

IN THE MATTER OF * BEFORE THE
DAVID OLSON, P.D. * STATE
LICENSE NO. 12523 * BOARD OF
Respondent * PHARMACY

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Health Occupations Article, Title 12, Annotated Code of Maryland (the "Act"), the Board charged David Olson, P.D. (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of §12-313:

Subject to the hearing provisions of § 12-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, of suspend or revoke a license if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (22) Is convicted of a violation of this title;
- (24) Violates any rule or regulation adopted by the Board;

The Board also charges the Respondent with violation of § 12-701, Practicing pharmacy without a license. Section 12-301 of the Act requires that an individual shall be licensed by the Board before the individual may practice pharmacy in the State.

The Board adopted the following continuing education regulation, as Code of Maryland Regulation (COMAR) 10.38.18.02A:

A pharmacist licensed to practice in Maryland applying for renewal shall earn

30 hours of approved continuing pharmaceutical education within the 2-year period immediately preceding the licensee's renewal application.

The Respondent was given notice of the Charges by a Notice dated September 15, 1999. Accordingly, a Case Resolution Conference was held on November 19, 1999 and was attended by Stanton G. Ades, P.D., President of the Board, Ramona McCarthy Hawkins and Melvin Rubin, pharmacist members of the Board, and Paul Ballard, Counsel to the Board. Also in attendance were the Respondent and his attorney, Joseph S. Kaufman, and the Administrative Prosecutor, Roberta L. Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. The Respondent was first licensed to practice pharmacy in the State of Maryland on July 31, 1991. The Respondent was employed, full-time, as a dispensing pharmacist at The Apothecary, a pharmacy located in Bethesda, Maryland.

2. The Respondent renewed his license on October 10, 1997; said license expired on February 28, 1999. On April 20, 1999, the Respondent requested a renewal application from the Board, which was sent to him. The Respondent submitted that renewal application on or about July 10, 1999, certifying that he had attained all of the requisite Continuing Education Units for that renewal period and attaching to it a list of continuing education

credits/units earned. However, all of the units were obtained in June or July, 1999, after the renewal period.¹ A copy of the Respondent's renewal application and attachments are attached hereto and made a part hereof as Exhibit 1. The Respondent explained that his failure to renew was due to his mistaken belief that the renewal occurred in September, and that he was confused by the Board's change in its renewal for all licensees from September to the month of birth of the licensee.

3. Despite the fact that the Respondent's license to practice pharmacy expired on February 28, 1999, the Respondent continued to work full time at The Apothecary and to document that he was the dispensing pharmacist for numerous drugs issued to patients/customers of the pharmacy.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §12-313 (24), by violating COMAR 10.38.18.02A. The Board makes no finding with regard to alleged violations of §§12-313 (1), (2), (22), or of §§12-301 and 12-701.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 15th day of DECEMBER, 1999, by a majority of a quorum of the Board,

¹The Board requires each pharmacist to earn 15 Continuing Education Units (CEUs) per year during the period preceding the renewal of licensure. Thus, the Respondent's 22 CEUs for the shortened renewal period were earned after the renewal period for the 1999 licensure renewal and do not count toward that, but, normally would count towards the 2001 renewal period.

ORDERED that the Respondent be forthwith issued a current license, and that the Continuing Education Units (CEUs) earned after the license expired on February 28, 1999 be applied toward the prior (1997-1999) renewal period; and be it further

ORDERED that the Respondent shall be placed on Probation for a period of one year, subject to the following conditions:

1. The Respondent shall obtain 60 CEUs for the renewal period ending 2/28/01.

2. The Respondent shall pay a fine of Five Hundred Dollars (\$500) to the Board in equal installments, the last of which shall be due at the end of the probation period.

ORDERED that the Respondent's CEUs shall be audited for the next two renewal periods, i.e., renewals of 2001 and 2003.


ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation.

The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation/Suspension shall be on the Respondent to demonstrate compliance with the Order or conditions.

