

IN THE MATTER OF * BEFORE THE
GARY ROSENSTIEL, P.D. * MARYLAND BOARD
LICENSE NO. 11701 * OF PHARMACY
* * * * *

ORDER FOR EMERGENCY SUSPENSION

Based on information received and reviewed by the State Board of Pharmacy (the "Board") regarding the practice of GARY ROSENSTIEL, P.D. (the "Respondent"), the Board finds that a summary suspension of the Respondent's license under Annotated Code of Maryland, State Government Article, §10-405(b) is necessary for the following reasons:

REASONS IN SUPPORT OF EMERGENCY ACTION

Based upon information known and available to it, the Board has reason to believe:

1. Respondent was and is licensed to practice pharmacy in the State of Maryland during all times relevant to the facts stated herein and was employed at the F and M Pharmacy in Manassas, Virginia.

2. On or about December 19, 1992, a videotape surveillance of the prescription department at the F and M pharmacy where Respondent was employed revealed that the Respondent consumed prescription drugs from stock bottles in the pharmacy. Other pharmacy personnel observed the Respondent remove a stock bottle of percodan and place it in his briefcase.

3. After Respondent left the F and M store with his

briefcase, Special Agent Stephens of the DEA and Officer Smith of the Manassas Police Department stopped the Respondent and asked to search his briefcase and person. The Respondent consented, and the officers found a full unopened bottle of Percodan and several unlabelled vials of drugs in the briefcase. In addition, several tablets were found in the Respondent's pocket. The drugs found on the Respondent and in his briefcase were later verified to include: Percodan (oxycodone), Demerol (meperidine), Lortab 7.5 mg (hydrocodone-schedule III), Vicodin ES (hydrocodone-schedule III), Tylenol #4 (with codeine-schedule III), Ativan 1 mg (lorazepam-schedule IV).

4. On December 22, 1993, in an interview with Special Agent Stephens, the Respondent admitted to diverting controlled dangerous substances from the F and M pharmacy. He stated that he is addicted to the drugs after a relapse due to prescribed narcotics.

5. On February 9, 1993, the Virginia Board of Pharmacy ordered, based on the foregoing facts, that Respondent's license to practice pharmacy in Virginia be indefinitely suspended.

6. Section 12-313(b)(14) of Title 12, Health Occupations Article, Annotated Code of Maryland, prohibits a pharmacist from dispensing any drug for which a prescription is required without first having received a written or oral prescription for the drug from an authorized prescriber.

5. Section 12-313(b)(4) of Title 12, Health Occupations Article, prohibits a pharmacist from providing professional services while using any narcotic or controlled dangerous substance.

6. Section 12-313(b)(20) of Title 12 prohibits a pharmacist practicing while professionally, mentally or physically incompetent.

FINDING IN SUPPORT OF EMERGENCY ACTION

Based upon the foregoing reasons, the Board finds that the standards for emergency action set forth by State Government Article §10-405(b) have been met and further finds that the public health, safety and welfare imperatively require that the Board take the emergency action of summarily suspending the Respondent's license to practice as a pharmacist pursuant to State Government Article, §10-405(b), Annotated Code of Maryland.

ORDER

It is this 17 day of March, 1993, by the Board of Pharmacy

ORDERED that pursuant to the authority vested in the Board by State Government Article, §10-405 of the Annotated Code of Maryland, that the license of GARY ROSENSTEIL, P.D. (Respondent) to be a pharmacist in the State of Maryland is hereby SUMMARILY SUSPENDED; and be it further

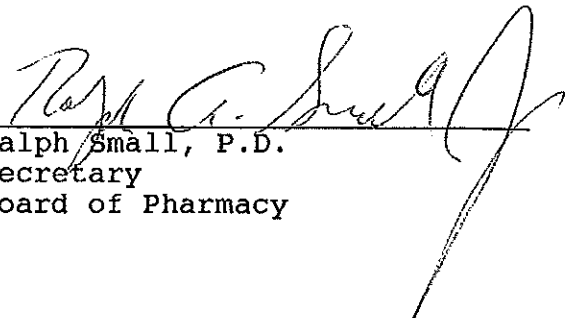
ORDERED that on presentation of this Order, Respondent

shall immediately deliver to the Board or its agent (1) his diploma-sized Certificate of the Board of Pharmacy;

(2) his current Department of Health and Mental Hygiene License Renewal Certificate; (3) his current wallet-sized license renewal card; and be it further

ORDERED that, pursuant to State Government Article, §10-405(b), a hearing to consider this Order for Emergency Suspension shall be held before the Board, if requested, on April 21, at 1:00 p.m., in Room 110 at 4201 Patterson Avenue, Baltimore, Maryland 21215.

3/17/93
Date



Ralph Small, P.D.
Secretary
Board of Pharmacy