

IN THE MATTER OF	*	BEFORE THE
THOMAS M. SNIDER, P.D.	*	MARYLAND STATE
License No. 13630	*	BOARD OF PHARMACY
* * * * *	*	* * * * *

FINAL ORDER

This case arose out of allegations that Thomas Snider, P.D. (the "Respondent"), dispensed meperidine (Demerol)¹, a Schedule II Controlled Dangerous Substance, for his own use without first receiving a written or oral prescription for the drugs from an authorized prescriber, and that he incompetently dispensed excessive amounts of Demerol to his girlfriend, Ms. T. Based upon its investigation, on August 26, 1999, the Maryland State Board of Pharmacy (the "Board") issued charges against the Respondent for violating the Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994 Repl. Vol.) (the "Act"), specifically §12-313(b) (20), which provides as follows:

(b) Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

(20) Is professionally, physically, or mentally incompetent.²

¹ Meperidine is a generic equivalent of Demerol.

² The Respondent's license was summarily suspended by the

On October 14, 1999, a pre-hearing conference was held. In attendance were the Respondent, his attorney, Robert Lombardo, Esquire, Roberta Gill, Assistant Attorney General and Administrative Prosecutor, and Paul J. Ballard, Assistant Attorney General and Board Counsel. Dates for the exchange of documents, witness lists, and motions were agreed upon by all parties. Subsequently, on November 17, 1999, the Board issued amended charges at the request of the Administrative Prosecutor.

A hearing on the merits was held before a quorum of the Board on January 19, 2000. On that same day, a quorum of the Board subsequently convened to deliberate. The Board voted to uphold most of the charges brought against the Respondent and to impose the sanctions contained in this Final Order. On March 15, 2000, the Board approved this Final Order.

SUMMARY OF THE EVIDENCE

A. Documents.

The following documents were admitted into evidence.

- State's Exhibit 1 - Unexecuted Order for Summary Suspension
- State's Exhibit 1B - Order for Summary Suspension dated 8/10/99
- State's Exhibit 1C - Charged dated 8/26/99
- State's Exhibit 1D - State's Motion to Amend Charges
- State's Exhibit 1E - Order to Amend Charges
- State's Exhibit 1F - Amended Charges, dated 11/17/99

Board on August 10, 1999.

- State's Exhibit 2 - Computer Print-out of License Data
- State's Exhibit 3 - Prince George's County Police Incident Report
- State's Exhibit 3A - Signed Statement of Respondent
- State's Exhibit 4 - Investigative Report
- State's Exhibit 5A - Subpoena to Doctor's Hospital
- State's Exhibit 5B - Medical Records
- State's Exhibit 6 - Fax from Michelle Andoll with regulations
- State's Exhibit 7 - Wal-Mart Print-out of Respondent's Prescriptions from 1/1/98-7/27/99
- State's Exhibit 8 - Wal-Mart Print-out of Ms. T.'s prescriptions From 1/1/99-7/27/99
- State's Exhibit 9 - Copies of Prescriptions for Ms. T.
- State's Exhibit 10 - Curriculum Vitae of Robert Chang
- State's Exhibit 11 - Curriculum Vitae of Jack Freedman

B. Witnesses.

The following witnesses testified.

On behalf of the State:

Moustafa Shamma, M.D., Doctors Community Hospital testified regarding his treatment of the Respondent at the emergency room following his drug overdose. He testified that the Respondent's girlfriend had told the rescue squad that she had found him unresponsive and that there was a syringe and 12 pills of 50-milligram Demerol missing from the pills that had been prescribed

for her. Dr. Shamma testified that the Respondent had admitted to him that he had used Demerol for the preceding two months.

George Jenks, P.D., Wal-Mart Pharmacy District Manager testified regarding the Respondent's admissions of misconduct, the Wal-Mart system for filling prescriptions, and the Respondent's dispensing of controlled dangerous substances for Ms. T. He further gave his opinion that a pharmacist has the responsibility to contact a prescriber and verify the medical legitimacy of prescriptions for 90 or 120 tablets of Demerol issued within a few days of each other.

Michelle Andoll, P.D., Board Pharmacist Compliance Officer testified regarding the Board's investigation.

