

IN THE MATTER OF * BEFORE THE MARYLAND
HOWARD BLUMENFELD, P.D. * STATE BOARD OF
LICENSE NO. 09366 * PHARMACY

* * * * *

CONSENT ORDER OF REINSTATEMENT

Background Findings

On January 12, 2004, Mr. Blumenfeld submitted a Petition for Reinstatement to the Board of Pharmacy (the "Board") for reinstatement of his license to practice pharmacy. On March 17, 2004, Mr. Blumenfeld appeared before a quorum of the Board to present his case in support of reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner. Mr. Blumenfeld's wife, NA sponsor, and PEAC sponsor were also in attendance in support of Mr. Blumenfeld's petition.

Mr. Blumenfeld's license to practice pharmacy was revoked on March 7, 1980, due to his addiction to controlled dangerous substances and his drug diversion from several pharmacies. Mr. Blumenfeld was reinstated on December 14, 1981, and put on probation with certain terms and conditions. In 1981, there was no pharmacist rehabilitation committee available to assist impaired pharmacists, and therefore, a PEAC contract, or something similar, was not a requirement imposed by the Board at that time. Thereafter, Mr. Blumenfeld allowed his license to lapse and ceased practicing pharmacy. In June 2002, Mr. Blumenfeld approached the Board to seek guidance as to how he might be able to obtain licensure again. The Board instructed Mr. Blumenfeld that, at the very least, he would have to comply with the Board's regulations regarding the reinstatement of a pharmacist who has not actively practiced for more than 5 years. See COMAR 10.34.13.

FINDINGS OF FACT

1. Mr. Blumenfeld entered into a PEAC contract in May 2002 and has been fully compliant with its terms and conditions.
2. Mr. Blumenfeld receives individual therapy from Victor Ferrans, M.D. Mr. Blumenfeld has also completed a drug treatment program at The Resource Group.
3. Mr. Blumenfeld is active in Narcotics Anonymous.
4. Mr. Blumenfeld took and passed the Pharmacy Law Test ("MPJE") and the Reinstatement Examination in January 2004.
5. Mr. Blumenfeld has earned 40.5 continuing education credits in addition to auditing two college level courses in pharmaceutics and pharmacology at the University of Maryland School of Pharmacy.
6. Mr. Blumenfeld has obtained 1,015 hours of pharmacy experience in Giant Pharmacy.
7. The Board has received letters of support from Mr. Blumenfeld's PEAC sponsor, pharmacy employer, treating physicians, and pharmacy school professors.

CONCLUSIONS OF LAW

Mr. Blumenfeld has successfully complied with the terms of reinstatement under the Board's regulations and has otherwise demonstrated that he is capable of practicing pharmacy in a safe and ethical manner.

ORDER

Based on an affirmative vote of the Board, it is this 17th day of March, 2004, hereby:

ORDERED that Mr. Blumenfeld's license to practice pharmacy be reinstated; and be it further

ORDERED that upon reinstatement, Mr. Blumenfeld's license shall be immediately placed on INDEFINITE PROBATION, subject to the following conditions:

1. Mr. Blumenfeld shall enter into a contract with PEAC and abide by all of its terms and conditions;
2. Mr. Blumenfeld shall insure that PEAC submits quarterly progress reports to the Board;
3. Mr. Blumenfeld is restricted to practicing pharmacy a maximum of 40 hours per week for the first year of probation;
4. Mr. Blumenfeld shall not be a permit holder;
5. Mr. Blumenfeld shall notify the Board of his pharmacy employer and any changes in pharmacy employment;
6. Mr. Blumenfeld's pharmacy employer shall be in good standing;
7. Mr. Blumenfeld shall insure that his pharmacy supervisor submits to the Board quarterly progress reports for the first year of probation;
8. Mr. Blumenfeld shall provide the pharmacy employer with a copy of this Consent Order and insure that the attached verification form is completed by the employer and returned to the Board prior to commencing employment; and be it further

ORDERED that in the event the Board finds for any good faith reason that Mr. Blumenfeld 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. Blumenfeld has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend Mr. Blumenfeld's license prior to a hearing; and be it further,

ORDERED that Mr. Blumenfeld may petition the Board for release from probation after three (3) years provided that he has been compliant with all of the terms of probation; and be it further,

ORDERED that this is a final 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).

4-15-04
Date

Melvin M Rubin for
Stanton G. Ades, P.D.
President, Board of Pharmacy

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.

4/15/04
Date

Howard Blumenfeld
Howard Blumenfeld, P.D.

STATE OF MARYLAND
COUNTY/CITY OF Baltimore :

I hereby certify that on this 15TH day of April, 2004, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared HOWARD BLUMENFELD, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Leon Kuznetsov
Notary Public
My commission expires: 6/1/2004