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4B

IN THE MATTER OF
BOARD

BEFORE THE MARYLAND

STEVEN DAILEY

OF PHARMACY

Respondent

* * * * *

CONSENT ORDER

BACKGROUND

Based on the information received and reviewed by the State Board of Pharmacy (the "Board") regarding the practice of Steven Dailey (the "Respondent"), the Board charged the Respondent with having violated Section 12-313(b)21 of the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article, Annotated Code of Maryland. Appropriate notice of the charges and the grounds upon which they were based was sent to the Respondent in a letter dated December 20, 1991.

Following a pre-hearing conference held August 7, 1992, Respondent agreed to the terms and conditions set forth by the Board which have been reduced to writing in this Consent Order.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent is subject to disciplinary actions under Section 12-313(b)(21) of the Act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is on this 4 day of Sept, 1992, by unanimous vote of a quorum of the Board considering

this case

ORDERED that Respondent's license to practice pharmacy be suspended, and further

ORDERED said suspension of Respondent's license to practice pharmacy be stayed immediately and that the following conditions of probation be imposed:

1. All pharmacist employment must receive approval from the Board before Respondent begins employment.

2. Respondent shall not be employed as a floater pharmacist.

3. Respondent shall immediately give a copy of this Consent Order to any and all pharmacy employers. He shall arrange for any and all such employers to write to the Maryland Board of Pharmacy within thirty (30) days of their receipt of the Order acknowledging receipt of the Order and stating that they agree to comply with all conditions thereof that apply to employers. These requirements extend to any and all present and/or future such employers during the period of his probation.

4. Respondent shall continue at his own expense for two years from the date of this signed Order his participation in the outpatient group therapy sessions as required by Circuit Court for Baltimore County; and shall comply with all recommendations made to him by the person who leads his group therapy program (hereinafter, "his group therapist") in the time suggested by him until such time as and unless he is discharged from treatment by his group

therapist. If he is discharged from treatment by his therapist, Respondent shall arrange for prompt submission by the therapist of a written discharge report to the Maryland Board of Pharmacy.

5. Respondent shall also continue at his own expense for three years from the date of this Order individual therapy with Dr. Daniel Henderson and shall comply with all recommendations made to him by Dr. Henderson (hereinafter, "his individual therapist") in the time suggested by him unless he is discharged from treatment by his individual therapist. If he is discharged from treatment by his individual therapist, Respondent shall arrange for prompt submission by the individual therapist of a written discharge report to the Maryland Board of Pharmacy. When Respondent is employed as a pharmacist he shall participate in individual therapy on a weekly basis.

6. If, in violation of paragraph numbers 4 & 5, Respondent fails to continue with Dr. Daniel Henderson or his group therapy treatment program without having been discharged or ordered by the Board to change or discontinue the program of therapy, Respondent shall immediately notify the Maryland Board of Pharmacy in writing and have his therapist notify such agencies of his status directly.

7. Respondent shall immediately give a copy of this Consent Order to his individual therapist and group therapy leader and arrange for each therapist to advise the Maryland Board of Pharmacy within thirty (30) days, in writing, of

each therapist's receipt of the Order by acknowledging receipt of the Order and stating that each agrees to comply with all of the conditions that apply to each of them.

8. Respondent shall arrange for his individual therapist and the group therapist to submit written quarterly reports to the Maryland Board of Pharmacy reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that led to the action by the Board. The first report shall be due on December 1, 1992. Subsequent reports are due on March 4, 1993, June 1, 1993, and September 1, 1993, and quarterly thereafter until such time as Respondent has been terminated from probation.

9. Respondent shall send written quarterly reports to the Board describing what he is doing, the progress he feels he is making, what, if any, problems he presently faces, and how he is coping with those problems. Said reports shall be forwarded to Roslyn Scheer, Executive Director of the Board. The first report is due on December 1, 1992. Subsequent reports are due on March 4, 1993, June 1, 1993, and September 1, 1993, and quarterly thereafter unless and until the probationary period has been terminated.

10. Respondent shall arrange for any and all pharmacy employers during the course of his probation to submit to the Maryland Board of Pharmacy written quarterly reports evaluating his job performance and describing the nature of

his duties and his position. The first report shall be due the month immediately following his first day of employment as a pharmacist. If subsequent to the date of this Order, Respondent assumes a new position with a pharmacy employer, the first report shall be due one month after that position is assumed, quarterly reports will be required to be submitted on or before the dates as listed in paragraph nine of this Order.

