

IN THE MATTER OF	*	BEFORE THE MARYLAND
THOMAS SHERN, P.D.	*	STATE BOARD OF
LICENSE NO. 12286	*	PHARMACY
* * * * *	*	* * * * *

CONSENT ORDER OF REINSTATEMENT

Background

On February 14, 2005, the Pharmacists Education and Assistance Committee (“PEAC”), on behalf of Mr. Shern, submitted a Petition for Reinstatement to the Board of Pharmacy (the “Board”) for reinstatement of Mr. Shern’s license to practice pharmacy. On February 16, 2005, Mr. Shern appeared before a quorum of the Board to present his case in support of reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner. Mr. Shern’s wife was also in attendance as well as John McGrath who represented PEAC.

Mr. Shern voluntarily surrendered his license to practice pharmacy on March 19, 2003, due to his arrest for DUI and possession of controlled dangerous substances, and relapse/violation of his PEAC contract. Mr. Shern’s Letter of Surrender stipulated that Mr. Shern must undergo a mental health evaluation and demonstrate a minimum of two years of documented compliance with a PEAC contract prior to petitioning for reinstatement.

FINDINGS OF FACT

1. Mr. Shern has been fully compliant with a PEAC contract since approximately November 2002. PEAC supports the reinstatement of Mr. Shern’s license.
2. Mr. Shern submitted to a mental evaluation by Henry A. Brown, LCDS, on December 9, 2004. Dr. Brown’s evaluation found that Mr. Shern drug dependence was in remission,

- but that Mr. Shern should continue with therapy and be subjected to full urine screening.
3. Mr. Shern has remained current with the practice of pharmacy by completing continuing education courses.
 4. Mr. Shern continues to attend AA meetings and submit to random urine screenings pursuant to the terms of his PEAC contract.

CONCLUSIONS OF LAW

Mr. Shern has demonstrated full compliance with his PEAC contract over a two year period and has otherwise demonstrated that he is capable of practicing pharmacy in a safe and ethical manner with the conditions set forth below.

ORDER

Based on an affirmative vote of the Board, it is this 15th day of MARCH, 2005, hereby:

ORDERED that Mr. Shern's license to practice pharmacy be reinstated, *PROVIDED THAT* Mr. Shern first submit evidence to the Board of completion of 30 continuing education credits within the last 24 months; and be it further,

ORDERED that upon reinstatement, Mr. Shern's license shall be immediately placed on INDEFINITE PROBATION, subject to the following conditions:

1. Mr. Shern shall continue his contract with PEAC which contract shall include:
 - A. authorization for release of PEAC records, including therapy records, to the Board;
 - B. random full urinalysis at least weekly;
 - C. continuation of therapy;
 - D. requirement of Board approval prior to any change or modification to the

- PEAC contract;
- E. requirement that PEAC submit quarterly progress reports to the Board; and
 - F. requirement that PEAC notify the Board of any incident of non-compliance with the PEAC contract, this Consent Order, or treatment, within two (2) business days of the occurrence;
2. Mr. Shern may not practice more than 20 hours per week and may not work longer than an 8-hour shift for the first 90 days of probation;
 3. After the initial 90-day period, Mr. Shern may petition to increase the allowable hours he is permitted to practice provided that Mr. Shern's pharmacy supervisor submit a report that is satisfactory to the Board;
 4. Mr. Shern shall insure that his pharmacy supervisor submits to the Board quarterly progress reports;
 5. Mr. Shern shall provide the pharmacy employer with a copy of this Consent Order and insure that the attached verification form is completed by the employer and returned to the Board prior to commencing employment;
 6. Mr. Shern may not own a pharmacy or work for a pharmacy owned or operated by a relative;
 7. Mr. Shern may not be a pharmacy manager, pharmacist in charge or supervising pharmacist; and be it further

ORDERED that Mr. Shern's failure to abide by the terms of his PEAC contract or his removal from or voluntary cessation of the PEAC program shall be deemed a violation of the conditions of probation set forth herein; and be it further,

ORDERED that in the event the Board finds for any good faith reason that Mr. Shern has relapsed, has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Shern has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend Mr. Shern's license prior to a hearing; and be it further,

ORDERED that Mr. Shern may petition the Board for release from probation after two (2) years provided that he has been compliant with all of the terms of probation; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

MARCH 15, 2005
Date

Melvin Rubin
Melvin Rubin, P.D.
President, Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby admit to the truth of the findings contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

3/14/05
Date

Thomas Shern
Thomas Shern, P.D.

STATE OF MARYLAND
COUNTY/CITY OF Allegany :

I hereby certify that on this 14th day of March, 2005, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared THOMAS SHERN, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Cheryl L Walters

Notary Public Cheryl L. Walters
My commission expires: 05-01-2007