

IN THE MATTER OF

MORRELL DELCHER, R.Ph.

LICENSE NO. 07118

\*

\*

\*

\*

BEFORE THE MARYLAND

STATE BOARD OF

PHARMACY

\* \* \* \* \*

**CONSENT ORDER AND REPRIMAND**

**Background**

The Maryland State Board of Pharmacy (the "Board") received credible information that Morrell Delcher, R.Ph., acting as the Director of Pharmacy at St. Joseph's Hospital Pharmacy, refused to allow one of the Board's inspector to perform a routine annual inspection of the hospital's pharmacy on May 20, 2010. The Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. § 12-604(c) provides that a person may not hinder an inspection conducted by the Board or its agents.

In lieu of instituting formal proceedings against Mr. Delcher's pharmacist license, and in accordance with the Act, Md. Code Ann., Health Occ. § 12-315, a pre-charge Case Resolution Conference ("CRC") was held with members of the Board and Mr. Delcher on August 25, 2010. Thereafter, the Board and Mr. Delcher agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. Mr. Delcher was licensed as a pharmacist in Maryland under license number 07188 on November 19, 1969.

2. At all times relevant hereto, Mr. Delcher was employed as the Director of Pharmacy at St. Joseph's Hospital Pharmacy.
3. On May 20, 2010 one of the Board's inspectors attempted to conduct a routine annual inspection of St. Joseph's Hospital Pharmacy.
4. Mr. Delcher refused to allow the Board's inspector to conduct the inspection due to activities that were taking place that day within the medical center.
5. Mr. Delcher was rude and unprofessional in his interactions with the Board's inspector. Mr. Delcher incorrectly demanded that the inspector give him advance notice of any inspection.
6. Mr. Delcher then escorted the inspector out of the pharmacy.
7. Mr. Delcher ultimately permitted another Board inspector to conduct an inspection on June 1, 2010.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Delcher is subject to discipline pursuant to Md. Code Ann., Health Occ. § 12-313(b)(25) for violating Health Occ. § 12-604(c) ("A person may not hinder an inspection conducted [by the Board].") and violating the Pharmacist Code of Conduct, COMAR 10.34.10.03.B.(3) ("A pharmacist may not...[e]ngage in unprofessional conduct.") Further, Mr. Delcher is subject to the imposition of a monetary penalty pursuant to Health Occ. § 12-314(a)(2).

**ORDER**

Based on an affirmative vote of the Board, it is this 21<sup>st</sup> day of November, 2010,  
hereby:

**ORDERED** that Mr. Delcher's pharmacist license is hereby REPRIMANDED, and be it further,

**ORDERED** that Mr. Delcher shall pay a FINE of \$5,000.00, in the form of a certified check or money order, payable to the Maryland Board of Pharmacy within 30 days from the effective date of this Order; and be it further,

**ORDERED** that Mr. Delcher shall submit a letter of apology to the Board's inspector within 30 days from the effective date of this Order, and be it further,

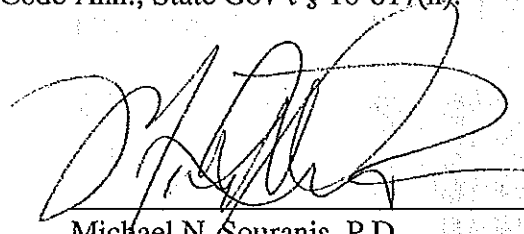
**ORDERED** that Mr. Delcher shall successfully complete a college-level professional ethics course within one (1) year from the effective date of this Order, and be it further,

**ORDERED** that should Mr. Delcher fail to comply with the any of the terms and/or conditions of this Order, the Board, in its discretion, after notice and an opportunity for a show cause hearing, may impose additional sanctions, including suspension, revocation, and/or a monetary penalty authorized under the Maryland Pharmacy Act; 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 Md. Code Ann., State Gov't § 10-617(h).

Date

11/2/10

  
\_\_\_\_\_  
Michael N. Souranis, P.D.  
President of the Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. 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 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.

10/25/10  
Date

Morrell C Delcher  
Morrell Delcher, R.Ph.

STATE OF MARYLAND  
COUNTY/CITY OF Anne Arundel

I hereby certify that on this 25th day of October, 2010, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MORRELL DELCHER, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Connie Bell  
Notary Public  
My commission expires: \_\_\_\_\_

