

IN THE MATTER OF

BEFORE THE MARYLAND

ROY ATLAS, P.D.

STATE BOARD OF

PHARMACY

* * * * *

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the State Board of Pharmacy (the "Board"); the Board requested that the Department of Health and Mental Hygiene investigate the pharmacy practice of Roy Atlas, P.D. (the "Respondent"). After considering the various reports, the Board determined to charge Respondent pursuant to Health Occupations Article §12-311(b)(6), (14), (15) and (20).

Appropriate notice of the charges and the grounds upon which they were based were given to Respondent by letter dated June 15, 1983. A hearing on the charges was scheduled for July 20, 1983. A prehearing conference was scheduled for Tuesday, July 12, 1983 at 9:00 a.m. By agreement of counsel the prehearing was rescheduled and held on September 26, 1983.

The prehearing conference was attended by Respondent, Respondent's attorney, Sanford Z. Berman, Esquire, Richard Finchi, Bernard B. Lachman, President of the Board, Ronald S. Gass, Assistant Attorney General, counsel for the Board, Roslyn Scheer, Executive Director of the Board and Barbara Hull Foster, Assistant Attorney General, administrative prosecutor. At the prehearing conference, Mr. Berman and Ms. Foster presented their suggestions for settlement of the case to Dr. Lachman, a representative of the Board. Respondent, by his attorney, agreed to enter into the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed to practice in Maryland and subject to the jurisdiction of the Board;
2. At all times pertinent to the charge, Respondent was employed by the Rite Aide Corporation as a pharmacist. While so employed, he worked at Rite Aide Store 355, located at Baltimore and Calvert Streets, Rite Aide Pharmacy 356, located at Liberty Heights Avenue and Rite Aide Pharmacy 366, located at Frederick Avenue; ("Rite Aide Stores").
3. While working at the Rite Aide Stores Respondent filled and refilled approximately 135 prescriptions which he failed to verify and failed to initial;
4. Among the prescriptions filled and refilled by Respondent were prescriptions which were forged, ex., there was no authentic signature by the named physician, or the physician was deceased;
5. Of the prescriptions filled and refilled an unusually high amount consistent of prescriptions for Ambenly, Doriden and Talwin;
6. Respondent filled these prescriptions without verification in order to advance his position within the Rite Aide Corporate structure as rapidly as possible;
7. There was no evidence that Respondent used or abused drugs individually and/or personally; and
8. Respondent is presently working in New Jersey as an independent business man and is not practicing pharmacy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board hereby concludes, as a matter of law, that Respondent has violated §12-311(b)(14), (15) and (20) of the Health Occupations Article.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 17 day of October, 1983, by a unanimous vote of those members of the Board considering this case;


ORDERED that Respondent's license is hereby REVOKED, with Respondent's consent, and be it further

ORDERED that Respondent has a right to petition the Board after 2 years from the date of this Order to have his license reinstated; and be it further

ORDERED that in considering Respondent's petition for reinstatement the Board will consider the following factors:

1. The amount of continuing education Respondent has taken during the two years when his license was revoked;
2. The number of conferences relating to pharmaceutical practice that the Respondent has attended and the nature of those conferences;
3. His reputation in the business and professional community in which he resides; and
4. Any other factor which the Board considers relevant to the issue of his reinstatement;


If the Board determines that termination of the revocation of Respondent's license, and complete reinstatement of his license would not be appropriate, the Board may refuse to reinstate Respondent's license or place Respondent on probation and impose any conditions on his license that the Board deems appropriate.


Bernard B. Lachman, P.D.
President, Maryland Board of
Pharmacy

CONSENT

By this consent, knowingly and voluntarily executed by me solely for the purpose of settlement of these administrative proceedings without admission of any of the Findings of Fact, Conclusions of Law and Order contained herein, I hereby accept and submit to the Foregoing Findings of Fact and Conclusions of Law and Order.

I acknowledge the validity of the Order as if made after a hearing at which I would have the right to counsel, to confront witnesses against me, to give testimony and call witnesses on my own behalf and to all other substantive and procedural protection provided by law. I also recognize that, by this Consent, I am waiving my right to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such hearing.

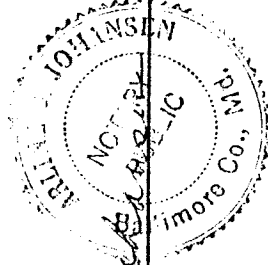


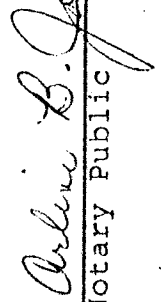
Roy Atlas, P.D.

STATE OF MARYLAND)
CITY BALTIMORE)

I HEREBY CERTIFY that on this 19th day of October, 1983, before me a subscriber, a Notary Public of the State of Maryland, personally appeared Roy Atlas, P.D. and made oath in due form that the foregoing Consent is his voluntary act and deed.

As witness my hand and notarial seal.





Notary Public

My Commission expires: 7/1/86