

IN THE MATTER OF
MARK A. BARBINO, P.D.
LICENSE NO. 18402

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BEFORE THE MARYLAND
STATE BOARD OF
PHARMACY



CONSENT ORDER OF REINSTATEMENT

Background Findings

Mark Barbino, License Number 18402, surrendered his license to practice pharmacy to the Maryland Board of Pharmacy (the "Board") on November 17, 2010, in lieu of the Board's prosecution of his license for falsifying prescriptions and illegally dispensing controlled dangerous substances. Mr. Barbino pled guilty to three (3) misdemeanors based on the above offenses and was sentenced to 10 years incarceration with all but 14 months stayed. The court subsequently modified Mr. Barbino's sentence to probation before judgment.

On June 17, 2012, Mr. Barbino submitted a Petition for Reinstatement to the Board for reinstatement of his license to practice pharmacy. In support of his Petition, Mr. Barbino submitted to a substance abuse evaluation by a Board-appointed evaluator and provided documentation of his continued substance abuse treatment and participation in support groups.

FINDINGS OF FACT

1. Mr. Barbino submitted to a substance abuse evaluation by a Board-appointed evaluator on June 15, 2012. The Board's evaluator found that Mr. Barbino should be able to safely return to pharmacy practice under certain conditions, which have been incorporated herein.
2. Mr. Barbino entered into a rehabilitation contract with the Pharmacists Education and Advocacy Council ("PEAC") on July 29, 2009, and has been in full compliance with its

terms and conditions.

3. Mr. Barbino successfully completed an inpatient treatment program in August 2009, and has been compliant with an outpatient treatment program at Kolmac Clinic since August 11, 2009.
4. Mr. Barbino actively participates in an AA group 2-3 times per week and has provided documentation of his attendance.
5. Mr. Barbino has been working as a car salesman since the surrender of his pharmacist's license.

CONCLUSIONS OF LAW

Mark Barbino has sufficiently demonstrated that he is capable of practicing pharmacy in a safe and ethical manner under the terms and conditions outlined in this Order.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 17th day of Sept., 2012, hereby:

ORDERED that Mr. Barbino's license to practice pharmacy be reinstated. *PROVIDED THAT MR. BARBINO FIRST SUCCESSFULLY COMPLY WITH ALL LICENSURE REQUIREMENTS GOVERNING REINSTATEMENT*; and be it further,

ORDERED that upon reinstatement, Mr. Barbino's license shall be immediately placed on PROBATION for a minimum of FIVE (5) YEARS, BEGINNING JULY 29, 2012, and subject to the following conditions:

1. Mr. Barbino may not practice more than forty (40) hours per week;
2. Mr. Barbino may not work night shifts;

3. Mr. Barbino shall provide his pharmacy employer(s) with a copy of this Consent Order and insure that the attached verification form is completed by the employer(s) and returned to the Board prior to commencing employment;
4. Mr. Barbino shall insure that his pharmacist supervisor submit to the Board quarterly progress reports;
5. Mr. Barbino shall continue participating in NA/AA on at least a weekly basis;
6. Mr. Barbino shall continue after-care treatment and fully comply with the treatment regimen;
7. Mr. Barbino shall insure that his after-care treatment provider submits to the Board quarterly treatment reports;
8. Mr. Barbino shall submit to random, Board-ordered urines on a weekly basis;
9. Mr. Barbino shall provide the Board with written notification in advance of any period of time during which he may be unreachable due to travel or other reason: and be it further,

ORDERED that all urine screens under this Order shall be:

(1) Submitted by Mr. Barbino within 24 hours of the Board staff instructing him to submit a urine sample;

(2) Submitted at a CLIA-certified laboratory;

(3) Observed; and

(3) Negative for any controlled dangerous substance, narcotics, cocaine, or other mood-altering substance, except as provided below; and be it further,

ORDERED that Mr. Barbino shall abstain from the ingestion of controlled dangerous substances, narcotics, cocaine, or other mood-altering substances, except that Mr. Barbino may only ingest prescribed controlled dangerous substances for legitimate medical reasons under the following conditions:

- a. Mr. Barbino must be a bona fide patient of a licensed Maryland prescriber who is aware of this Order;
- b. The medication must be lawfully prescribed by Mr. Barbino's physician or other authorized medical practitioner;
- c. Mr. Barbino must provide the Board, in writing, within seventy-two (72) hours of receiving the medication: (a) the name and address of the prescriber; (b) the illness or medical condition diagnosed; (c) the type, strength, amount and dosage of the medication; (d) and a signed statement consenting to the release of all medical information about Mr. Barbino from the prescriber to the Board; and be it further.

ORDERED that Mr. Barbino's execution of this Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to Mr. Barbino to the Board in complying with the terms and conditions set forth herein. Further, Mr. Barbino agrees and consents to the release by the Board of any information or data produced in relation to this Order to any treatment provider; and be it further,

ORDERED that Mr. Barbino shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Mr. Barbino's compliance with the terms and conditions of this Order; and be it further,

ORDERED that Mr. Barbino's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that in the event the Board finds for any good faith reason that Mr. Barbino 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. Barbino has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately

suspend Mr. Barbino's license prior to a hearing; and be it further,

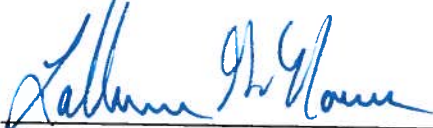
ORDERED that Mr. Barbino may petition the Board for modification of the probationary terms herein after one (1) year provided that he has been fully compliant with all of the terms of probation and has no outstanding complaints against him;

ORDERED that Mr. Barbino may petition the Board for release from probation after three (3) years provided that he has been fully compliant with all of the terms of probation and has no outstanding complaints against him; and be it further,

ORDERED that this is a formal 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).

9/17/12

Date




LaVerne G. Naesca, Executive Director, for
Michael Souranis, P.D., President

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.

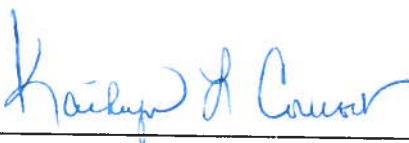
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

8/28/2012
Date


Mark Barbino, P.D.

STATE OF MARYLAND
COUNTY/CITY OF Charles:

I hereby certify that on this 28 day of August, 2012, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MARK BARBINO, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public

My commission expires:

Kathryn L. Connors
NOTARY PUBLIC
Charles County, Maryland
My Commission Expires 10/19/2014