



IN THE MATTER
OF
PHILIP G. PRICE
License No. 11157

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BEFORE THE
MARYLAND BOARD
OF PHARMACY

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PRE-CHARGE CONSENT ORDER

Background

On June 7, 2007, the Maryland Board of Pharmacy (the "Board") received an online renewal application from Philip G. Price (the "Respondent") in which he indicated that he was currently under investigation by the South Carolina Pharmacy Board for a positive drug screening with the South Carolina Recovering Professional Program. At the time of application, the Respondent was living and practicing pharmacy in South Carolina. On July 5, 2007, the South Carolina Board of Pharmacy issued an Order of Temporary Suspension based on the Respondent's positive drug screening. On November 14, 2007, the South Carolina Board of Pharmacy entered into a Consent Agreement with the Respondent in which the Respondent agreed to certain probationary terms and conditions in order for his South Carolina license to be reinstated. As a result, the Board conducted an investigation into the matter which confirmed the disciplinary proceedings before the South Carolina Board of Pharmacy. It is the intent of the Maryland Board of Pharmacy (the "Board") to mirror and enforce the provisions of the South Carolina Board of Pharmacy Consent Agreement with respect to the Respondent's Maryland pharmacist's license.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-

Charge Case Resolution Conference with the Respondent on November 19, 2008. As a result, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto and at present, the Respondent lives and practices pharmacy in South Carolina.
2. On June 7, 2007, the Respondent submitted an online renewal application to the Maryland Board of Pharmacy indicating that he was under investigation by the South Carolina Board of Pharmacy for a positive drug screening.
3. From January 1, 2007 to April 30, 2007, the Respondent diverted Methylphenidate and Hydromorphone, both Schedule II controlled substances, while practicing pharmacy in South Carolina.
4. On July 5, 2007, the South Carolina Board of Pharmacy issued an Order of Temporary Suspension.
5. On November 14, 2007, the South Carolina Board of Pharmacy entered into a Consent Agreement with the Respondent in which the Respondent's South Carolina license was reinstated, effective January 3, 2008, and placed on immediate probation for a minimum of five (5) years. The probationary conditions include:
 - a. Random periodic blood and urine alcohol and/or drug analysis;
 - b. Written contract with the Recovering Professional Program for a minimum of five (5) years to provide assessment, treatment, monitoring and aftercare activities;

- c. The Recovering Professionals Program shall submit regular written reports to the South Carolina Board documenting the Respondent's full compliance with the contract;
 - d. Respondent is prohibited from employment as a pharmacist or consultant or health-related occupation without prior approval of the South Carolina Board;
 - e. Respondent may not practice in settings that involve access to legend or controlled substances; and
 - f. Respondent must provide a copy of the Consent Agreement to his employer.
5. No criminal conviction resulted from the Respondent's illicit drug use.
6. The Respondent is currently compliant with the terms of his contract with the Recovering Professional Program.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-313(b) (15), (21) and (24).

ORDER

Based on an affirmative vote of a majority of the Board, it is this 23rd day of January, 2009, hereby:

ORDERED that the Maryland license to practice pharmacy held by PHILIP G. PRICE shall be placed on PROBATION, effective January 3, 2008, for at least FIVE (5) YEARS; and be it further,

ORDERED that Mr. Price shall be subject to the following probationary terms:

- (1) Mr. Price shall fully comply with the South Carolina Board of Pharmacy Consent Agreement, dated November 14, 2007;
- (2) Mr. Price shall fully comply with the terms of his contract with the Recovering Professional Program ("RPP") in South Carolina, which contract shall run concurrent with this probationary period;
- (3) Mr. Price shall be subject to random urine screenings by the RPP at least twice monthly;
- (4) Mr. Price shall insure that RPP submits monthly reports to the Maryland Board of Pharmacy regarding his compliance with the RPP contract;
- (5) Mr. Price shall insure that RPP acknowledges and agrees to provide immediate notice to the Maryland Board in the event of any violation of its contract;
- (6) Mr. Price shall provide the Maryland Board of Pharmacy with immediate written notice of any change of address, contact telephone number, or employer;
- (7) Mr. Price shall provide the Maryland Board of Pharmacy with immediate written notice of any change in the RPP contract or the South Carolina Board of Pharmacy Consent Agreement;

ORDERED that Mr. Price'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 Mr. Price to the Maryland Board in complying with the terms and conditions set forth herein; and be it further,

ORDERED that Mr. Price shall at all times cooperate with the Maryland Board in the monitoring, supervision, and investigation of Mr. Price's compliance with the terms and conditions of this Consent Order, the South Carolina Consent Agreement, and the RPP contract; and be it further,

ORDERED that in the event Mr. Price resumes practicing pharmacy in Maryland, the Board may modify the probationary terms of this Order to provide for direct monitoring of his compliance with the probationary terms herein; and be it further,

ORDERED that in the event that Mr. Price fails to fully cooperate with the Board, violates any condition of probation, or if the Board receives credible evidence that Mr. Price has relapsed, Mr. Price shall be immediately summarily suspended with an opportunity for a post-deprivation show cause hearing; and be it further,

ORDERED that Mr. Price shall be responsible for all costs 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).

1/23/2009
Date

for William D. Moore
Donald Taylor, P.D.
President

CONSENT

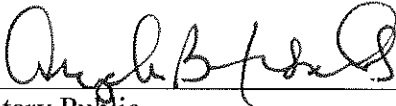
1. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded me the right to a full evidentiary hearing. I consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
4. 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.

1/20/09
Date


Philip G. Price

South Carolina
STATE OF ~~MARYLAND~~
COUNTY/CITY OF SPARTANBURG:

I hereby certify that on this 20 day of January, 2009,
before me, a Notary Public of the State of ~~Maryland~~ *South Carolina* and County/city aforesaid, personally
appeared PHILIP G. PRICE and made an oath in due form that the foregoing Consent was
his voluntary act and deed.



Notary Public
My commission expires: 04/25/2010