever requested.

10. That the Respondent shall make arrangements for inspection by the Board or its designate of his present or any future place of employment.

11. That the Respondent shall practice pharmacy in a competent fashion; and be it further

ORDERED that if the Respondent violates any of the foregoing conditions of probation, if his employer submits a report indicating that his practice of pharmacy is not consistent with acceptable standards, or if his counselor submits a report indicating that his emotional problems are such that he cannot practice pharmacy competently, the Board, after notification and a hearing may withdraw the revocation of the Respondent's pharmacy license or impose any other disciplinary sanction it deems appropriate; and be it further

ORDERED that three (3) years after the date of this Order, the Respondent may petition the Board for reinstatement of his pharmacy license without any restriction or condition whatsoever. If the Board determines that complete reinstatement of the Respondent's license is not appropriate, it may alternatively consider a request to modify one or more of the conditions of his probation.

  
Bernard Lachman, President  
Maryland Board of Pharmacy

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