

**IN THE MATTER OF  
DANIEL MCTAGGART, P.D.  
LICENSE NO. 14584**

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**BEFORE THE MARYLAND  
STATE BOARD OF  
PHARMACY  
Case No. 12-088**

**Respondent**

\* \* \* \* \*

**CONSENT ORDER IN LIEU OF CONTINUED  
SUMMARY SUSPENSION**

**BACKGROUND**

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.* (2009 Repl. Vol. & 2011 Supp.), and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2009 Repl. Vol.), the Board issued an Order for Summary Suspension, dated August 15, 2012, in which it summarily suspended the license to practice pharmacy in Maryland held by Daniel McTaggart (the "Respondent"). Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

On October 3, 2012, the Board held a Show Cause Hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why he did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that he comply with the terms and conditions set forth in this Consent Order.

## FINDINGS OF FACT

1. The Respondent is licensed to practice pharmacy in the State of Maryland under License Number 14584. The Respondent was first licensed on July 16, 1997. The Respondent's license expires on September 30, 2014.
2. On November 9, 2011, the Respondent signed a three year monitoring and treatment contract with the Pharmacists' Education and Advocacy Council of Maryland ("PEAC"), pursuant to which he agreed to abstain from all mood-altering drugs and alcohol, comply with random drug and alcohol screening, and maintain contact with a PEAC monitor. The Respondent's contract with PEAC did not initially require a drug or alcohol treatment program. The Respondent's decision to sign a contract with PEAC was precipitated by allegations from his pharmacy employer that he was drinking alcohol while at work.
3. On December 15, 2011, between 10:30 a.m. and 11:00 a.m. on a workday, the Respondent went to Western Maryland Health System's Occupational Health Department for a breathalyzer test pursuant to his PEAC contract. The Respondent's readings were .029 on an initial test and .028 on a second test 15 minutes later. The "cut-off" score for a positive breathalyzer test is .02.
4. Following the positive breathalyzer test, the Respondent's employer immediately terminated his employment.
5. On February 2, 2012, PEAC sent a letter to the Respondent indicating that he had not been in sufficient contact with his PEAC-assigned monitor. PEAC also informed the Respondent that based on the results of the Respondent's January 4, 2012 assessment with Alternative Drug & Alcohol Counseling of Allegany County ("ADAC"), "[p]articipation in an

outpatient program is warranted at this time.” PEAC noted that this letter was the “second letter of non-compliance to the treatment monitoring agreement.”

6. In a March 22, 2012 letter to PEAC, the clinical supervisor at ADAC disclosed that the Respondent had continuing compliance issues, including an admitted failure to completely abstain from alcohol use. ADAC further informed PEAC that it recommended the Respondent accept a referral to a residential treatment program to address his alcohol dependence.

7. On March 26, 2012, PEAC sent a letter to the Respondent relaying ADAC’s recommendations. PEAC offered the Respondent an alternative to the residential treatment program, consisting of an intensive outpatient program along with participation in a 12-step program and daily observed disulfiram ingestion.<sup>1</sup> PEAC also notified the Respondent that he still was not in sufficient weekly contact with his PEAC monitor. PEAC noted that this was the “third letter of non-compliance” and that failure to accept the recommendations would lead to referral to the Board.

8. By letter sent May 18, 2012, PEAC informed the Respondent that it was referring his case to the Board due to his continued non-compliance with treatment plans and drug/alcohol testing. PEAC promptly referred the Respondent to the Board.

9. On August 15, 2012, the Board issued an Order for Summary Suspension, immediately suspending the Respondent’s license to practice pharmacy in Maryland, based on a finding that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2).

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<sup>1</sup> Disulfiram (also known by the trade name Antabuse) is a drug used to treat alcohol abuse that causes unpleasant effects (such as headache, nausea, vomiting, chest pain, blurred vision, and difficulty breathing) when even a small amount of alcohol is consumed.

10. Following the Respondent's request, the Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on October 3, 2012, to allow the Respondent the opportunity to show cause why he did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted.

11. At the Show Cause Hearing, the Respondent informed the Board that he had recently signed a contract with a counselor at Family Therapy Services for alcohol treatment services, including a number of terms similar to the Respondent's initial contract with PEAC. Specifically, the Respondent agreed to completely abstain from alcohol consumption, attend weekly counseling sessions, attend weekly Alcoholics Anonymous meetings, submit to random drug and alcohol screens, maintain regular contact with his PEAC monitor, and daily disulfiram ingestion (to be observed by his wife or, once a week, his counselor). The Respondent also agreed, in his contract with Family Therapy Services, to "refrain from practicing his profession of pharmacy unless otherwise approved to do so by" the Board.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that the Respondent is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§ 12-313(21) and (25).