ORDERED that at the end of the two year probationary period, the Respondent shall petition the Board to have his license reinstated without conditions. The Respondent shall provide the Board evidence that he has satisfactorily completed all of the conditions of this Order and of Probation. If the Respondent demonstrates compliance with the terms of this Order and of Probation, the Board shall reinstate the Respondent's license without conditions. Should the Respondent fail to petition the Board, the conditions of Probation shall remain in effect.

ORDERED that for purposes of public disclosure, as permitted by §10-617(h) State Government Article, Annotated Code of Maryland, this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.


Stanton G. Ades, P.D., President
State Board of Pharmacy

CONSENT OF DAVID OLSON, P.D.

I, David Olson, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Joseph S. Kaufman, and have been advised by him of the legal implication of signing this Consent Order.

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of §12-313 of the Act and §10-201, et seq., of the Administrative Procedure Act (APA), State Government Article, Annotated Code of Maryland;

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in §12-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

12/10/99

Date

David Olson P.D.

David Olson, P.D.

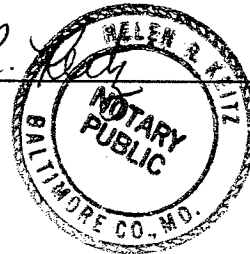
STATE OF MARYLAND

~~CITY~~/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 10th day of December, 1999, a Notary Public of the State of Maryland and (~~City/County~~) of Baltimore, personally appeared David Olson, P.D., License No.12523, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Helen R. Kelly
Notary Public



My Commission Expires: 6/1/01



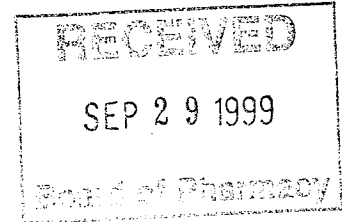
STATE OF MARYLAND

DHMH

Maryland Department of Health and Mental Hygiene
4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Parris N. Glendening, Governor - Georges C. Benjamin, M.D., Secretary

State Board of Pharmacy



September 15, 1999

CERTIFIED MAIL# P 151 690 740
RETURN RECEIPT REQUESTED

David Olson, P.D.
17712 Dr. Walling Road
Poolesville, Maryland 20837

Re: Charges Under the Maryland Pharmacy Act

Dear Mr. Olson:

By the enclosed Charges Under the Maryland Pharmacy Act, the Board of Pharmacy (the "Board") charges you in accordance with the Maryland Pharmacy Act (the "Act"), Title 12 of the Health Occupations Article, Annotated Code of Maryland. If the Board finds you have committed the acts as charged, the Board may impose a fine, reprimand you, place you on probation, or suspend or revoke your license.

Under §12-313 of the Act, you are entitled to an evidentiary hearing on the charges. The Board has scheduled the hearing on **February 16, 2000 at 1 p.m.**, 4201 Patterson Avenue, Baltimore, Maryland 21215. The administrative prosecutor who will present the case against you is Roberta Gill, Assistant Attorney General. Please be advised that if you do not appear at the hearing, the Board has the authority to hear and determine the matter despite your absence.

In addition to the hearing, the Board has scheduled a Case Resolution Conference (CRC) on **November 19, 1999 at 9:30 a.m.** in Room 215, 4201 Patterson

410-764-4755 • Fax 410-358-6207 • TDD 800-542-4964
Toll Free 1-877-4MD-DHMH • TTY for Disabled - Maryland Relay Service 1-800-735-2258
Web Site: www.dhmh.state.md.us

David Olson, P.D.

Re: Charges Under the Maryland Pharmacy Act
License Number: 12523

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Avenue, Baltimore, Maryland 21215. A representative from the Board will conduct the CRC.

