IN THE MATTER OF

DANIEL F. MACKLEY, P.D.

LICENSE NO.: 08389

Respondent

BEFORE THE

STATE BOARD

OF

PHARMACY

Case No. 11-124

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol. and 2011 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Daniel Mackley, P.D., (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol. and 2011 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 22, 1976. The Respondent’s license expires on January 31, 2013.

2. At all times relevant hereto, the Respondent was employed as a pharmacist at several locations at pharmacies within a national discount store.

3. While working at the store in Beltsville, Maryland in Prince George’s County in June 2011, the Respondent was caught and admitted taking drugs from his employer. The Respondent admitted taking narcotics from several locations for his personal use.
4. As a result, the Respondent was terminated from employment, a DEA theft or loss of drugs form was filed, and the Respondent was prosecuted criminally.¹

5. The Respondent was charged with theft less than $300. On September 27, 2011, he pled guilty to that charge and was found guilty in the District Court of Prince George’s County. He was sentenced to 90 days in jail, which was suspended, and he was placed on 90 days supervised Probation, subject to the following conditions: continue with Allied counseling group for five years; and, not to practice pharmacy—he stated that he had surrendered his license (he did not).

**FINDINGS OF FACT**

1. As set forth above, the Respondent by stealing drugs from his employer to support his addiction, the Respondent is a threat to the public health, welfare or safety.

**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) (2009 Repl. Vol.).

¹The Respondent was referred to a Board assigned evaluator for incidents that occurred between 2005 and 2007 when the Respondent was working at a VA hospital and at a hospital in Frederick, Maryland. The evaluator opined that, because the Respondent had remained abstinent during his three years of monitoring, he did not need further monitoring at that time (2009).
ORDER

Based on the foregoing, it is therefore this 28th day of November, 2011, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Govt. Code Ann. §10-226(c) (2) (2009 Repl. Vol. and 2011 Supp.), the license held by the Respondent to practice pharmacy in Maryland, License No. 08389, is hereby SUMMARILY SUSPENDED; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice pharmacy and the danger to the public; 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 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. and 2011 Supp.).

[Signature]
LaVerne G. Naeser, Executive Director
Board of Pharmacy
NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.