

IN THE MATTER OF * * * * * BEFORE THE MARYLAND
HOWARD BLUMENFELD, R.Ph. * * * * * BOARD OF PHARMACY

* * * * *

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to its attention pursuant to Article 43, §266A, the Maryland Board of Pharmacy ("the Board") determined to charge the Respondent with certain violations of the Code. The violations charged involve the following subsections of Article 43, §266A(c)(1):

- (xii) Addiction to controlled dangerous substances, habitual drunkenness, or rendering of professional services when intoxicated or under the influence of drugs with abuse potential.
- (xiv) Willful making or filing of any false report or record in his practice as a pharmacist;
- (xvi) Professional, physical or mental incompetence.

Appropriate notice of the charges and the grounds from which they arose were given to the Respondent and a hearing on said charges was scheduled to be held on February 13, 1980. After one postponement at the request of the Respondent, the hearing was rescheduled for March 19, 1980. Prior to the convening of that hearing, the Board entered into discussions with Daniel Sussman, Esq., the Respondent's counsel, with regard to the charges. Following discussions between Daniel Sussman, Esq. and Susan K. Cauvey, Assistant Attorney General, the Respondent agreed to enter into the following Consent Order.

FINDINGS OF FACT

The Board finds:

1. That the Respondent is addicted to controlled dangerous substances.

2. That the Respondent took without authorization controlled dangerous substances from the following drug stores while in their employ as a pharmacist: Rite Aid Store #392, Cranbrook Shopping Center, Cranbrook and York Roads, Cockeysville, Maryland; Morgan & Millard Pharmacy, 4800 Roland Avenue, Baltimore, Maryland; Sav-A-Lot Drugs, Taylor Avenue, Annapolis, Maryland.

3. That Respondent filled prescriptions for controlled dangerous substances at the aforementioned drug stores while acting as a pharmacist that he knew, or should have known, were not legitimate prescriptions.

CONCLUSIONS OF LAW

Upon the foregoing Findings of Fact, the Commission concludes that as a matter of law Respondent is GUILTY of the charges set out above, Article 43, §266A(c)(1)(xi), (xiv) and (xvi).

ORDER

From the foregoing findings of Fact and Conclusions of Law, it is this 7th day of March, 1980, by the unanimous vote of those members of the Board considering this case,

ORDERED that the license to practice pharmacy in the State of Maryland heretofore issued to the Respondent, Howard Blumenfeld, R.Ph., by the Board is hereby REVOKED; and be it further

ORDERED that this Order of Revocation will be in effect for a minimum of one (1) year and until the Respondent can, to the satisfaction of the Board, present medical evidence satisfactory to the Board of his physical and mental well-being, in particular his non-addiction to any controlled dangerous substance; and be it further

ORDERED that if and when the Order of Revocation is stayed, Respondent shall be placed on PROBATION subject to the following terms and conditions:

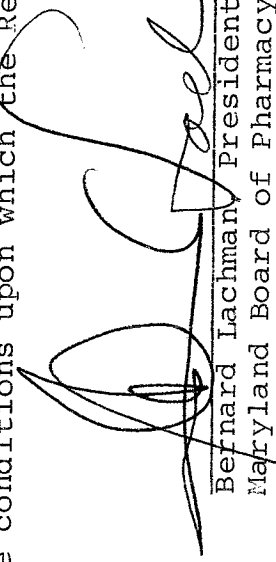
1. That the Respondent shall report to a designated member of the Board of Pharmacy by telephone on a monthly basis.

2. That the Respondent shall submit to the Board on a quarterly basis reports of a physician, acceptable to the Board, showing his continued physical and mental well-being, including freedom from addiction to any controlled dangerous substance.

3. That the Respondent, during the entire term of his probation, shall inform the Board of the names and addresses of all employers whether in or out of state; and be it further.

ORDERED that if Respondent violates any of the foregoing conditions of probation, the Board, after notice and a hearing, may withdraw the Stay of Revocation of the Respondent's license, or impose any other disciplinary sanction it deems appropriate; and be it further

ORDERED that three (3) years from the date of this Order, if the Respondent shall have complied satisfactorily with the conditions of this Order, the Board will entertain a Petition for Termination of the Respondent's probationary status and reinstatement of his license without any condition or restriction whatsoever. At such time, if the Board determines that the termination of probation and complete reinstatement would not be appropriate, the Board may alternatively consider a request to modify one or more of the conditions upon which the Respondent was placed on probation.

