

IN THE MATTER OF * **BEFORE THE**
DANIEL MCTAGGART, P.D. * **STATE BOARD**
License No.: 14584 * **OF**
Respondent * **PHARMACY**
* **Case No. 12-088**

* * * * *

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 McTaggart, 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 16, 1997. The Respondent's license expires on September 30, 2012.

2. On November 19, 2011, the Respondent signed a contract with the Pharmacists Education and Advocacy Council (PEAC) for a monitoring and treatment agreement for three years. The Respondent agreed to adhere to its terms which called for, *inter alia*, completely abstaining from all mood-altering drugs, including alcohol, provide random, witnessed urine and breath samples for drug and alcohol screening

upon direction from PEAC, and, inform all employers of this agreement.

3. On December 16, 2011, the Respondent's pharmacy employer requested that he take a breathalyzer between 10:30 and 11:00 AM. The Respondent's test was positive for alcohol and the pharmacy personnel requesting the test was told to drive the Respondent home. The Respondent's breathalyzer result's were initially .29, and, fifteen minutes later, .28, with the cut off being .02, meaning that the Respondent was positive when he came to work that morning. When the person informed the pharmacy owner, the decision was made to terminate the Respondent from employment with the company.

4. Subsequently, starting May 2012, PEAC began contacting the Respondent informing him that he had not been in contact with his assigned PEAC monitor and PEAC stated that outpatient treatment was immediately required, as well as a new contract. PEAC urged the Respondent to contact his PEAC sponsor immediately.

5. By letter dated May 18, 2012, PEAC wrote the Respondent citing its prior letter of March 26, 2012 where a former therapist recommended a residential treatment program or an intensive outpatient program, which PEAC agreed with, which the Respondent rejected. PEAC informed the Respondent that he had cancelled two meetings with his current therapist in the absence of documentation of alcohol testing for a month. PEAC concluded that the letter was the fourth one indicating a violation of the PEAC monitoring agreement and that PEAC would be referring his case to the Board for his failure to adhere to his contract.

6. By letter dated June 28, 2012, PEAC wrote to the Board informing it that PEAC was in possession of the Respondent's pharmacy license which it was

forwarding to the Board because the Respondent was non-compliant with his PEAC treatment agreement. PEAC further stated that the Respondent had agreed to cease working in pharmacy but investigation revealed that he had worked several months at a pharmacy where he was fired last month. The owner of that pharmacy feared that the Respondent may be working in West Virginia where he has a pharmacist license.

FINDINGS OF FACT

As set forth above, a pharmacist who works while impaired by alcohol is a threat to the health, welfare or public 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. and 2011 Supp.).

ORDER

Based on the foregoing, it is therefore this 15th day of August, 2012, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c)(2) (2009 Repl. Vol. and 2012 Supp.), the license held by the Respondent to practice pharmacy in Maryland, License No. 14584, 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 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.).



LaVerne G. Naesea, 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.