Robert Chang, P.D., Deputy Chief, Division of Drug Control also testified regarding the Board's investigation and the Respondent's dispensing of controlled dangerous substances for Ms. T.

Jack Freedman, P.D., Chief, Division of Drug Control, testified regarding the Board's investigation and the Respondent's dispensing of controlled dangerous substance for Ms. T. He noted that the prescriptions were filled extremely close together and for fairly substantial quantities. He gave his opinion that a pharmacist has the responsibility to verify the medical legitimacy of prescriptions issued for controlled dangerous substances by contacting the prescribing physician when they are issued

contemporaneously and for unusually large amounts. He also gave his opinion that a pharmacist should make a note on the prescription that he had discussed why prescriptions were issued so close together in time or for such large quantities. He also testified that a pharmacist is not required to fill a prescription that he believes is not proper.

No witnesses testified on Respondent's behalf.

FINDINGS OF FACT

Based on a preponderance of the evidence presented at the hearing, a majority of a quorum of the Board finds the following:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland.

2. At all times relevant hereto, the Respondent was employed as a dispensing pharmacist at the Wal-Mart Pharmacy in Bowie, Maryland.

3. On or about July 12, 1999, the Respondent was treated for an overdose of meperidine (Demerol) at Doctor's Hospital. (Transcript of Proceedings ("T.") 137; State's Exhibit 5B, T. 25). The Respondent could produce no prescriptions for meperidine or Demerol made out for him. (T. 137-38).

4. The Respondent dispensed excessive amounts of meperidine (Demerol), purportedly for Ms. T., by her physician, Pricha Phattiyakul. The Respondent dispensed meperidine for Ms. T. in the following manner (State's Exhibit 9):

A. On 4/30/99, Dr. Phattiyakul purportedly prescribed 90 tablets of Demerol, 50 mg., and the Respondent dispensed 90 tablets of meperidine, 50 mg., for Ms. T.

B. On or about 5/12/99, Dr. Phattiyakul purportedly prescribed 90 more tablets of Demerol, 50 mg., and the Respondent dispensed 90 more tablets of meperidine, 50 mg., for Ms. T.

C. On 6/12/99, Dr. Phattiyakul purportedly prescribed 90 more tablets of Demerol, 100 mg., and the Respondent dispensed 90 more tablets of meperidine, 100 mg., for Ms. T.

D. On that same date (6/12/99), Dr. Phattiyakul purportedly prescribed an additional 90 more tablets of Demerol, 50 mg., and the Respondent dispensed an additional 90 more tablets of meperidine, 50 mg., for Ms. T.

E. On 6/28/99, Dr. Phattiyakul purportedly prescribed 90 tablets of Demerol, 100 mg., and the Respondent dispensed 90 tablets of meperidine, 100 mg., for Ms. T.

F. Two days later, on 6/30/99, Dr. Phattiyakul purportedly prescribed 120 tablets of Demerol, 50 mg., and the Respondent dispensed 120 tablets of meperidine, 50 mg., for Ms. T.

G. On that same day (6/30/99), Dr. Phattiyakul purportedly prescribed an additional 120 tablets of Demerol, 50 mg. and the Respondent dispensed an additional 120 tablets of meperidine, 50 mg., for Ms. T.

H. And on that same date (6/30/99), Dr. Phattiyakul purportedly prescribed an additional 90 tablets of Demerol, 50 mg., and the Respondent dispensed an additional 90 tablets of meperidine, 50 mg., for Ms. T.

I. On 7/5/99, Dr. Phattiyakul purportedly prescribed 90 tablets of Demerol, 100 mg. and the Respondent dispensed 90 tablets of meperidine, 100 mg., for Ms. T.

J. Five days later, on 7/10/99, Dr. Phattiyakul purportedly prescribed 90 tablets of Demerol, 100 mg., and the Respondent dispensed 120 more tablets of meperidine, 100 mg., for Ms. T.

K. The next day, on 7/11/99, Dr. Phattiyakul purportedly prescribed 120 more tablets of Demerol, 50 mg., and the Respondent dispensed 120 more tablets of meperidine, 50 mg., for Ms. T.

