

IN THE MATTER OF

\*

BEFORE THE

WILLIAM R. ELLIOT

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MARYLAND BOARD

LICENSE No: 06640

\*

OF PHARMACY

Respondent

\*

Case No.: 12-075

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**ORDER FOR SUMMARY SUSPENSION**

The State Board of Pharmacy (the "Board") hereby summarily suspends the license of **WILLIAM R. ELLIOT** ("the Respondent"), **License No.: 06640**, to practice pharmacy under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.* (2009 Repl. Vol. and 2011 Supp.). The Board takes such action pursuant to its authority under Md. State Gov't Code Ann. § 10-226(c)(2)(i)(2009 Repl. Vol. and 2011 Supp.) concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

I. **BACKGROUND**

<sup>1</sup> 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.

1. The Respondent is licensed to practice pharmacy in the State of Maryland under License Number 06640. The Respondent was first licensed on December 15, 1965. The Respondent's license is currently active and will expire on May 31, 2012.

2. At all times relevant, Eastern Shore Pharmacy ("Eastern") was authorized to operate a pharmacy in the State of Maryland. Eastern currently holds a permit to operate a pharmacy under permit number P02267. Eastern is owned and/or operated by the Respondent.

3. At all times relevant, Eastern was operating a retail pharmacy at 400 Eastern Shore Drive, Salisbury, Maryland 21804.

4. In or around November 2010, the Board received a complaint that had been forwarded from the Washington State Department of Health ("WSDH"). The complaint was filed by a Federal Express delivery person in Washington State alleging that he "noticed a large number of prescriptions being delivered under many different names to a Federal Express customer." The prescriptions were from Eastern, as well as other pharmacies in Texas, Wisconsin and Pennsylvania.

5. The Board initiated an investigation, which revealed that the Respondent operates an Internet pharmacy through which he fills approximately 300 prescriptions per day. The prescriptions are received through the Internet from three different website intermediaries and are in addition to the prescriptions filled by his retail pharmacy.

6. Most of the prescriptions filled by the Internet pharmacy are for Ultram, Soma and Fioricet. Fioricet is a controlled drug (Schedule III) on the Maryland Drug Schedule, but is not a Drug Enforcement Administration ("DEA") scheduled drug.

7. On June 15, 2011, after an investigation, the Board charged the Respondent with violations of the Act ("2011 Charges") under H.O. § 12-313(b)(25); and/or COMAR 10.34.10.01A(1); and/or COMAR 10.34.10.01B; and/or COMAR 10.19.03.07C; and/or COMAR 10.19.03.09A. (See Notice of Charges Under the Maryland Pharmacy Act, attached as **Exhibit 1**.) The 2011 Charges are still pending.

## II. Current Allegations

8. On or about December 5, 2011, the Maryland Board of Physicians ("MBP") received a telephone call from a physician ("Dr. A") in Reno, Nevada to report that a patient ("Patient A") in his hospital had overdosed on Tramadol, which was prescribed by a Maryland physician ("Dr. B"), who was allegedly practicing in Salisbury, Maryland.

9. Dr. A contacted the MBP to report Dr. B; however the MBP could not locate Dr. B in its licensing system and contacted Dr. A for more information.

10. Dr. A provided Dr. B's address as it appeared on Patient A's prescription bottle. The address was 400 Eastern Shore Drive, Suite 103, Salisbury, Maryland 21804. The telephone number on the prescription bottle was 866-343-2288.

11. The MBP called the telephone number on the prescription bottle and a recording indicated that it was for Village Meds, an online pharmacy.

12. The MBP also determined that the address on the prescription bottle matched the address of Eastern's retail pharmacy.

13. On December 6, 2011, the MBP provided this information to the Maryland Division of Drug Control ("DDC").

14. On December 6, 2011, the DDC contacted Dr. A and requested a serum level of Tramadol on Patient A.

15. According to Dr. A, Patient A's serum level of Tramadol indicated a life-threatening overdose. Dr. A stated that Patient A was "completely obtunded and had a large aspiration pneumonia. [Patient A] was critically ill with Severe Sepsis and almost intubated due to his severe respiratory compromise, all of this due to overdosing on a prescription medication that he has been addicted to for a number of years and had also recently been through a drug rehab program for."

