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| IN THE MATTER OF  | * | BEFORE THE STATE |
| JAMES MORROW      | * | BOARD OF         |
| LICENSE No: 08394 | * | PHARMACY         |
| Respondent        | * | CASE No.: 13-013 |

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. ("S.G.") §10-226 (c) (2009 Repl. Vol.), the Maryland Pharmacy Act (the "Act") Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 Repl. Vol.), and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby summarily suspends the license of **JAMES MORROW, LICENSE NUMBER 08394, (the "Respondent") (D.O.B. 09/21/1953)**, to practice pharmacy under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:<sup>1</sup>

**FINDINGS OF FACT**

1. The Respondent is licensed to practice pharmacy in the State of Maryland under License Number 08394. The Respondent was first licensed on July 22, 1976. The Respondent's license is current and is scheduled to expire on September 30, 2014.
2. The Respondent also holds licenses in Colorado, Utah, and Virginia.<sup>2</sup>
3. The Board received information that the Respondent's Virginia license was indefinitely suspended.
4. Thereafter the Board initiated an investigation.

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<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.

<sup>2</sup> The Respondent's Colorado and Utah licenses expired in 1983 and 1984, respectively.

5. The Board's investigation revealed that on or about January 5, 2006, the Respondent's Virginia license was suspended after it was discovered that he diverted narcotics from his place of employment for his personal use.<sup>3</sup>

6. In lieu of a formal administrative hearing, on or about May 22, 2006, the Respondent entered into a Consent Order ("Virginia Order") with the Commonwealth of Virginia Board of Pharmacy ("Virginia Board"). Pursuant to the Virginia Order, the Respondent's Virginia license was indefinitely suspended and the Respondent was required to enter into a Health Practitioners Intervention Program ("HPIP") Recovery Monitoring Contract. The Virginia Order continued the indefinite suspension until the Respondent provided documentation that he entered into the HPIP Recovery Monitoring Contract. At that time, the Virginia Board stayed the indefinite suspension.

7. As a result of his diversion of narcotics from his employer, on or about April 16, 2006, in the Circuit Court of the City of Virginia Beach, the Respondent pled guilty to prescription fraud. He was placed on supervised probation for one year.

8. On or about July 24, 2012, the Virginia Board notified the Respondent that it summarily rescinded the stay of indefinite suspension of his license and his license was indefinitely suspended. This action was taken after the Virginia Board received information that the Respondent diverted narcotics from his place of employment for his personal use.<sup>4</sup>

9. On or about September 26, 2012, the Respondent electronically submitted a renewal application for his Maryland license.

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<sup>3</sup> The Respondent diverted Phentermine HCL 37.5 mg a schedule IV narcotic and self-administered while on duty.

<sup>4</sup> The Respondent diverted Phentermine HCL 37.5 mg and self-administered.

10. The Respondent answered, "no" to question 2a, "Has any State Licensing or Disciplinary Board, or a comparable body in the armed forces denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation?"

11. The Respondent also answered "no" to question 3, "Are there any outstanding complaints, investigations or charges pending against you in any State by any Licensing or Disciplinary Board for [sic] a comparable body in the Armed Services?"

12. The Respondent placed a check mark next to the following statement: "I affirm that the information I have given in this application, including that given to the questions (1) through (9), is true and correct to the best of my knowledge and belief."

13. In lieu of a formal administrative hearing, on or about October 1, 2012, the Respondent entered into a second Consent Order ("second Virginia Order") with the Virginia Board. The second Virginia Order continued the indefinite suspension until the Respondent provides documentation that he re-entered the Health Practitioner's Monitoring Program.

### **CONCLUSIONS OF LAW**

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) (2009 Repl. Vol. and 2011 Supp).

### **ORDER**

Based on the foregoing, it is this 22<sup>nd</sup> day of October 2012, by a majority vote of a quorum of the Board, hereby:

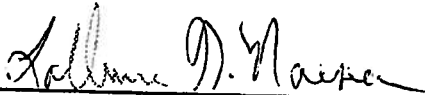
**ORDERED** that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2) License No. 08394, the Respondent's license to practice a pharmacy in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN THIRTY (30)+ DAYS** of his receipt of this notice. The written request should be made to: LaVerne Naesea, Executive Director, Maryland Board of Pharmacy, Department of Health & Mental Hygiene, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, and Linda Bethman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

**ORDERED** that if the Respondent fails to request a post-deprivation show cause hearing, the Respondent's license will remain suspended; and it is further

**ORDERED** that the Respondent shall immediately turn over to the Board his license to practice a pharmacy issued by the Board; and be it further

**ORDERED** that this document constitutes an 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.).

  
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LaVerne G. Naesea, Executive Director  
Maryland Board of Pharmacy