OPINION

The Respondent admitted to being treated for an overdose of meperidine (Demerol), a Schedule II controlled dangerous substance, on July 12, 1999, at Doctors Community Hospital. (T. 137). The Respondent did not deny that he could not produce a prescription for Demerol. (T. 137-38). The Respondent signed a Wal-Mart Statement in which he admitted to taking meperidine, 100 mg., by mouth, that had not been prescribed for him but instead had been prescribed for his girlfriend Ms. T., that he suffered a seizure and was taken to the hospital, was revived, and then was given a

medication that blocked the effects of the meperidine. (T. 44-46; State's Exhibit 3B).

In applying its professional expertise to the evidence presented, the Board finds that the Respondent repeatedly dispensed dangerous amounts of meperidine for his girlfriend, Ms. T, that were highly excessive without therapeutic justification.³ The Respondent presented no evidence that he made any attempt to insure that the controlled dangerous substances he dispensed were prescribed for legitimate medical purposes. It was his professional responsibility as a licensed pharmacist to question the validity of these unusual prescriptions by first discussing them with the purported prescriber, and then to document the prescriber's medical reasons for the excessive dosages prescribed.⁴ (T. 66-67, 117-19; State's Exhibit 9). Had there been a legitimate

³ The Board draws the inference from the presence of the Respondent's initials on the prescriptions' log copies that he had inputted his initials into the pharmacy computer and therefore filled these prescriptions and was obligated to verify their medical legitimacy. (T. 56; 69-70; State's Exhibit 9). However, the Board does not find that log copies for the prescriptions dated 5/21/99, 5/27/99, and 7/15/99 showed that Respondent had dispensed these particular prescriptions. The initials on the log copy for the prescription dated 5/21/99 were overwritten by handwritten initials different from the typed initials. The log copies for the prescriptions dated 5/27/99 and 7/15/99 did not contain any of the Respondent's initials.

⁴ See e.g., Code of Maryland Regulations 10.19.03.07D(1), which provides that a pharmacist has a responsibility to insure that a controlled dangerous substance is issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his practice.

medical purpose for these prescriptions, the Respondent could then have testified and/or provided the Board with documentation regarding his conversations with Dr. Phattiyakul. However, no such evidence was provided.

In applying its' professional expertise to the evidence presented, the Board finds that it was professionally incompetent for the Respondent to repeatedly dispense excessive dosages of a Schedule II controlled dangerous substance without first insuring their medical legitimacy. Indeed, the Respondent dispensed meperidine for Ms. T. based on two prescriptions for Demerol purportedly written by Dr. Phattiyakul on 6/12/99 and three prescriptions for Demerol purportedly written by Dr. Phattiyakul on 6/30/99, totaling 180 tablets and 330 tablets respectively. (T. 117; State's Exhibit 9). In addition, the Respondent admitted to overdosing on Demerol that was not prescribed for him and he admitted to Dr. Shamma that he had been using Demerol for two months. (T. 36; 137-38).⁵ These facts show that he is professionally incompetent and strongly suggest he may also be

⁵ The Board does not find sufficient evidence to support the charges' allegations that the Respondent disclosed he had injected intravenously approximately 12 tablets of Demerol, that he admitted to dispensing Demerol to his girlfriend on several occasions from January, 1999 to July, 1999, or that he admitted to injecting Demerol for a few months prior to his overdose. These charges were based on hearsay regarding what the Respondent's girlfriend had allegedly told the rescue squad. However, her statements do not prove that the Respondent had admitted to this behavior. The Respondent did, however, admit to Dr. Shamma that he had been using Demerol for two months. (T. 36).

mentally incompetent to practice pharmacy. The Respondent's defense is that other pharmacists checked on these prescriptions and also dispensed them. (T. 22-23; 139-41). It is irrelevant what other pharmacists did. Furthermore, the great majority of the prescriptions for excessive dosages of Demerol were filled by the Respondent alone. (State's Exhibit 9). Indeed, all of the multiple prescriptions for Demerol purportedly issued by Dr. Phattiyakul on 6/12/99 and 6/30/99 were dispensed by the Respondent alone. (State's Exhibit 9).

