

IN THE MATTER OF	*	BEFORE THE
EDWARD R. BRESLOW	*	MARYLAND BOARD
Pharmacist	*	OF PHARMACY
RESPONDENT	*	
License No.: 22547	*	Case No.: 22-190
* * * * *		

FINAL ORDER OF REVOCATION OF LICENSE

The Maryland Board of Pharmacy (the “Board”) notified **Edward R. Breslow**, Pharmacist, License Number **22547** (the “Respondent”), of the Board’s intent to revoke his license to practice as a pharmacist, under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 12-101 *et seq.* (2021 Repl. Vol. and 2022 Supp.). The pertinent provisions of the Act and COMAR state:

Health. Occ. §12–313.

(b) Subject to the hearing provisions of § 12–315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist’s license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

- (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes;
- (25) Violates any rule or regulation adopted by the Board[.]

COMAR 10.34.10.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment;
- (3) Engage in unprofessional conduct[.]

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in the State of Maryland.

2. The Respondent was originally issued a license to practice as a pharmacist in Maryland on or about July 18, 2014. The Respondent's license expired on or about January 31, 2022, and has not been renewed.

3. On or about February 16, 2022, the Board received an anonymous complaint regarding the Respondent's conduct while employed at a pharmacy (the "Pharmacy") in Virginia. The complaint alleged that the Respondent stole a controlled substance from the Pharmacy.¹

4. At all times relevant hereto, the Respondent was the Pharmacist-in-Charge ("PIC") at the Pharmacy.

5. On or about March 18, 2022, the Board received a Complaint Response Form which included a written statement from the president of the Pharmacy (the "President"). The President indicated in his written statement that the Respondent

¹ The names of the Pharmacy and the President of the Pharmacy have been omitted to protect privacy. The names will be provided to the Respondent upon request to the Administrative Prosecutor.

admitted to taking controlled substances, including Hydrocodone powder, and using the medications in his coffee and other beverages while working on the job.

6. A video camera located in the pharmacy area at the Pharmacy captures the Respondent removing medication from the controlled substance safe and placing the medication in his pocket. The video camera also captures the Respondent removing medication from the controlled substance safe and placing the medication into a cup on several occasions.

7. A subsequent inventory of the controlled substances conducted by Pharmacy staff revealed that 847 mg of Tramadol powder, a schedule IV controlled substance, and 2,947 mg of Hydrocodone powder, a schedule II controlled substance, were missing from the Pharmacy.

8. After discovering the missing medications, Pharmacy staff sent DEA Form 106 Report of Theft or Loss of Controlled Substances to the Drug Enforcement Agency and the Virginia Board of Pharmacy.

9. The Respondent was terminated by Pharmacy staff after it was discovered that he had diverted medication from the Pharmacy.

Disciplinary Action Taken by the Virginia Board of Pharmacy

10. Prior to this incident, and based on different facts, on or about April 24, 2018, the Respondent was reprimanded by the Virginia Board of Pharmacy (the “Virginia Board”) for failing to take the necessary steps to ensure the security of controlled substances resulting in the loss of approximately 69,257 ml (146.4 pints) of Promethazine

with Codeine 10mg/6.25mg/5ml, a schedule V controlled substance, at a Virginia pharmacy where he was the PIC.

11. On or about June 14, 2022, the Virginia Board summarily suspended the Respondent's license to practice pharmacy for diverting controlled substances from the Pharmacy between August 13, 2021, and October 13, 2021. The Respondent admitted to investigators for the Virginia Board that he had diverted controlled substances from the Pharmacy for his personal use.

12. On or about September 13, 2022, the Virginia Board indefinitely suspended the Respondent's pharmacy license after the Respondent failed to comply with his contract with the Health Practitioners Monitoring Program (the "HPMP") that he entered into in October 2021. The Respondent was dismissed from the HPMP for noncompliance with his contract on or about May 20, 2022.

13. The Respondent's conduct as set forth above is in violation of Health Occ. §12-313(b) (24) and (25) and COMAR 10.34.10.01B (1), (2), and (3).

CONCLUSIONS OF LAW

The Board concludes that the Respondent is in violation of Health Occ. §12-313(b) (24) and (25) and COMAR 10.34.10.01B (1), (2), and (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of July 2023, by a majority of a quorum of the Board, hereby:

ORDERED that the Respondent's license to practice as a pharmacist in the State

of Maryland is hereby **REVOKED**; and it is further

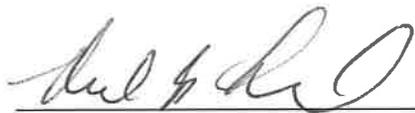
ORDERED that Respondent shall return to the Board all Maryland licenses within **ten (10) days** of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this Order is reportable to the National Practitioner Data Bank; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board of Pharmacy and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions § 4-333 (2021 Repl. Vol. and 2022 Supp.).

7-19-23
Date


Neil B. Leikach, R.Ph., M.Sc.
Board President
Maryland State Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

In accordance with § 12-316 of the Act and Md. Code Ann., State Government §§ 10-201 *et seq.* (2021 Repl. Vol. and 2022 Supp.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty (30) days from your receipt of this Final Order and shall be made in accordance with the aforementioned authority.