16. On March 5, 2012, two DDC inspectors visited Eastern for an inspection and interviewed the Respondent, who stated that he has never heard of Village Meds.

17. The Respondent also stated that he did not fill any prescriptions for Patient A.

18. The DDC inspectors reviewed Eastern's purchase invoices and determined that Eastern's purchase of generic Fioricet substantially increased from 1600 tablets in all of 2011 to 69,500 tablets in the first two months of 2012.

19. The DDC inspectors observed five large stock bottles of Tramadol, which were not accounted for on the invoices.

20. The DDC inspectors asked the Respondent to conduct an inventory of generic Fioricet, Carisoprodol and Tramadol, but he stated that he couldn't get all the stock together and would conduct the inventory at a later time.

21. On March 8, 2012, a DDC inspector visited Eastern to resolve questions from the March 5 inspection. The Respondent was not available to meet with the

inspector, but left a single, unsigned page of a multiple-page document from the Board purportedly authorizing him to conduct business with Internet intermediaries.

22. The Respondent provided an inventory as requested at the March 5 inspection. His inventory as of March 8, 2012 upon start of business was:

Generic Fioricet – 25, 350 tablets  
Carisoprodol 350 mg – 3,000 tablets  
Tramadol 50 mg – 434,070 tablets  
Cyclobenzaprine – 30, 230 tablets

23. The pharmacist on duty was Pharmacist A, a relief pharmacist, who works only two to three days per month. She was unable to answer any of the DDC inspector's questions regarding the Internet pharmacy operation.

24. On March 29, 2012, three DDC inspectors returned to Eastern to review Internet prescriptions that were unavailable on previous visits.<sup>2</sup>

25. The DDC inspectors located a prescription filled by Eastern on December 1, 2011 for Patient A for Tramadol 50mg #90.

26. The Respondent advised the DDC inspectors that the telephone number printed on prescription labels and affixed to bottles he ships out is not Eastern's telephone number, but rather, a customer service number for the Internet intermediary.

27. The DDC inspectors called the telephone number on a prescription label and reached a customer service representative, who stated that there was no pharmacist present to speak with him.

28. In a written statement dated March 29, 2012, the Respondent stated that the Board gave him "the verbal okay" to continue an Internet presence while the committee and attorneys" determined the proper procedures.

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<sup>2</sup> The Respondent-Pharmacy stores some files off-site.

### CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. § 10-226(c)(2) (2009 Repl. Vol. and 2011 Supp.).

### ORDER

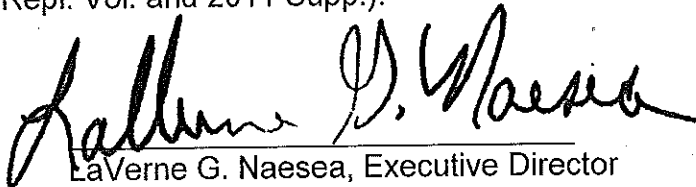
Based on the foregoing, it is therefore this 16<sup>th</sup> day of April 2012, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Gov't. Code Ann. §, 10-226(c)(2) (2009 Repl. Vol.), hereby:

**ORDERED** that the license issued to the Respondent, **WILLIAM ELLIOT**, to practice pharmacy in the State of Maryland under License Number 06640 is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and be it further

**ORDERED** that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy, within five days of the date this Order is signed by the Board; and be it further

**ORDERED**, that this document constitutes a final 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 2011 Supp.).

  
LaVerne G. Naesea, Executive Director  
Maryland Board of Pharmacy

**NOTICE OF HEARNG**

A non-evidentiary Show Cause hearing to determine whether the Respondent's license shall be summarily suspended will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 on **Wednesday, April 25, 2012 at 11:30 a.m.**