The Administrative Prosecutor may be contacted regarding settlement of this matter before the CRC. If a proposed settlement is reached with the Administrative Prosecutor, the proposed settlement may then be presented to the representative from the Board at a CRC. If the Board representative believes that the agreement reached between you and the prosecutor will be approved by the Board, the representative may choose to present the agreement to the Board. However, the Board may accept or reject the settlement. If the Board rejects the settlement, the parties will then proceed to a hearing.

If you plan to attend the CRC, please contact the Board's Executive Director, Norene Pease, at 410-764-4755 by ONE WEEK BEFORE THE CRC.

In the event of a hearing, the proceedings before the Board will be conducted in accordance with the Administrative Procedure Act, §10-201 et seq. of the State Government Article, Annotated Code of Maryland and regulations adopted by the Board COMAR 10.38.05. The Administrative Procedure Act gives you the right to be represented by counsel, call witnesses, present evidence, cross-examine any witness, present argument and summation, and have subpoenas issued, at associated costs.

Prior to conducting the hearing, the Board has scheduled a Prehearing Conference on **December 6, 1999 at 1:00 p.m.**, Room 215, 4201 Patterson Avenue, Baltimore, Maryland, 21215. The purpose of the prehearing conference is to prepare for the hearing. Accordingly, please be prepared to discuss witness lists and general hearing procedure at the prehearing conference.

Any decision made by the Board could affect your license to practice pharmacy in the State of Maryland and **you are strongly urged to retain and be represented by an attorney at the prehearing conference and at all other stages before the Board.** To appear on your behalf at the prehearing conference or hearing before the Board, your attorney must be admitted to the Bar in Maryland or specially admitted under Maryland Rule 14.

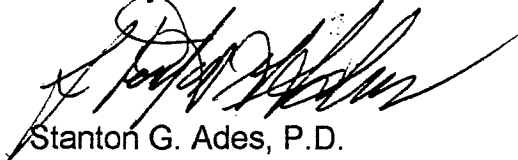
If you have or your attorney has any questions about the charges, please contact Ms. Gill at the Office of the Attorney General, 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, (410) 767-6574.

David Olson, P.D.

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Sincerely,

A handwritten signature in black ink, appearing to read "Stanton G. Ades", written over a horizontal line.

Stanton G. Ades, P.D.
President
Board of Pharmacy

SA/ms

cc: Paul Ballard, Assistant Attorney General, Counsel to the Board
Roberta Gill, Assistant Attorney General, Administrative Prosecutor
Timothy J. Paulus, Deputy Counsel
OAG Book Copy

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IN THE MATTER OF * BEFORE THE
DAVID OLSON, P.D. * STATE BOARD
Respondent * OF PHARMACY
License Number: 12523 *

* * * * *

CHARGES UNDER THE MARYLAND PHARMACY ACT

The Maryland State Board of Pharmacy (the "Board") hereby charges David Olson, P.D. (the "Respondent"), with violation of Md. Health Occupations Article, Code Ann., Title 12 (the "Act").

Specifically, the Board charges the Respondent with violation of the following provisions of §12-313:

"Convicted" defined.-- In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.

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, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
- (2) Fraudulently or deceptively uses a license;
- (22) Is convicted of a violation of this title;
- (24) Violates any rule or regulation adopted by the Board;

The Board also charges the Respondent with violation of § 12-701, Practicing pharmacy without a license.

Section 12-301 of the Act requires that an individual shall be licensed by the Board

before the individual may practice pharmacy in the State.

The Board adopted the following continuing education regulation, as Code of Maryland Regulation (COMAR) 10.38.18.02A:

A pharmacist licensed to practice in Maryland applying for renewal shall earn 30 hours of approved continuing pharmaceutical education within the 2-year period immediately preceding the licensee's renewal application.

ALLEGATIONS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. The Respondent was first licensed to practice pharmacy in the State of Maryland on July 31, 1991. The Respondent was employed, full-time, as a dispensing pharmacist at The Apothecary, a pharmacy located in Bethesda, Maryland.