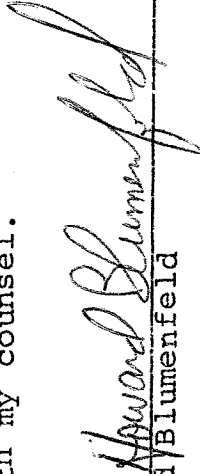


Bernard Lachman, President
Maryland Board of Pharmacy

CONSENT

By this Consent, I hereby admit the Findings of Fact and Conclusions of Law and further accept and submit to the foregoing Order and its conditions. I acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses in my own behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent, I waive all such rights and acknowledge that by my failure to abide by the conditions of my probation, I may suffer a sanction against my license to practice pharmacy in Maryland, including revocation, suspension or reprimand.

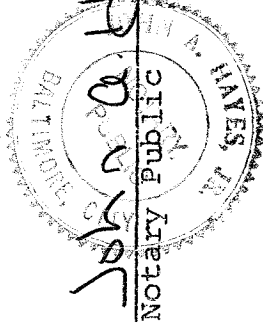
I sign this Consent without reservation, fully understanding its meaning and after consultation with my counsel.


Howard Blumenfeld

STATE OF MARYLAND)
) To wit:
CITY OF BALTIMORE)

I HEREBY CERTIFY that on this 18th day of February, 1980, personally appeared before me, the subscriber, HOWARD BLUMENFELD, and he made oath in due form of law that the foregoing Consent is his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.



My Commission expires: 7/82

IN THE MATTER OF * BEFORE THE MARYLAND
HOWARD BLUMENFELD, R.Ph. * BOARD OF PHARMACY

* * * * *

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to its attention pursuant to Article 43, §266A, the Maryland Board of Pharmacy ("the Board") determined to charge the Respondent with certain violations of the Code. The violations charged involve the following subsections of Article 43, §266A(c)(1):

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Appropriate notice of the charges and the grounds from which they arose were given to the Respondent and a hearing on said charges was scheduled to be held on February 13, 1980. After one postponement at the request of the Respondent, the hearing was rescheduled for March 19, 1980. Prior to the convening of that hearing, the Board entered into discussions with Daniel Sussman, Esq., the Respondent's counsel, with regard to the charges. Following discussions between Daniel Sussman, Esq. and Susan K. Gauvey, Assistant Attorney General, the Respondent agreed to enter into the following Consent Order.

FINDINGS OF FACT

The Board finds:

1. That the Respondent is addicted to controlled dangerous substances.

Revised 5/1/80

- 1. M.D.
- 2. Psychiatric
- 3. Gaugy '74 - Ainal - 30 days - 9 months
- 4. Nov.
- 5. Mar. Revoked -
- 6. March - Shepherd Pratt -
- 7. Help Help Group Mtgs -
- 8. Married Feb. '81

2. That the Respondent took without authorization controlled dangerous substances from the following drug stores while in their employ as a pharmacist: Rite Aid Store #392, Cranbrook Shopping Center, Cranbrook and York Roads, Cockeysville, Maryland; Morgan & Millard Pharmacy, 4800 Roland Avenue, Baltimore, Maryland; Sav-A-Lot Drugs, Taylor Avenue, Annapolis, Maryland.

3. That Respondent filled prescriptions for controlled dangerous substances at the aforementioned drug stores while acting as a pharmacist that he knew, or should have known, were not legitimate prescriptions.

CONCLUSIONS OF LAW

Upon the foregoing Findings of Fact, the Commission concludes that as a matter of law Respondent is GUILTY of the charges set out above, Article 43, S266A(c)(1)(xii), (xiv) and (xvi).

ORDER

From the foregoing findings of Fact and Conclusions of Law, it is this 7th day of March, 1980, by the unanimous vote of those members of the Board considering this case,

ORDERED that the license to practice pharmacy in the State of Maryland heretofore issued to the Respondent, Howard Blumenfeld, R.Ph., by the Board is hereby REVOKED; and be it further

ORDERED that this Order of Revocation will be in effect for a minimum of one (1) year and until the Respondent can, to the satisfaction of the Board, present medical evidence satisfactory to the Board of his physical and mental well-being, in particular his non-addiction to any controlled dangerous substance; and be it further

ORDERED that if and when the Order of Revocation is stayed, Respondent shall be placed on PROBATION subject to the following terms and conditions:

Bright -
Amateur

Matured - Table - Turned on a page -

1. That the Respondent shall report to a designated member of the Board of Pharmacy by telephone on a monthly basis.
2. That the Respondent shall submit to the Board on a quarterly basis reports of a physician, acceptable to the Board, showing his continued physical and mental well-being, including freedom from addiction to any controlled dangerous substance.
3. That the Respondent, during the entire term of his probation, shall inform the Board of the names and addresses of all employers whether in or out of state; and be it further.