The Respondent also claims that a series of bad judgments on his part do not make him professionally incompetent. (T. 22-23). This argument is unpersuasive in view of Respondent's drug overdose and the fact that he filled excessive Demerol prescriptions for his girlfriend. These dangerous acts show that he is professionally incompetent to practice pharmacy. Furthermore, the Board finds that his mental competence is seriously in question due to his drug overdose and his admission to Dr. Shamma that he had been using Demerol for approximately two months prior to the overdose. (T.36).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact and Opinion, a majority of a quorum of the Board concludes that the Respondent violated §13-313(20) of the Act by being professionally incompetent when he dispensed excessive amounts of meperidine, a Schedule II controlled dangerous substance, for his girlfriend, Ms. T, and when

he took meperidine that was not prescribed for him. The Board also concludes the Respondent's drug overdose shows that he may also be mentally incompetent in violation of §13-313(20) of the Act. Therefore, the Board shall require that the Respondent undergo a mental evaluation as a condition precedent prior to considering any reinstatement of his license to practice pharmacy.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by a majority of a quorum of the Board it is hereby

ORDERED that the Respondent's license be indefinitely **SUSPENDED**. And be it further

ORDERED that six months following the date this Order is signed, the Respondent may petition for reinstatement of his license to practice pharmacy with conditions of probation to be determined by the Board, once the following conditions are met:

1. The Respondent is evaluated by a Board-approved psychiatrist at the Respondent's expense within thirty days of the date of this Order, and

2. The Respondent abides by all treatment recommendations made by the Board-approved psychiatrist. And be it further

ORDERED that this is a Final Order of the State Board of Pharmacy and as such is a PUBLIC DOCUMENT pursuant to Md. Code Ann., State Gov't §§10-611, et seq.,

3/15/00
Date

W. J. Lattin, Jr.
(Secretary signing for)
Stanton G. Ades
President, Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. §12-316, you have the right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§10-201 et seq., and Title 7, Chapter 200 of the Maryland Rules.

IN THE MATTER OF
THOMAS M. SNIDER, P.D.

Respondent

License Number: 13630

* BEFORE THE
* STATE BOARD
* OF PHARMACY
*

* * * * *

**STATE'S MOTION TO AMEND CHARGES UNDER THE MARYLAND
PHARMACY ACT**

The State of Maryland (the "State"), by its attorneys, J. Joseph Curran, Jr., Attorney General, and Roberta Gill, Assistant Attorney General, seeks to amend the Charges herein in the following manner:

1. On or about August 26, 1999, the Board of Pharmacy (the "Board") issued charges against the Respondent for violating §12-313(20) of the Pharmacy Practice Act, Title 12, Health Occupations Article, Md. Ann. Code.

2. Contained in the Allegations of Fact section of those charges were specific instances of misconduct, numbered 1 through 5. Under Number 4 thereof, the instances of prescribing and dispensing habit-forming drugs were detailed. However, in four instances, notably, in Paragraphs C, H, I and J, the Respondent is not charged with any wrong-doing. For example, Paragraph C states:

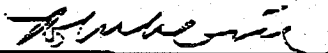
C. On or about 5/21/99, Dr. Phattiyakul purportedly prescribed 90 additional tablets of Demerol, 50 mg, to Ms. T.

3. Those aforesaid paragraphs should be amended to make it clear that the Respondent dispensed those tablets purportedly prescribed by Dr. Phattiyakul.

WHEREFORE, the State requests permission to amend the Charges to indicate that, in all instances, the Respondent prescribed the medication purportedly prescribed by Dr. Phattiyakul, and further requests that the Board issue an order to that effect.

Respectfully submitted,

J. JOSEPH CURRAN, JR.
Attorney General



Roberta Gill
Assistant Attorney General
Department of Health and Mental Hygiene
Suite 302, 300 West Preston Street
Baltimore, Maryland 21201
(410) 767-6574

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24 day of November, 1999, a copy of the State's Motion to Amend Charges Under the Maryland Pharmacy Act was mailed first class, postage prepaid, to Robert L. Lombardo, Esquire, Knight, Manzi, Nussbaum & LaPlaca, 14440 Old Mill Road, Upper Marlboro, Maryland 20772 and Paul Ballard,

Assistant Attorney General, Board Counsel, Department of Health and Mental
Hygiene, Suite 302, 300 West Preston Street, Baltimore, Maryland 21201.