11. In the event that the Respondent desires to change jobs as a pharmacist or decides not to practice pharmacy, or not to be employed in such a facility, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his potential employer by name, address, and telephone number and describing any new position. Respondent shall not begin a new position as a pharmacist without prior approval from the Board.

12. In the event that Respondent's therapists, either group or individual, report to the Maryland Board of Pharmacy that the Respondent is incapable of practicing pharmacy safely, or that his previous problems are interfering with his ability to practice pharmacy, the Respondent shall, within twenty-four (24) hours of being informed by the Board of Pharmacy of that report, voluntarily discontinue the practice of Pharmacy until the Pharmacy Board determines that the Respondent is capable of resuming the practice of pharmacy or gives its permission to resume the practice of pharmacy, with or without a report from that therapist or

another therapist.

13. Respondent shall notify the Maryland Board of Pharmacy, in writing, of his current address. In the event that he moves, the Respondent shall promptly notify the Maryland Board of Pharmacy, in writing, of any change of address and/or change of telephone number.

14. Respondent shall refrain from engaging in the conduct which led to the charges in this case under the Maryland Pharmacy Act.

15. Respondent shall participate in two hundred hours of community service approved by the Board within three years of the date of this Order.

16. The Respondent shall practice pharmacy in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED, that the conditions of this Consent Order be and the same are hereby effective as of the date of this Order; and be it further

ORDERED, that in the event that the Maryland Board of Pharmacy receives an unsatisfactory report, which it believes in good faith to be accurate, or in the event that the Maryland Pharmacy Board finds for any reason in good faith that the Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations promulgated under that Article or under Article 27, or has violated a condition of probation in this Order, the Board may take immediate action, including, but not limited to, revocation

or suspension of the Respondent's license to practice pharmacy prior to giving the respondent an opportunity for hearing. However, the Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, 10-201, et seq. within thirty (30) days after Respondent notifies the Board, in writing, of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, after notifying the Respondent, conducting a hearing and determining that a violation has occurred, withdraw the stay of suspension of Respondent's license or impose any other disciplinary action it deems appropriate; and be it further

ORDERED, that on or before three (3) years from the date of this Order, the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any conditions or restrictions as to the scope of practice. Any such petition shall be accompanied by reports from his pharmacy employers, the person or persons serving as his therapists. These reports must be prepared within thirty (30) days of his petition. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at that time, the Board may modify one or more of the conditions upon which Respondent was placed on probation. However, if Respondent fails to make any such petition, then his probationary status shall continue indefinitely, subject to the conditions set forth in this

Order.

DATE

9/4/92

RALPH SMALL

Secretary

Maryland Board of
Pharmacy

CONSENT

I, Steven Daily, P.D., by affixing my signature hereto, acknowledge:

1. That I have been advised to seek advice of counsel prior to signing this document and have sought such advice;

2. That I am aware that without my consent, no legal action can be taken against me, except pursuant to the Maryland Administration Procedure Act, State Government Article, Section 10-201 et. seq., Annotated Code of Maryland.

3. That I have the following rights, among others: to have a formal evidentiary hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and to subpoena witnesses against me;

4. That I waive all such rights to the formal hearing;

5. That I consent to the entry of the foregoing Order affecting my license to practice pharmacy in the State of Maryland;

6. That I acknowledge the validity of this

Consent Order as if it were made following a formal hearing before the Board;

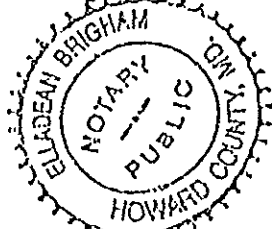
7. That I enter into this Consent Order of my own free will under no duress or undue influence.


STEVEN DAILEY, P.D.


STATE OF MARYLAND
COUNTY: Howard

I, HEREBY CERTIFY that on the 18 day of August, 1992, before me, a Notary Public of the State of Maryland and County aforementioned, personally appeared Steven Daily and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.



My Commission Expires:


Notary Public

ELLADEAN BRIGHAM
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires August 21, 1995