

**IN THE MATTER OF  
CRAIG HOLSTON, P.D.  
License No.: 09940  
Respondent**

**\* BEFORE THE  
\* STATE BOARD  
\* OF  
\* PHARMACY  
\* Case No. 2008-347**

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") issued a Notice of Intent to Summarily Suspend and an unexecuted Order for Summary Suspension to Craig Holston, P.D. (the "Respondent") pursuant to the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol.) and COMAR 10.34.01.12 based on the substantial likelihood that the Respondent poses a risk of harm to the public health, safety, or welfare. The Notice informed the Respondent that a Show Cause hearing before the Board was scheduled for April 21, 2010, during which the Respondent would have the opportunity to show cause as to why the Board should not execute the Order as drafted. On April 13, 2010, the Respondent signed for the delivery of the Notice and unexecuted Order.

The Respondent failed to appear at the Show Cause hearing as scheduled on April 21, 2010.<sup>1</sup> A quorum of the Board proceeded in his absence. This Order is based on the following investigative findings, which the Board has reason to believe are true:

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<sup>1</sup> The Board's attempts to confirm the Respondent's attendance at the Show Cause hearing were unsuccessful. The Board delayed the hearing by 20 minutes past the scheduled start time in case the Respondent was running late.

## **BACKGROUND**

1. At some of the time relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on February 16, 1983. The Respondent's license expired on March 30, 2010.

2. On December 3, 2007, the Board issued a Consent Order lifting the Respondent's Summary Suspension. The Summary Suspension was occasioned by the following events:

A. The Respondent's license to practice pharmacy was summarily suspended on December 10, 1993 due to his arrest for possession of CDS paraphernalia, possession of cocaine, and possession of prescription drugs with intent to distribute;

B. The Respondent subsequently pled guilty to possession of a controlled substance and received probation;

C. The Board reinstated the Respondent's license on January 14, 2004, and placed him on probation for three years;

D. In August 2004, the Respondent tested positive for illegal drugs, resulting in the Board's suspending his license on October 8, 2004;

E. On October 19, 2005, the Board held a Show Cause hearing, after which the Board issued an Order Continuing the Summary Suspension, dated November 30, 2005;

F. The terms of the November 30, 2005 Order allowed the Respondent to petition the Board to lift the suspension of his license after July 15, 2007;

G. The Respondent submitted to a substance abuse evaluation by Ralph Raphael, Ph.D., on August 20, 2007. Dr. Raphael's evaluation found that the Respondent could safely return to pharmacy practice under certain conditions, which the Board incorporated in its Order;

H. The Order lifted the summary suspension of the Respondent's license, provided that he first submit proof of completion 30 CEUs;

I. The Order placed the Respondent immediately on Probation for at least three years, subject to the following conditions, *inter alia*:

1. The Respondent shall not have access to controlled dangerous substances;
2. The Respondent shall abstain from all alcohol and mood-altering drugs;
3. The Respondent shall continue his involvement with the 12-Step program, working actively with a home group and a sponsor. The Respondent shall submit a monthly attendance sheet to the Board documenting his participation in the 12-step program;
4. The Respondent shall submit to weekly random urine screens [;].

**CURRENT REASONS FOR SUMMARILY SUSPENDING THE LICENSE**

1. By letter dated February 9, 2010, the Board notified the Respondent that he had not provided the Board with a result of a urine test since 8/20/09, putting him in significant violation of his Board Order. It further informed the Respondent that the

Board had been calling him weekly for his random urine tests. The letter further informed the Respondent that the Board was giving him until February 19, 2010 to take a urine test and forward the results to the Board and warned him that failure to do so may further subject him to Board discipline.

### **FINDINGS OF FACT**

1. As set forth above, by failing to comply with the terms of the Order of December 3, 2007 to submit to weekly urine tests, the Respondent is in violation of same and a threat to the public health, welfare or safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provisions of § 12-313 of the Act:

(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, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board;
- (28) Fails to cooperate with a lawful investigation conducted by the Board or the Division of Drug Control.

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacist Technician Code of Conduct, 10.34.10. (2/19/09):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03;

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the licensee on probation, or suspend or revoke the licensee's license if the licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated Code of Maryland.

### **CONCLUSIONS OF LAW**


Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. § 10-226(c)(2) (2000 Repl. Vol.).

**ORDER**

Based on the foregoing, it is therefore this 23<sup>rd</sup> day of April, 2010, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Govt. Code Ann. §10-226(c)(2) (2009 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 09940, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED**, that the Respondent shall return to the Board his wall certificate and wallet-sized license to practice pharmacy issued 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.).



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LaVerne Naesea, Executive Director  
for  
Donald Taylor, P.D., President  
Board of Pharmacy

**NOTICE OF AN EVIDENTIARY HEARING**

The Respondent may request an evidentiary hearing on the merits of the summary suspension by submitting a request for the same to the Board at the below address within 30 days of the mailing of this notice:

Maryland Board of Pharmacy  
4201 Patterson Avenue  
Baltimore, MD 21215