

IN THE MATTER OF

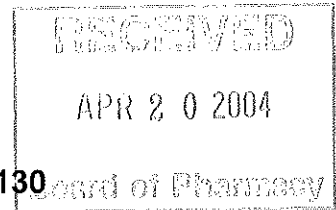
WILLIAM DAVID PROCTOR, P.D.

LICENSE NO. 16676

Respondent

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BEFORE THE
STATE BOARD
OF PHARMACY
Case Number: 03-130



* * * * *

CONSENT ORDER

The Maryland Board of Pharmacy (the "Board") charged **William David Proctor, P.D.** (the "Respondent"), **D.O.B. 04/27/61, License Number 16676**, under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 et seq. (2000 Repl. Vol. and 2003 Supp.). Specifically, the Board charged the Respondent with violating the following:

H.O. § 12-313. Denials, reprimands, suspensions, and revocations-Grounds.

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

(b) In general. – 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:

(21) Is convicted of or pleads guilty or nolo contendere 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.

FINDINGS OF FACT

The Board finds:

1. The Respondent is and at all times relevant to these charges was, licensed to practice pharmacy in the State of Maryland on January 9, 2003.

2. On or about March 6, 2003, the Respondent was indicted in the United States District Court for the Eastern District of Virginia, Alexandria Division, in *United States v. William David Proctor, Criminal Case No. 03-97-A*, in which the Respondent was charged on one (1) count of filing a false statement and representation on his Declaration of Federal Employment form when applying for a pharmacist position, in violation of 18 U.S.C.A. 1001. *[A copy of the Indictment in the matter of United States v. William David Proctor, Criminal Case No. 03-97-A is attached hereto and incorporated herein as Exhibit A].*

3. On or about May 19, 2003, a jury in the United States District Court, District of Virginia, Alexandria Division, returned a guilty verdict on one (1) count of making a false statement in violation of 18 U.S.C.A. 1001.

4. On or about September 2, 2003, the Respondent was sentenced by Claude M. Hilton, Chief United States District Judge, of the United States District Court, Eastern District of Virginia to a one (1) year probation term. The Respondent was also ordered to pay a fine of one thousand dollars (\$1000.00) and a special assessment in the amount of one hundred dollars (\$100.00). *[A copy of the Judgment in a Criminal Case, dated September 8, 2003, in the matter of United States v. William David Procter, Criminal Case No. 03-97-A are attached hereto and incorporated herein as Exhibit B].*

5. Making a false statement as described above constitutes a felony and a crime involving moral turpitude.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that the Respondent. The Respondent violated Md. Health Occ. Code Ann. § 12-313 (b) 21 (2000 Repl. Vol. and 2003 Supp.).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of April 2004, the Board, on the affirmative vote of a majority of its members, hereby

ORDERED that the license issued to William David Proctor to practice pharmacy in the State of Maryland is hereby **SUSPENDED** for a period of **TWO (2) YEARS** with **SIX (6) MONTHS STAYED**; and it is further

ORDERED that the Respondent's license to practice pharmacy shall not be reinstated until the Respondent has provided evidence satisfactory to the Board that he has completed the following:

- a. A Board approved college level (2-3 credits) ethics course.
- b. A Board approved college level (2-3 credits) course on medication errors and patient safety.
3. The Respondent shall satisfy the continuing education credits requirements set forth in Code Md. Regs. tit. 10, § 34.18.

ORDERED that upon reinstatement of the Respondent's license, the Respondent shall be placed on probation with terms and conditions to be determined by the Board at that time; and be it further

ORDERED that the Respondent shall return his wallet and display licenses to the Board, within seven (7) days of the date of this Order; and be it further


ORDERED that for purposes of public disclosure, and as permitted by Md. State Gov't. Code Ann. § 10-617(h) (1999 Repl. Vol. and 2003 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose to any national reporting bank or other to whom the Board is mandated to report; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and, as such, is a public document pursuant to Md. State Govt. Code Ann. §§ 10-611 et seq. (1999 Repl. Vol. and 2003 Supp.).

IT IS SO ORDERED THIS 21 DAY OF April, 2004.

April 21, 2004
Date


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

CONSENT OF WILLIAM DAVID PROCTOR, P.D.

I, William David Proctor P.D., License Number 16676, by affixing my signature hereto, acknowledge that:

1. I have had the opportunity to consult with counsel before signing this document.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (2000 Repl. Vol. and 2003 Supp.), Code Md. Regs. tit. 10, § 34.01, and Md. State Govt. Code Ann. §§10-201 et seq (1999 Repl. Vol. and 2003 Supp.).

3. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had 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.

4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a fully evidentiary hearing, as set forth above, and any right to appeal this Consent Order as set forth in § 12-316 of the Act and Md. State Govt. Code Ann. §§10-201 et seq. (1999 Repl. Vol. and 2003 Supp.).

5. I acknowledge that by failing to abide by the conditions and terms set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice pharmacy in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

April 19, 2004
Date

[Signature]
William David Proctor, P.D.

NOTARY

STATE OF Virginia

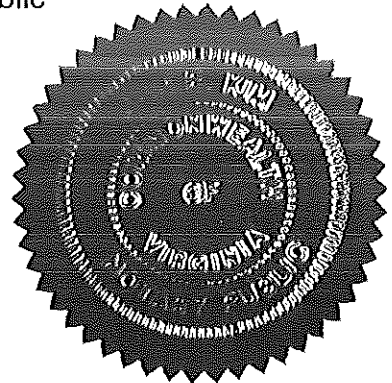
CITY/COUNTY OF Fairfax

I HEREBY CERTIFY THAT on this 19th day of April, 2004, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared **William David Proctor, P.D.**, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

[Signature] Ann E. Kim
Notary Public

My Commission Expires: August 21, 2007



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