2. The Respondent renewed his license on October 10, 1997; said license expired on February 28, 1999. On April 20, 1999, the Respondent requested a renewal application from the Board, which was sent to him. The Respondent submitted that renewal application on or about July 10, 1999, certifying that he had attained all of the requisite Continuing Education Units for that renewal period and attaching to it a list of continuing education credits/units earned. However, all of the units were obtained in June or July, 1999, after the renewal period.¹ A copy of the Respondent's renewal application and attachments are attached hereto and made a part hereof as Exhibit I.

¹The Board requires each pharmacist to earn 30 Continuing Education Units (CEUs) per year during the period preceding the renewal of licensure. Thus, the Respondent's 60 CEUs were earned after the renewal period for the 1999 licensure renewal and do not count toward that, but count toward the 2001 renewal period.

3. Despite the fact that the Respondent's license to practice pharmacy expired on February 28, 1999, the Respondent continued to work full time at The Apothecary and to document that he was the dispensing pharmacist for numerous drugs issued to patients/customers of the pharmacy.

4. As set forth above, by practicing pharmacy after his license expired and by failing to obtain the requisite number of CEUs during the renewal period, the Respondent violated the Act and regulations thereunder.

NOTICE OF POSSIBLE SANCTIONS

Pursuant to Health-Occupations Article, §§12-313, 12-314, 12-315 and 12-707, and if, after a hearing, the Board finds the Respondent violated the above listed provisions and if the Board finds the above allegations of fact to be true, the Board may impose disciplinary sanctions against Respondent's license, including revocation, suspension, reprimand, or may place Respondent on probation or impose a monetary penalty.

NOTICE OF HEARING

A hearing in this matter has been scheduled for February 16, 2000 at 1:00 p.m., 4201 Patterson Avenue, Baltimore, Maryland 21215. The Board will conduct the hearing in accordance with the Administrative Procedure Act, §10-201 et seq. of the State Government Article, Annotated Code of Maryland, §12-315 of the Act, and the regulations adopted by the Board under COMAR 10.34.01.

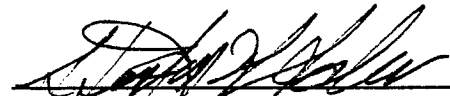
In addition, a CRC in this matter has been scheduled for November 19, 1999 at 9:30 p.m., in Room 215, 4201 Patterson Avenue, Baltimore, Maryland 21215. The

nature and purpose of the CRC is described in the attached letter to Respondent.

In the event that a settlement is not reached at the CRC, a Prehearing Conference has been scheduled for December 6, 1999 at 1:00 p.m., in Room 215, 4201 Patterson Ave., Baltimore, Md. 21215. The nature and purpose of the prehearing is described in the attached letter.

9-25-99

Date


Stanton G. Ades, P.D., President
Maryland State Board of Pharmacy

G:\NET\DISCIPL\MORDERS\IOLSON.CHR

EXHIBIT I

10. Business Tel. No. 301-530-0200

Business Fax 301-916-1491

11. Business Name & Address THE APOTHECARY INC
5415 W. CEDAR LN.
BETHESDA, MD 20814

12. Business Permit # P00017

13. No. of years active in your profession? 08

14. Last year of active practice? 99

15. Previous Residence Since Last Renewal

1. Maryland 2. Out of State 1

16. Maryland in State Graduate 1

1. Yes 2. No

17. Year of Graduation 91

18. Other States or Jurisdictions Licensed as a Pharmacist?

a. b.
c. d.

19. Licensed in another Profession? 2

1. Yes 2. No

If yes, indicate the profession

THIS SECTION MUST BE COMPLETED FOR YOUR RENEWAL TO BE ISSUED

I hereby certify that I have earned the ^{21.25}~~30~~ hours of Continuing Education, as required by the Maryland Board of Pharmacy.

Date: 7/10/99 Signature: [Signature]

SINCE YOUR LAST REGISTRATION: FOR THE FOLLOWING, CHECK THE BOX YES, OR NO NEXT TO EACH QUESTION.

