

IN THE MATTER OF * BEFORE THE MARYLAND
JAMES F. BRENNAN, P.D. * STATE BOARD OF
LICENSE NO. 14995 * PHARMACY

* * * * *

CONSENT ORDER OF REINSTATEMENT

Background Findings

On February 8, 2011, Mr. Brennan submitted a Petition for Reinstatement to the Board of Pharmacy (the “Board”) for reinstatement of his license to practice pharmacy. On August 17, 2011, Mr. Brennan 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. Brennan surrendered his license to practice pharmacy on February 9, 2001, based on an admitted substance abuse problem. Mr. Brennan subsequently pleaded guilty to a misdemeanor charge under the Pennsylvania Pharmacy Act, and his license to practice pharmacy was suspended by the Commonwealth of Pennsylvania. Mr. Brennan’s Pennsylvania license was reinstated on a probationary basis on January 22, 2010, for three years.

FINDINGS OF FACT

1. Mr. Brennan submitted to a mental evaluation by Michael J. Dolan, Psy.D., on June 1, 2011. Dr. Dolan’s evaluation found that Mr. Brennan should be able to return safely to pharmacy practice under certain conditions.

2. Mr. Brennan voluntarily entered Pennsylvania’s pharmacy peer assistance program (“S.A.R.P.H.”) on February 1, 2002. He has been in continuous, verifiable,

documented recovery since December 20, 2005, and has produced consistently negative results on urine screens since that time.

3. Mr. Brennan worked as a pharmacy technician and a pharmacist for a brief period following the reinstatement of his Pennsylvania license. Other than that brief period, however, he has not worked as a pharmacist since 2005, and he currently works in a non-pharmacy setting.

CONCLUSIONS OF LAW

Mr. Brennan 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

It is this 13th day of Sept., 2011, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

ORDERED that Mr. Brennan's license to practice pharmacy be reinstated, provided that Mr. Brennan first successfully:

1. Complete the required continuing education;
2. Take the Maryland Pharmacy Jurisprudence Examination ("MPJE"); and
3. Pay the reinstatement fee; and be it further

ORDERED that upon reinstatement, Mr. Brennan's license be placed on immediate PROBATION for at least THREE (3) YEARS, during which:

1. As a dispensing pharmacist, Mr. Brennan:
 - a. Must work his first 1,000 hours under direct supervision of a licensed pharmacist, either as a pharmacist or as a pharmacy technician;
 - b. Must only work during day shifts;
 - c. May not work as a floater or for a staffing agency; and

- d. May only work for one pharmacy employer;
2. Mr. Brennan shall ensure that his pharmacist supervisor submit quarterly performance reports to the Board;
3. Mr. Brennan shall attend weekly meetings of AA, NA, or other similar substance abuse support program; and
4. Mr. Brennan shall submit to random, Board-ordered urines on a monthly basis; and be it further,

ORDERED that after one (1) year of probation, Mr. Brennan may petition the Board for modification of the probationary terms herein, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that after three (3) years of probation, Mr. Brennan may petition the Board to terminate probation, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that all urine screens under this Order shall be:

1. Submitted by Mr. Brennan within 24 hours of the Board staff instructing him to submit a urine sample;
2. Submitted at a CLIA-certified laboratory;
3. Observed; and
4. Negative for any controlled dangerous substance, narcotics, cocaine, alcohol, or other mood-altering substance, except as provided below; and be it further,

ORDERED that Mr. Brennan shall abstain from the ingestion of controlled dangerous substances, narcotics, cocaine, alcohol, or other mood-altering substances, except that Mr. Brennan may ingest prescribed controlled dangerous substances for legitimate medical reasons

under the following conditions:

1. Mr. Brennan must be a bona fide patient of a licensed Maryland prescriber who is aware of this order;

2. The medication must be lawfully prescribed by Mr. Brennan's physician or other authorized medical practitioner; and

3. Mr. Brennan 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; and
- d. A signed statement consenting to the release of all medical information about Mr. Brennan from the prescriber to the Board; and be it further,

ORDERED that Mr. Brennan'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. Brennan to the Board in complying with the terms and conditions set forth herein; and be it further,

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

ORDERED that Mr. Brennan'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 in good faith that Mr. Brennan has violated any of the conditions of probation herein, or in the event the Board finds in good faith that Mr. Brennan has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately summarily suspend Mr. Brennan's license prior to a hearing, provided that Mr. Brennan is given the opportunity for a show cause hearing within a reasonable time of such action; and be it further,

ORDERED that Mr. Brennan shall bear the expenses associated with this Order; 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).

September 13, 2011

Date

LaVerne G. Naesea

LaVerne G. Naesea, Executive Director
For
Michael Souranis, 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 signing 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.

9/1/11
Date


James F. Brennan, P.D.

STATE OF MARYLAND
COUNTY/CITY OF Anne Arundel

I hereby certify that on this 1st day of Sept, 2011, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared JAMES F. BRENNAN, and made an oath in due form that the foregoing Consent was his voluntary act and deed.


Notary Public
My commission expires: March 27 2014

