

IN THE MATTER OF
STEPHEN CAPPELLI, P.D.
Respondent

LICENSE NO: 17402

* BEFORE THE
* STATE BOARD OF
* PHARMACY
* Case No.: 13-035

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2009 Repl. Vol. and 2012 Supp.), the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.* (2009 Repl. Vol. and 2012 Supp.), and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby summarily suspends the pharmacy license of **STEPHEN CAPPELLI, License Number 17402, (the "Respondent") (D.O.B.: 07/04/1979)**, to practice pharmacy under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:¹

FINDINGS OF FACT

1. The Respondent is registered to practice pharmacy in the State of Maryland under License Number 17402. The Respondent was first licensed on October 5, 2004. The Respondent's license is active and is scheduled to expire on July 31, 2014.
2. At all times relevant, Respondent was employed as a pharmacist at Pharmacy A in Hagerstown, Maryland.
3. On or about December 19, 2012, the Board received information from Pharmacy A that the Respondent was terminated from his employment after he

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

admitted to taking generic Opana² tablets, altering pharmacy records, and creating false prescriptions.

4. Thereafter the Board initiated an investigation.

5. The Board's investigation revealed that on December 11, 2012, Pharmacy A became aware of discrepancies with generic Opana 10 mg. As a result, the Respondent was removed from the schedule pending further investigation.

6. In a written statement, the Respondent admitted to taking generic Opana tablets from Pharmacy A's stock in order to fill his wife's prescription before it was due. He then admitted to replacing the tablets when his wife's prescription was legitimately filled.

7. The Respondent further admitted to altering Pharmacy A's records on two occasions by indicating that only five bottles of generic Opana were ordered, when the correct number was six bottles.

8. The Respondent stated that he created forged prescriptions to obtain more medication "a couple of times" over a period of two to three months.

9. The Respondent admitted to taking approximately seven bottles of Opana from Pharmacy A.

10. Pharmacy A determined that the Respondent stole approximately 700 tablets of generic Opana, which is valued at \$3,744.51.

11. The Respondent further disclosed that he is dependent on generic Opana. He stated that he was prescribed the medication for a medical condition from 2008 until 2012, but continued to take the medication from his wife.

² Opana (generic: oxycodone) is an opioid pain reliever and a schedule II controlled dangerous substance ("CDS").

12. According to the Washington County Sheriff's Office ("WCSO") Investigative Report, the Respondent presented seven fraudulent prescriptions between August 23, 2012 and November 14, 2012. The following is a summary of the fraudulent prescriptions, which have a street value of \$11,700:

Date	Prescription
August 23, 2012	Oxymorphone HCl 10 mg #240
September 19, 2012	Oxymorphone HCl 10 mg #240
September 19, 2012	Oxymorphone HCl 5 mg #120
October 17, 2012	Oxymorphone HCl 10 mg #240
October 17, 2012	Oxymorphone HCl 5 mg #120
November 14, 2012	Oxymorphone HCl 5 mg #180
November 14, 2012	Oxymorphone HCl 10 mg #240

13. All of the fraudulent prescriptions were written for "Adam C. Townsend" by Physician A in Hagerstown, Maryland.

14. Pharmacy A contacted Physician A, who confirmed that all seven prescriptions were fraudulent and that he did not have a patient by that name. Physician A further stated that he would never prescribe this type of medication and stated that it would be for a terminal patient in the hospital.

15. During an interview with the WCSO, the Respondent stated that he paid for three of the fraudulent prescriptions (totaling \$3,930.88) in order to hide the thefts from Pharmacy A.

16. The Respondent was terminated from his employment at Pharmacy A, effective December 19, 2012.

17. On or about January 6, 2013, in the District Court of Maryland for Washington County, the Respondent was charged with 32 counts related to his theft of CDS from Pharmacy A and forging prescriptions. The Respondent's criminal case (number 6V00080947) is scheduled for trial on April 18, 2013.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) (2009 Repl. Vol. and 2012 Supp.).

ORDER

Based on the foregoing, it is this 8th day of **March 2013**, by a majority vote of a quorum of the Board, hereby:

ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2), the Respondent's license to practice pharmacy in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further


ORDERED that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN 30 DAYS** of his receipt of this notice. The written request should be made to: LaVerne Naesea, Executive Director, Maryland Board of Pharmacy, Department of Health & Mental Hygiene, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 207, Baltimore, Maryland

21201, and Linda Bethman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing, the Respondent's license will remain suspended; and it is further

ORDERED that the Respondent shall immediately turn over to the Board all copies of his license to practice pharmacy issued by the Board; and be it further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. § 10-617(h) (2009 Repl. Vol. and 2012 Supp.).


for LaVerne G. Naesea, Executive Director
Maryland Board of Pharmacy