- | YES | NO | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 1. Have you been addicted to the use of drugs or alcohol with the result that your ability to practice your profession has been impaired? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 2. (a) Has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | (b) Have you surrendered or failed to renew a license in any State? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 3. Are there any outstanding complaints, investigations or charges pending against you in any State by any Licensing or Disciplinary Board for a comparable body in the Armed Services? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 4. Have you had a physical or mental illness that currently impairs your ability to practice your profession? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 5. Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of any criminal act (excluding traffic violations)? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 6. Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of driving while intoxicated or of a controlled dangerous substance offense? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 7. Has any hospital or related healthcare institution or employer denied you privileges or employment, denied any application for privileges or employment, failed to renew your privileges or contract or limited, restricted, suspended, revoked, or terminated your privileges or contract for any reason related to your practice? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 8. Have the conditions of your employment been affected by any termination of employment, suspension, or probation for any reason related to your practice? |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | 9. Has a malpractice suit been filed against you or has a claim for damages been settled or awarded against you? |

AT THE TIME OF A DETAILED EXPLANATION FOR EACH QUESTION CIRCLED YES.

I affirm that the information I have given in answer to these questions is true and correct to the best of my knowledge and belief.

Date: 7/10/99 Signature: [Signature]

Name: DAVID G. OLSON

License Number: 12523

Date: October 1, 1997 - February 28, 1999

Telephone Number (home) 301-349-5255

PROGRAM (Original Certificates are Required)	PROVIDER	DATE HOURS EARNED	ACPE/BD APPROVED NUMBER	# OF HOURS
DEVELOPMENTS IN BREAST CANCER THER.	POWER-PAX	6/23/99	424-000-99-005-H01	2.0 ✓
THER. ADVANCES IN HYPERTENSION	POWER PAX	6/23/99	424-000-99-014-H01	2.0 ✓
DIETARY SUPPL/CHANGING REGULATORY ENVIRONMENT	POWER PAX	6/23/99	424-000-99-002-H03	2.0 ✓
OVERACTIVE BLADDER: A TREATABLE CONDITION	POWER PAX	6/23/99	424-000-99-003-H01	2.0 ✓
UNDERSTANDING INTERMITTENT CLAUDICATION	POWER PAX	6/23/99	424-000-98-012-H01	2.0 ✓
CLINICAL CHALLENGES FOR MODERATE HYPERCHOLESTR.	POWER PAX	6/23/99	424-999-97-010-H01	2.0 ✓
MEDICATION INDUCED CONSTIPATION	POWER PAX	6/23/99	424-000-99-021-H01	2.0 ✓
GUIDELINES FOR RECOMM NATURAL SUPPLEMENTS	POWER PAX	6/23/99	424-000-99-001-H04	2.0 ✓
COX-2 INHIBITORS	POWER PAX	6/23/99	424-000-99-007-H01	2.0 ✓
STRATEGIES TO IMPROVE PATIENT COMPLIANCE	POWER PAX	6/23/99	424-000-99-006-H04	1.5 ✓
PREVENTING MEDICATION ERRORS	POWER PAX	6/23/99	424-000-99-009-H04	1.5 ✓
CONCEPTS IN ERECTILE DYSF. THER	POWER-PAX	7/1/99	424-000-97-011-H04	1.0 ✓
			TOTAL	22.0

I affirm, under penalty of perjury, that the information I have given on this record is true and correct to the best of my knowledge and belief.

D. G. Olson
 SIGNATURE

7/10/99
 DATE

USE THE DATE THE CONTINUING EDUCATION HOURS WERE GRANTED AS INDICATED ON CERTIFICATE. Continuing Education credits **MUST** be obtained during the renewal period. The authorizing signature and date on the certificate, or some other verification of the date the credits were earned is required to be within the renewal period. You may copy this form if additional space is needed.