

IN THE MATTER OF
DAVID BOURGEOIS, R.Ph.
License No. 24609
RESPONDENT

*** BEFORE THE**
*** MARYLAND BOARD**
*** OF PHARMACY**
*** Case No. 22-385**

* * * * *

CONSENT ORDER

Procedural Background

Based on information received and a subsequent investigation by the Maryland Board of Pharmacy (the “Board”), and subject to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.*, and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated August 9, 2022, in which it summarily suspended the pharmacist license held by David Bourgeois (the “Respondent”). Specifically, the Board found reliable evidence demonstrated that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov’t §10-226(c)(2).

On September 14, 2022, the Board held a remote hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in the State of Maryland under License Number 24609.
2. The Respondent was initially issued a license to practice pharmacy in Maryland on or about November 1, 2016.
3. In or around July 2021, the Respondent self-referred to the Pharmacy Rehabilitation Services group (“PRS”) for assistance and monitoring. The Respondent also disclosed his impairment issues on his last licensure renewal application with the Board.
4. PRS determined that the Respondent was not safe to work in February 2022 due to the Respondent’s noncompliance with PRS’s treatment and monitoring conditions, and reported its concerns regarding the Respondent to the Board.
5. Subsequent to the Board’s issuance of the Order of Summary Suspension, the Respondent begin practicing pharmacy in Washington, D.C. on August 18, 2022. The Respondent asserts that he informed his pharmacy employer regarding his impairment issues and the Maryland Board’s action against his license.
6. The Respondent asserts that he continues to be monitored by PRS and has been fully engaged and committed to his recovery efforts since July 2022.

CONCLUSIONS OF LAW

Based upon the foregoing findings of fact, the Board concludes that the Respondent is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-313(b)(21) and (25), and COMAR 10.34.10.01B(2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by a majority vote of the Board it is hereby:

ORDERED that the Order of Summary Suspension, dated August 9, 2022, was properly issued; and be it further,

ORDERED that the public health and safety is not at risk by the Respondent provided that the Respondent fully complies with terms and conditions set forth herein; and be it further,

ORDERED that, upon execution of this Consent Order, the summary suspension imposed in the Board's Order for Summary Suspension, dated August 9, 2022, is hereby LIFTED; and be it further,

ORDERED that the Respondent's license shall be placed on SUSPENSION, effective August 9, 2022, for at least SIX (6) MONTHS, during which time the Respondent:

1. Shall continue the rehabilitation contract with the Pharmacy Rehabilitation Services ("PRS") committee;
2. Shall abstain from the use of alcohol, controlled dangerous drugs, and all other mood-altering substances unless PRS is provided sufficient written documentation from the Respondent's healthcare provider regarding medical necessity;
3. Shall submit to random urine screens for substances and alcohol, at a frequency determined by PRS, as a condition of the PRS contract;
4. Shall continue to engage in group therapy sessions at a frequency determined by PRS;
5. Shall comply with any and all other treatment and monitoring conditions imposed as part of the PRS contract;

6. Shall ensure PRS submits monthly progress reports to the Board regarding the Respondent's compliance with the PRS contract;

7. Shall execute any and all releases necessary to allow PRS and the Board to access medical and SUD treatment information for purposes of monitoring and enforcement of this Order and the PRS contract; and be it further,

ORDERED that the Respondent shall immediately return the Respondent's pharmacist license to the Board; and be it further,

ORDERED that the Respondent may petition the Board to lift the suspension of his license after six (6) months, commencing August 9, 2022, provided that the Respondent has fully complied with all conditions of the PRS contract and this Order, and the Respondent does not have any pending complaints against him; and be it further,

ORDERED that in the event that the Board lifts the suspension of the Respondent's license, the Board shall place the Respondent's license on immediate PROBATION for at least THREE (3) years with terms and conditions to be determined at the time; and be it further,

ORDERED that the Respondent shall bear all costs for compliance with the terms of this Order; and be it further,

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

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

ORDERED that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of suspension herein, or in the event that the

Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action, to include summary suspension, against the Respondent's license, provided that the Respondent is given notice and an opportunity for a hearing; 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 Md. Code Ann., General Prov. Art., §4-333.

11-22-22
Date


Deena Speights-Napata, M.A.
Executive Director

CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order and its conditions.

1. 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 of fact and conclusions of law contained in this Consent Order.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.


5. 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.

11-2-2022
Date

David Bourgeois
David Bourgeois

STATE OF MARYLAND
COUNTY/CITY OF Montgomery :

I hereby certify that on this 7th day of November, 2022, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DAVID BOURGEOIS, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public
My commission expires: 02/15/2026