Roberta Gill
Assistant Attorney General

IN THE MATTER OF
THOMAS M. SNIDER, P.D.

Respondent

License Number: 13630

* BEFORE THE
* STATE BOARD
* OF PHARMACY
*


* * * * *

ORDER

Upon consideration of the State's Motion to Amend Charges Under the Maryland Pharmacy Act, it is this 17th day of NOVEMBER, 1999,

hereby

ORDERED that the Motion be and is hereby **GRANTED**.



Stanton Ades, P.D., President
Maryland State Board of Pharmacy

IN THE MATTER OF
THOMAS M. SNIDER, P.D.
Respondent
License Number: 13630

* BEFORE THE
* STATE BOARD
* OF PHARMACY
*

* * * * *

AMENDED CHARGES UNDER THE MARYLAND PHARMACY ACT

The Maryland State Board of Pharmacy (the "Board") hereby issues amended charges against Thomas Snider, P.D. (the "Respondent"), for violation of a certain provision of Md. Health Occupations Article, Code Ann., Title 12 (the "Act").

Specifically, the Board charges the Respondent with violation of the following provision of §12-313:

Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

(20) Is professionally, physically, or mentally incompetent;

ALLEGATIONS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice pharmacy on August 4, 1994. The Respondent last renewed his license on January 24, 1998. The Respondent's license expires in January, 2000¹.

¹The Respondent's license was summarily suspended by the Board on August 10, 1999.

2. At all times relevant hereto, the Respondent was employed as a dispensing pharmacist at the Wal-Mart Pharmacy in Bowie, Maryland.

3. On or about July 12, 1999, the Respondent was treated for an overdose of Demerol (meperidine) at Doctors Hospital. During the course of medical treatment, the Respondent disclosed that he had injected intravenously approximately 12 tablets of Demerol, which he had melted. The Respondent further admitted that this medication belonged to his girlfriend, Ms. T., for whom he had dispensed Demerol on several occasions from January to July, 1999. The Respondent also admitted that he had been injecting Demerol for a few months prior to this incident. The Respondent could produce no prescription for Demerol made out for him.

4. The Respondent dispensed excessive amounts of Demerol, purportedly prescribed for Ms. T. by her physician, Pricha Phattiyakul. The Respondent dispensed Demerol to Ms. T. in the following manner:

A. On 4/30/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 tablets of Demerol, 50 mg, to Ms. T.

B. On or about 5/12/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 more tablets of Demerol, 50 mg, to Ms. T.

C. On or about 5/21/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 additional tablets of Demerol, 50 mg, to Ms. T.

D. On 5/27/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 tablets of Demerol, 100 mg, to Ms. T.

E. On 6/12/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 more tablets of Demerol, 100 mg, to Ms. T.

F. On that same date (6/12/99), Dr. Phattiyakul purportedly prescribed and the Respondent dispensed an additional 90 more tablets of Demerol, 50 mg, to Ms. T.

G. On 6/28/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 tablets of Demerol, 100 mg, to Ms. T.

H. Two days later, on 6/30/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 120 tablets of Demerol, 50 mg, to Ms. T.

I. On that same date (6/30/99), Dr. Phattiyakul purportedly prescribed and the Respondent dispensed an additional 120 tablets of Demerol, 50 mg, to Ms. T.

J. And, on that same date (6/30/99), Dr. Phattiyakul purportedly prescribed and the Respondent dispensed an additional 90 tablets of Demerol, 50 mg, to Ms. T.

K. On 7/5/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 tablets of Demerol, 100 mg, to Ms. T.

L. Five days later, on 7/10/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 120 more tablets of Demerol, 100 mg, to Ms. T.

M. The next day, 7/11/99, Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 120 more tablets of Demerol, 50 mg, to Ms. T.

N. And, four days later, 7/15/99, the Dr. Phattiyakul purportedly prescribed and the Respondent dispensed 90 additional tablets of Demerol, 100 mg, to Ms. T.

