

IN THE MATTER OF
JAMES MORROW, P.D.
LICENSE No: 08394
Respondent

* BEFORE THE STATE
* BOARD OF
* PHARMACY
* CASE No.: 13-013

* * * * *

FINAL ORDER

On December 19, 2012, the Maryland State Board of Pharmacy (“the Board”), issued a Notice of Intent to Revoke the pharmacy license of **JAMES MORROW, P.D., LICENSE NUMBER 08394, (the “Respondent”) (D.O.B. 09/21/1953)**, based on his violation of the Maryland Pharmacy Act (the “Act”), codified at Md. Health Occ. Code Ann. (“H.O.”) §§ 12-101, *et seq.* (2009 Repl. Vol.).

The Board found that the Respondent violated the following provisions of H.O. § 12-313:

(b) *In general.* – 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 for a pharmacists license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or for another;

(7) Willfully makes or files a false report or record as part of practicing pharmacy;

(24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board’s disciplinary statutes; to wit:

(2) Fraudulently or deceptively uses a license;

(5) Provides professional services while: (ii) Using any narcotic or controlled substance, as defined in § 5-101 of the

Criminal Law Article, or any other drug that is in excess of therapeutic amounts or without valid medical indication; and

(22) Is convicted of or pleads nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

The Board notified the Respondent that this Final Order would be executed thirty (30) days from his receipt of the Board's notification, unless the Respondent requested a hearing. The Board's Notice of Intent to Revoke the Respondent's Pharmacy License (the "Notice.") was mailed to the Respondent's address of record by certified mail and by regular mail. The Respondent did not request a hearing.

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.¹

3. The Board received information that the Respondent's Virginia license was indefinitely suspended.

4. Thereafter the Board initiated an investigation.

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.²

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

¹ The Respondent's Colorado and Utah licenses expired in 1983 and 1984, respectively.

² The Respondent diverted Phentermine HCL 37.5 mg a schedule IV narcotic and self-administered while on duty.

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.³

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

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?”

³ The Respondent diverted Phentermine HCL 37.5 mg and self-administered.

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.

14. On or about October 22, 2012, the Board summarily suspended the Respondent's license to practice pharmacy in the State of Maryland. The Respondent was notified that he had 30 days to request a post-deprivation show cause hearing. He did not request a hearing. His license remains summarily suspended.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds by a preponderance of evidence and concludes that the Respondent's conduct as described above violates H.O. §§12-313(b)(1), (7), and (24) to wit: H.O. § 12-313(b)(2), (5)(ii), and (22).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice pharmacy is hereby **REVOKED**;

ORDERED that this Order is a PUBLIC DOCUMENT, pursuant to Md. Code

Ann., State Govt. § 10-611 et seq. (2009 Repl. Vol. and 2011 Supp.).

2/21/13
Date

for Katherine B. Nasser
Michael N. Souranis, P.D.
President, State Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §19-313 (2009 Repl. Vol. and 2011 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2011 Supp.), and Title 7, Chapter 200 of the Maryland Rules.