

Michael S. Baker  
7325 Brookview Road  
Unit 402  
Elkridge, Maryland 21075-6073

Sept 13, 2010

Date

Michael Souranis, P.D., President  
Board of Pharmacy  
4200 Patterson Avenue  
Baltimore, Maryland 21215

Re: Surrender of Pharmacy License  
License Number: L06733  
Case Number: 10-111

Dear Mr. Souranis and Members of the Board:

Please be advised that I have decided to surrender my license to practice pharmacy in the State of Maryland, License Number L06733. I understand that I may not give pharmacy advice to any individual, with or without supervision and/or compensation, cannot dispense drugs or assist in the dispensing of drugs or otherwise engage in the practice of pharmacy, as it is defined in the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12 -101, *et seq.*, (2009 Repl. Vol. ). In other words, as of Sept 13, 2010, 2010, the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual.

I understand that this Letter of Surrender is a **PUBLIC** document.

My decision to surrender my license to practice pharmacy in Maryland has been prompted by an investigation of my licensure by the Maryland Board of Pharmacy (the Board).

The Board's investigation would have resulted in charges under the Act. Specifically, the Board would have charged me with the commission of prohibited acts under § 12-313:

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(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:

(14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;

(15) Except as provided in § 12-506 of this title, unless an authorized prescriber authorizes the refill, refills a prescription for any drug, device, or diagnostic for which a prescription is required;

(24) Violates any rule or regulation adopted by the Board;

The Board further would have charged me with a violation of its Pharmacists Code of Ethics (2/19/09):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03.

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Enclosure

cc: John Nugent, Principal Counsel  
Linda Bethman, Assistant Attorney General  
Board Counsel  
Francesca Gibbs, Staff Attorney  
Board Counsel  
Kimberly France, Pharmacist Compliance Officer  
LaVerne Naesea, Executive Director

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The above charges would have been based upon the following:

1. At all times relevant hereto, I was licensed to practice pharmacy in Maryland. I was initially granted a license on December 15, 1966. My license expires July 31, 2011.
2. At all times relevant hereto, I was employed at Feldman's Pharmacy in Elkridge, Maryland in Howard County, Maryland.
3. By a complaint dated May 21, 2010, the Office Manager for a physician in Columbia Maryland informed the Board that I had contacted the physician's office several times, claiming that the physician had filled four drugs for my wife, which the physician had never authorized.
4. Upon checking the pharmacy records, it was discovered that, from 2004-2010, I had filled a number of prescriptions for my wife while working as a pharmacist at Feldman's, without a valid prescription or refill authority.
5. As set forth above, I was in violation of the Act and the regulations thereunder.

I affirm that I was advised of the allegations against me, have had a chance to respond to them, and have otherwise been advised on the Board's actions through communications with representatives of the Office of the Attorney General.

I have decided to surrender my license to practice pharmacy in Maryland to avoid further prosecution of the aforementioned charges. The basis for the charges against me include the findings of the investigations described above, and, by virtue of this Letter of Surrender, I waive any right to contest those charges and findings. I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. **I understand that by executing this Letter of Surrender, I am waiving any right to contest these findings in a formal evidentiary hearing at which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law, including the right to appeal.**

I hereby affirm that I have permanently terminated any practice that I had in Maryland and have retired.

I acknowledge that, on or before the effective date of this Letter of Surrender, I shall present to the Board my pharmacist license, number L06733, including any renewal certificates and wallet-sized renewal cards.

Michael Souranis, P.D., President and Members of the Board

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I understand that the Board will advise any data agency that it must report to of this Letter of Surrender, and, in any response to inquiry, that I have surrendered my license in lieu of disciplinary action under the Act as resolution of the matters pending against me. I also understand that, in the event I would apply for licensure in any form in any other state or jurisdiction, this Letter of Surrender, and all underlying documents, may be released or published by the Board to the same extent as a final order that would result from disciplinary action pursuant to Md. State Gov't Code Ann §10-611, *et seq.*, (2009 Repl. Vol.).

I further recognize and agree that, by agreeing to this Letter of Surrender, my license will remain surrendered forever. In other words, I agree never to apply for reinstatement of my pharmacy license in the State of Maryland.

I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have waived my right to consult with an attorney before signing this Letter of Surrender. I understand both the nature of the Board's actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Sincerely,



Michael Baker

Enclosure (copy to all ccs)

cc: Roberta Gill, Assistant Attorney General  
Administrative Prosecutor  
John Nugent, Principal Counsel  
LaVerne Naesea, Executive Director  
Linda Bethman, Assistant Attorney General  
Board Counsel  
Francesca Gibbs, Staff Attorney  
Board Counsel  
Kimberly France, Pharmacist Compliance Officer

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**NOTARY**

STATE OF MD:

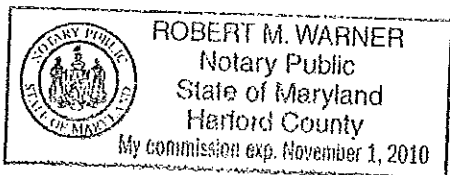
CITY/COUNTY OF Howard:

I HEREBY CERTIFY that on this 13 day of SEPT, 2010,  
before me, Robert M. Warner, a Notary Public of the State and  
(Print Name)  
City/County aforesaid, personally appeared Michael Baker, and declared and affirmed  
under the penalties of perjury that signing the foregoing letter of surrender was his  
voluntary act and deed.

AS WITNESS my hand and notarial seal.

Robert M. Warner  
Notary Public

My Commission expires: \_\_\_\_\_



Michael Souranis, P.D., President and Members of the Board

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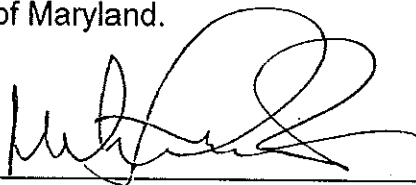
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**ACCEPTANCE**

ON BEHALF OF THE BOARD OF PHARMACY, on this 15<sup>th</sup> day of

September, 2010, I accept Michael Baker's public letter of surrender of his  
license to practice pharmacy in the State of Maryland.



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Mike Souranis, P.D., President  
Board of Pharmacy