5. As more specifically set forth above, a pharmacist who takes medication not prescribed for him, who regularly intravenously injects Demerol, a habit-forming Schedule II CDS, and who dispenses medication in excessive amounts is in violation of the Act.

NOTICE OF POSSIBLE SANCTIONS

Pursuant to Health-Occupations Article, §§12-313, 12-314 and 12-315, and if, after a hearing, the Board finds the Respondent violated the above listed provision and if the Board finds the above allegations of fact to be true, the Board may impose disciplinary sanctions against Respondent's license, including revocation, suspension, reprimand, or may place Respondent on probation or impose a monetary penalty.


NOTICE OF HEARING

A hearing in this matter has been scheduled for January 19, 2000 at 1:00 p.m., in Room 215, 4201 Patterson Avenue, Baltimore, Maryland 21215. The Board will conduct the hearing in accordance with the Administrative Procedure Act, §10-201 et seq. of the State Government Article, Annotated Code of Maryland, §12-315 of the Act, and the regulations adopted by the Board under COMAR 10.34.01.

In addition, a Case Resolution Conference in this matter has been scheduled for September 30, 1999 at 9:30 a.m., 4201 Patterson Avenue, Baltimore, Maryland 21215. A Prehearing Conference has been scheduled for October 14, 1999 at 9:30 a.m., at

4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and purpose of those conferences are described in the attached letter to Respondent.

11/17/99
Date


Stanton Ades, P.D., President
Maryland State Board of Pharmacy

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not Board
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IN THE MATTER OF
THOMAS M. SNIDER, P.D.
Respondent
License No. 13630

*** BEFORE THE**
*** STATE BOARD**
*** OF**
*** PHARMACY**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't, §10-226(c)(1995), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy issued to Thomas Snider, P.D. , (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article (1994). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed on August 4, 1994. The Respondent last renewed his license on January 24, 1998. The Respondent's license expires in January, 2000.
2. At all times relevant hereto, the Respondent was employed as a dispensing pharmacist at the Wal-Mart Pharmacy in Bowie, Maryland.
3. On or about July 12, 1999, the Respondent was treated for an overdose of Demerol (meperidine) at Doctors Hospital. During the course of medical treatment, the Respondent disclosed that he had injected intravenously about 12 tablets of Demerol (50mg), which he had melted. The Respondent further admitted that this medication belonged to his girlfriend, for whom he had dispensed Demerol on several occasions from

January to July, 1999. The Respondent also admitted that he had been injecting Demerol for a few months prior to this incident.

FINDINGS

1. Based upon the Respondent's above described actions, the Board finds that the Respondent is a threat to the health, welfare or safety of the public, pursuant to §10-226© of St. Gov't Article, Md. Ann. Code.

2. The above actions also constitute violations of the Act and the Code of Ethics adopted by the Board. Specifically, the Respondent violated the following provision of the Act:

§12-313(20) (is professionally, physically and mentally incompetent)

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety and welfare imperatively require emergency action, pursuant to Md. Code Ann., St. Gov't Article, §10-226(c)(2) (1994).

ORDER

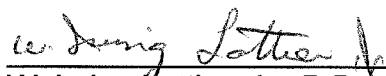
Based on the foregoing, it is therefore this 10th day of August, 1999, by a majority of a quorum of the State Board of Pharmacy by authority granted by the Board by Md. Code Ann., St. Gov't, §10-226(c)(2) (1995), the license held by the Respondent to practice pharmacy (License No. 13630), is hereby **SUMMARILY SUSPENDED**, and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent for a hearing, a hearing shall be scheduled within thirty days of said request, at which the

Respondent will be given an opportunity to be heard on the issues limited to those raised in this Order, that is, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and, be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., St. Gov't, §10-617(h).



W. Irving Lottier, Jr., P.D.
Board Secretary
Board of Pharmacy Examiners

NOTICE OF HEARING

A full evidentiary hearing will be held before the Board of Pharmacy, 4210 Patterson Avenue, Baltimore, Maryland, 21215 on the merits of the Board's Summary Suspension within 30 days of a written request for a hearing by the Respondent.