

IN THE MATTER OF	*	BEFORE THE
	*	
HAVEN PERKINS, P.D.	*	MARYLAND STATE BOARD OF
Respondent	*	PHARMACY
License Number: 10877	*	Case Number: 88778
	*	
* * * * *	*	* * * * *

FINAL CONSENT ORDER

This Consent Order is entered into by the Maryland State Board of Pharmacy and Haven Perkins, P.D.

BACKGROUND

Upon certain information having come to its attention, the Maryland State Board of Pharmacy (the "Board"), determined to charge Haven Perkins, P.D., License Number 10877 ("Respondent") with the violation of §12-311 (b) (5), (6) and (21) of the Maryland Pharmacy Act, (the "Act"), Title 12, Health Occupations Article, Annotated Code of Maryland which prohibits the following conduct:

Submits a false statement to collect a fee;  
[§12-311 (b) (5) of the Act]

Willfully makes or files a false report or record as part of practicing pharmacy; [§12-311 (b) (6) of the Act]

Is convicted of or pleads guilty ... 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; [§12-311 (b) (21) of the Act]

Notice of the charges was provided in a letter which was sent with the charging document to the Respondent by

certified mail on November 29, 1988. A prehearing conference on the was held on January 25, 1989.

Present during the prehearing conference were, Kathleen McDonald, Esquire, Irwin, Kerr, Green, McDonald and Dexter, Counsel for Respondent; Alice D. Ike, Esquire, Administrative Prosecutor; Steven S. Cohen, P.D., President of the Board, and Roslyn Scheer, Executive Director of the Board. Respondent was available by telephone and did not personally appear. Following discussions during the prehearing conference, Respondent voluntarily agreed to enter into the following findings of fact, Conclusions of Law and Consent Order.

#### FINDINGS OF FACT

1. At all times relevant to this matter, Respondent was and is a Pharmacist licensed in the State of Maryland and is subject to the jurisdiction of the Board.

2. Meridian Healthcare, Inc. (Meridian) is a licensed nursing home located in the State of Maryland which provides, among other services, medical pharmaceutical drugs and supplies to Maryland Medicaid recipients.

3. From on or about August, 1983 to on or about June, 1986, Respondent, **HAVEN PERKINS**, managed the pharmacy division of Meridian. He was the supervisor of all pharmacy division employees and procedures.

4. By Indictment #18726003 in the Circuit Court for Baltimore City, Respondent was charged with two counts of Medicaid Fraud, violations of Article 27, Sections 230C and 230B

(b) (1) and (b) (3) of the Annotated Code of Maryland. State's Exhibit 1. The charges were based upon billing irregularities at Meridian with regard to bills submitted to the Maryland Medical Assistance Program, a state plan pursuant to Title XIX of the Social Security Act, 42 USC §1396A, commonly referred to as "Medicaid".

5. On January 18, 1988, Respondent was arraigned and, pursuant to a plea agreement signed by Respondent and his legal counsel, Respondent tendered a plea of guilty to the second count of Indictment #18726003 in the Circuit Court for Baltimore City before the Honorable Thomas Noel, Judge.

#### CONCLUSION OF LAW

Based upon the foregoing facts, the Board concludes as a matter of law that the Respondent is **GUILTY** of violating §12-311 (b) (5), (6) and (21) of the Maryland Pharmacy Act.

#### ORDER

It is hereby this 28 day of February 1990, by the Board of Pharmacy

**Ordered** that Respondent's license to practice pharmacy in the State of Maryland is **SUSPENDED**, and be it further

**Ordered** that said suspension is immediately **STAYED** and Respondent's license is placed on **PROBATION** subject to the following terms and conditions:

1. In addition to the 30 hours of approved continuing pharmaceutical education within the 2 year period immediately

preceding the licensee's renewal application which is required of pharmacists who renew their licenses in the State of Maryland, Respondent shall provide the Board with documentation that he has successfully completed 15 additional hours in the areas of pharmacy management and administrative issues between the date of this Order and March 1, 1991.

2. Respondent shall provide the Board with quarterly reports detailing his employment status. These reports shall describe what Respondent is doing, the progress he feels he is making, what, if any, problems he presently faces and how he is coping with those problems. Said reports shall be forwarded to Roslyn Scheer, Executive Director of the Board. The first report is due on June 1, 1990. Subsequent reports are due on September 1, 1990, December 1, 1990 and March 1, 1991 and quarterly thereafter, unless and until the probation has been terminated.

3. Within 30 days of obtaining employment as a licensed pharmacist, Respondent shall give his employer a copy of this Consent Order and shall provide the Board with written notification from his employer that he or she has received a copy of the Consent Order and agrees to comply with all of the conditions in it applicable to employers.

4. Respondent shall arrange for any and all Pharmacy employers during the course of his probation to submit to the Maryland Board of Pharmacy a written report within 30 days after he assumes a new position and quarterly thereafter evaluating his job performance and describing the nature of his duties and position. The Quarterly Reports shall be due on June 1,

September 1, December 1, and March 1 of the applicable year.

5. Respondent shall practice in accordance with all federal, state and local laws governing the practice of pharmacy, including, but not limited to, the Act and regulations.