### **ORDER**

Based on agreement of the parties, it is this 12<sup>th</sup> day of December, 2012, by an affirmative vote of the Board, hereby:

**ORDERED** that the Respondent's license to practice pharmacy be **SUSPENDED** for at least **NINETY (90) DAYS**, beginning on the effective date of this Consent Order; and be it further,

**ORDERED** that during the suspension period, the Respondent shall satisfy the following

conditions:

1. The Respondent shall enroll in and complete an intensive outpatient 12-step program;
2. The Responded shall continue weekly family therapy and ensure that his therapist provides quarterly reports to the Board; and
3. The Respondent shall submit to random, Board-ordered enhanced drug and alcohol urine screenings and breathalyzer tests on a weekly basis; and be it further,

**ORDERED** that the Respondent may petition the Board to lift the suspension no earlier than NINETY (90) DAYS following the effective date of this Consent Order, provided that the Respondent has fully complied with all of the conditions set forth herein during the suspension period; and be it further,

**ORDERED** that upon the Board's lifting of the suspension, the Respondent shall be placed on immediate PROBATION for at least THREE (3) YEARS with terms and conditions to be determined by the Board upon lifting the suspension; and be it further

**ORDERED** that all urine screens and breathalyzer tests submitted under this Consent Order shall be:

1. Submitted by the Respondent within 24 hours of Board staff instructing him to submit to the test;
2. Submitted at a CLIA-certified laboratory;
3. Observed; and
4. Negative for any controlled dangerous substances, narcotics, cocaine, alcohol, or other mood-altering substances or drugs of concern, except as provided below; and be it further,

**ORDERED** that the Respondent shall abstain from the ingestion of controlled dangerous

substances, narcotics, cocaine, alcohol, or other mood-altering substances or drugs of concern, except that the Respondent may ingest prescribed controlled dangerous substances or drugs of concern for legitimate medical reasons under the following conditions:

1. The Respondent must be a bona fide patient of a licensed Maryland prescriber who is aware of this order;
2. The medication must be lawfully prescribed by the Respondent's physician or other authorized medical practitioner; and
3. The Respondent must provide the Board, in writing, within seventy-two (72) hours of receiving the medication:
  - a. The name and address of the prescriber;
  - b. The illness or medical condition diagnosed;
  - c. The type, strength, amount, and dosage of the medication; and
  - d. A signed statement consenting to the release of all medical information about the Respondent from the prescriber to the Board; and be it further,

**ORDERED** that the Respondent's execution of this Consent Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions set forth herein; and be it further,

**ORDERED** that the Respondent shall agree and consent to the release by the Board of any information or data produced in relation to this Consent Order to any treatment provider; and be it further,

**ORDERED** that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and

conditions of this Consent Order; and be it further,

**ORDERED** that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of this Consent Order; and be it further,

**ORDERED** that in the event the Board finds in good faith that the Respondent has violated any of the terms or conditions of this Consent Order, or if the Board receives credible information that the Respondent has relapsed, the Board may impose further disciplinary action against the Respondent's license, including but not limited to extending the Respondent's suspension or revoking the Respondent's license, provided that the Respondent is first given the opportunity for a hearing; and be it further,

**ORDERED** that the Respondent shall bear all expenses associated with this Consent Order; and be it further,

**ORDERED** that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

12/12/12

*for* Anthony B. Nance  
Michael N. Souranis, P.D.  
President, Maryland Board of Pharmacy

**CONSENT**

1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter. I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order, and I agree to be bound by the foregoing Consent Order and its conditions.

2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.


3. I acknowledge that this is a formal order of the Board and as such is a public document.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

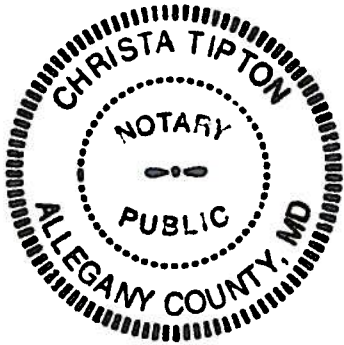
12/5/2022  
Date

  
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Daniel McTaggart, P.D.



STATE OF MARYLAND  
COUNTY/CITY OF Cumberland:

I hereby certify that on this 5th day of December, 2012, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DANIEL MCTAGGART, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Christa Tipton  
Notary Public  
My commission expires: 7/1/16