Qual 177
see bond
177 to 179

ORDERED that if Respondent violates any of the foregoing conditions of probation, the Board, after notice and a hearing, may withdraw the Stay of Revocation of the Respondent's license, or impose any other disciplinary sanction it deems appropriate; and be it further

ORDERED that three (3) years from the date of this Order, if the Respondent shall have complied satisfactorily with the conditions of this Order, the Board will entertain a Petition for Termination of the Respondent's probationary status and reinstatement of his license without any condition or restriction whatsoever. At such time, if the Board determines that the termination of probation and complete reinstatement would not be appropriate, the Board may alternatively consider a request to modify one or more of the conditions upon which the Respondent was placed on probation.

Warred Feb. 81 -

[Signature]
Bernard Lachman, President
Maryland Board of Pharmacy

Star Hydration Products - Zyrac -
Psychiatrist - Dr. Bushman -

60000 week -
60000 week -
60000 week -

Permit this time
reinstatement -
200 reinstatement

17 sessions part 2-3 months -

Disputed -
Downers -

Dr. Bushman - How much drug, relative work?
why drug dependent?

CONSENT

By this Consent, I hereby admit the Findings of Fact and Conclusions of Law and further accept and submit to the foregoing Order and its conditions. I acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses in my own behalf, and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. By this Consent, I waive all such rights and acknowledge that by my failure to abide by the conditions of my probation, I may suffer a sanction against my license to practice pharmacy in Maryland, including revocation, suspension or reprimand.

Howard Blumenfeld
the witness

I sign this Consent without reservation, fully understanding its meaning and after consultation with my counsel.

where did you get drugs?

Howard Blumenfeld
Howard Blumenfeld

STATE OF MARYLAND)
) To wit:
CITY OF BALTIMORE)

I HEREBY CERTIFY that on this 18th day of February, 1980, personally appeared before me, the subscriber, HOWARD BLUMENFELD, and he made oath in due form of law that the foregoing Consent is his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

John A. Boyer
NOTARY PUBLIC

My Commission expires: *7/82*

Did M.D. prescribe drugs -
How long did you sell drugs - increased units?

Respondent's wife; Richard Goldstone, Respondent's employer; and Milton Bushman, M.D., a psychiatrist. Following this testimony, Respondent took the stand and testified on his own behalf.

FINDINGS OF FACT

The Board finds:

- (1) That Respondent is not addicted to any controlled dangerous substance.
- (2) That based upon the medical evidence presented at the hearing, Respondent is in good physical and mental health.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the members of the Board considering this matter unanimously conclude that Respondent has satisfied the condition precedent to staying the Board's 1980 Order revoking his license to practice pharmacy and placing him on probation.

ORDER

Upon the foregoing findings of fact, and conclusions of law, it is this 14th day of December, 1981 by the unanimous vote by the members of the Board considering this case,

ORDERED that the Board's 1980 Order revoking Respondent's license to practice pharmacy in the State of Maryland is hereby STAYED and Respondent placed on PROBATION subject to the following conditions:

- (1) That Respondent shall arrange to work under the direct and personal supervision of a pharmacist licensed in the State of Maryland for a period of three months; and
- (2) That Respondent shall arrange for the supervising pharmacist to file written monthly reports directly with the Board for the three-month period specified in Paragraph 1; and

(3) That at the conclusion of the three-month period specified in Paragraph 1, Respondent may accept employment as a pharmacist without direct supervision, and Respondent shall arrange with his immediate supervisor to file written quarterly reports evaluating his pharmacy practice; and

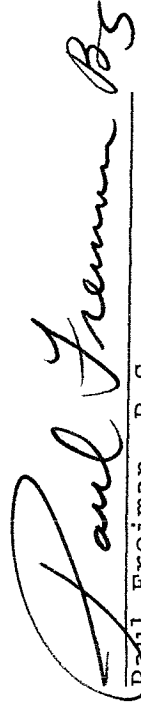
(4) That Respondent shall inform any and all of his pharmacy employers of the status of his license; and

(5) That Respondent shall promptly notify the Board in writing of the name and address of any and all of his pharmacy employers; and

(6) That Respondent shall not engage in any of the activities that led to the Board's 1980 Order revoking his license; and be it further

ORDERED, that if Respondent violates any of the terms of his probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland, the Board, after notification, a hearing, and determination of violation, may withdraw the stay of the revocation of his license or may impose any other disciplinary sanction it deems appropriate; and be it further

ORDERED, that after Respondent has engaged in the practice of pharmacy for one (1) year, the Board will entertain a petition to terminate Respondent's probationary status and reinstate his license without any condition or restriction whatsoever. At that time, if the Board determines that the termination of probation and reinstatement is inappropriate, the Board may modify one or more of the Respondent's conditions of probation.


Paul Freiman, B.S.
Secretary-Treasurer
Maryland Board of Pharmacy