ORDERED that if the Board receives reliable information that the Respondent has violated any of the foregoing conditions of probation or any provision of Title 12 of the Health Occupations Article, the Board may lift the stay and immediately suspend the Respondent's license, subject to a hearing on the violation of probation within thirty days after a written request for such hearing is filed with the Board. The Board may, in its discretion, refuse to entertain such a request if the request is received more than ninety (90) days after the Board's action; and be it further

ORDERED that after one year from the date of this Order and upon receipt of Respondent's Petition for Termination of Suspension and Reinstatement, the Board <sup>May</sup> ~~shall~~ reinstate Respondent's license to be a pharmacist in Maryland without conditions of probation, provided that Respondent has successfully completed his probationary and continuing education requirement. If the Board determines that the termination of probation and complete reinstatement would not be appropriate, it may modify one or more of the conditions of the Respondent's probation. However, if Respondent fails to make any such petition, his probation shall continue.

ORDERED that a copy of this Order shall be filed with

the Board of Pharmacy as part of Respondent's licensure file.

**ORDERED** that this is a Final Order resulting from formal disciplinary action and as such is a public record subject to disclosure by the Board pursuant to §10-611 et seq. of the State Government Article, Annotated Code of Maryland.



---

Steven S. Cohen, P.D.  
President  
Board of Pharmacy

**CONSENT**

I, Haven Perkins, by affixing by signature hereto, acknowledge that;

1. I am represented by Kathleen McDonald, Esquire, Irwin, Kerr, Green, McDonald, and Dexter, and I have had the opportunity to consult with counsel before signing this document;

2. I am aware that without my consent, my license as a pharmacist in this State cannot be limited except pursuant to the provisions of §12-311 of the Act and §10-405 of the Administrative Procedure Act, 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, I hereby consent and submit to the foregoing Findings of Fact, Conclusion of Law and Order. By doing so, I waive my right to a formal hearing and acknowledge the validity of the Order as if made after a hearing in which I would have had the right to counsel, to confront witnesses, to

give testimony and to call witnesses on my own behalf and to all other substantive and procedural protections provided by law. I also recognize that, with regard to this Order, I am waiving by rights to appeal as set forth in §12-311 of the Act and §10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland. By this Consent, I waive all such rights and acknowledge that by my failure to abide by the conditions set forth in this Order, I may suffer the suspension of my license to be a pharmacist in the State of Maryland.



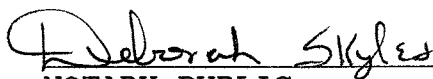
Haven Perkins, P.D.

STATE OF )

CITY/COUNTY OF )

I HEREBY CERTIFY that on this 24 day of April, 1990, before me, a Notary Public of the State and County aforesaid, personally appeared **Haven Perkins**, and he made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.



NOTARY PUBLIC

DEBORAH SKYLES, Notary Public

Caddo Parish, Louisiana

My Commission is for Life

My Commission Expires:

Life

IRWIN, KERR, GREEN, McDONALD AND DEXTER  
ATTORNEYS AT LAW  
SUITE 1133  
250 WEST PRATT STREET  
BALTIMORE, MARYLAND 21201

DAVID B. IRWIN  
CHARLES M. KERR  
ROBERT B. GREEN  
KATHLEEN M. McDONALD  
VICKI L. DEXTER  
ROBERT G. CASSILLY

TELEPHONE  
(301) 659-5757

TELECOPIER  
(301) 659-5867

April 9, 1991

Ms. Roslyn Scheer  
Executive Director  
State Board of Pharmacy  
4201 Patterson Avenue  
Baltimore, MD 21215-2299

Re: In the matter of Haven Perkins, P.D.  
Case No. 88778

Dear Ms. Scheer:

Enclosed for your attention is Haven Perkins' Petition For Termination of Suspension And Reinstatement. Please let me know if the Board requires anything further.

Sincerely,

  
Kathleen M. McDonald

KMM:aal

Enclosure

cc: Haven Perkins, P.D., w/encl.  
Alice D. Ike, Esquire, w/encl.

M2211



IN THE MATTER OF

\* BEFORE THE

HAVEN PERKINS, P.D.

\* MARYLAND STATE BOARD OF  
PHARMACY

Respondent

License Number: 10877

\* Case Number: 88778

\* \* \* \* \*

PETITION FOR TERMINATION OF  
SUSPENSION AND REINSTATEMENT

Haven Perkins, P.D., respondent herein, through his undersigned counsel, petitions for termination of the suspension of his license to be a pharmacist in Maryland (license number 19877), and for reinstatement of his license. Pursuant to the Final Consent Order in this matter, dated February 28, 1990, petitioner has complied with all probationary and continuing education requirements set forth in the Order. Therefore, under the terms of the Order, petitioner asks that the suspension of his Maryland license be terminated, and that his license be reinstated.

*Kathleen M. McDonald*

Kathleen M. McDonald  
Irwin, Kerr, Green, McDonald  
and Dexter  
Suite 1133  
250 West Pratt Street  
Baltimore, Maryland 21201  
(301) 659-5757

Attorneys for Petitioner