

IN THE MATTER OF

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BEFORE THE MARYLAND

JOHN RILEY, P.D.

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STATE BOARD OF PHARMACY

Respondent

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License No. 09173

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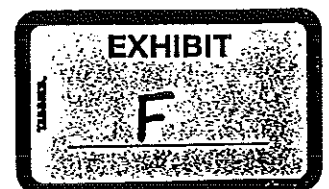
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ORDER OF SUMMARY SUSPENSION OF PHARMACIST'S LICENSE

Background

On July 3, 1999, John Riley, P.D., License No. 09173 (the "Respondent"), and the Maryland State Board of Pharmacy (the "Board"), entered into a Consent Order of Reinstatement (the "Order") attached as Exhibit A and incorporated herein. In accordance with the terms of the Order, the Board reinstated the Respondent's license subject to the following probationary conditions:

1. The Respondent was required to continue attending NA/AA meetings on a weekly basis.
2. The Respondent was required to continue attending weekly group and individual therapy.
3. The Respondent was required to submit to random urinalysis testing once per week.
4. The Respondent was required to extend the terms of his contract with the Pharmacy Education and Assistance Committee ("PEAC") to June 30, 2001, and was required to abide by all terms of that contract and all recommendations made by PEAC.
5. The Respondent was prohibited from working at more than one pharmacy location unless the additional pharmacy location was owned by the same employer. The Respondent was



required to notify the Board immediately regarding any intention to change employment, which change of employment was to be subject to the prior approval of the Board.

6. The Respondent was required to only work in a dispensing role under the direct supervision of a licensed pharmacist and was required to disclose a copy of the Order and its attached Consent Order to his employer.

7. The Respondent was required to insure that quarterly reports would be provided to the Board from both his employer and his therapist regarding his progress in treatment.

8. The Respondent was required to disclose the Order and its attached Consent Order to all pharmacy employers.

9. The Respondent was required to complete 37.5 continuing education credits by December 1, 1999.

In the Order the Respondent agreed that should he fail to abide by the Order's probationary terms and/or otherwise appeared to be a danger to himself or others, then the Board was authorized to summarily suspend his pharmacist's license, without prior notice and without a prior opportunity to be heard.

#### FINDINGS OF FACT

1. On March 2, 2000, the Board received a quarterly report from PEAC for the period between December 1, 1999 to March 1, 2000. (Exhibit B). In that report, Patricia Tommasello, PEAC Coordinator, wrote that on January 17, 2000, the Respondent had relapsed with a positive urine screen for the drug xanax.<sup>1</sup> When confronted by his therapist regarding this test result, the Respondent first denied, but then acknowledged, that he had used xanax the day of his individual

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<sup>1</sup> Xanax is a Schedule IV controlled dangerous substance.

and group therapy sessions. In response, the Respondent's therapist planned to reexamine the factors contributing to the Respondent's relapse and the steps he could take to avoid further relapses. To insure adequate communication between PEAC and the Respondent, a new PEAC monitor was assigned to the Respondent.

2. On May 17, 2000, Ms. Tommasello informed the Board by letter that the Respondent had again relapsed, this time with a positive urine screen for the drug propoxyphene<sup>2</sup> on May 5, 2000. (Exhibit C). She noted in her letter that the Respondent had been missing both group and individual therapy sessions and that he had not been giving urine samples on a random basis.

3. On June 1, 2000, the Board received a quarterly report from PEAC for the period between March 1, 2000, and June 1, 2000. (Exhibit D). In that report, Patricia Tommasello, wrote that the Respondent had refused to give urine samples on March 7, March 15, March 27, April 5, and April 24, 2000. PEAC reminded the Respondent that such refusals would be considered to constitute positive test results. The Respondent had also been missing individual and group therapy sessions. The Respondent was admitted to Father Martin Ashley for inpatient treatment for substance abuse beginning on May 5, 2000, and the Respondent was discharged on May 31, 2000. The Respondent was scheduled to enter a halfway house. In the meantime PEAC has been holding a copy of the Respondent's license.

4. Based on the foregoing information, the Board finds that the Respondent has failed to abide by the first four probationary conditions set forth in the Order, which failure warrants emergency action under the terms set forth in the Order. In addition, the Respondent's positive urine screens demonstrate his continued substance abuse, making his continued practice of

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<sup>2</sup> Propoxyphene is a Schedule IV controlled dangerous substance.

pharmacy an imminent threat to the public health and safety.

CONCLUSIONS OF LAW

Based upon the Respondent's failure to abide by the terms of the Consent Order and the imminent danger created by his continued substance abuse which renders him mentally, physically, and professionally incompetent to practice pharmacy under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. Art., Section 12-313(20), the Board concludes that the summary suspension of the Respondent's license is required to protect the public health and safety pursuant to Md. Code Ann., State Gov't Art., Section 10-226(c).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is on this 9th day of June, 2000, by a majority of the Board,

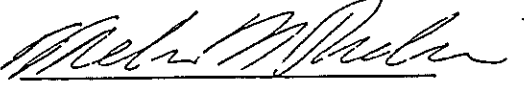
ORDERED that the pharmacist's license held by the Respondent be **SUMMARILY SUSPENDED** upon actual or constructive service of this Order for Summary Suspension of Pharmacist's License. And be it further

ORDERED that upon actual or constructive service of this Order for Summary Suspension, the Respondent shall return all certificates issued by the Board pertaining to License No. 09173, including his pocket license and wall display certificate. And be in further

ORDERED that this Order for Summary Suspension of Pharmacist's License is a final order and as such is a public document under Md. Code Ann., State Gov't Art., Sections 10-611,

*et seq.*

6/9/00  
Date

  
Melvin N. Rubin, P.D.  
Board Treasurer

NOTICE OF HEARING

In accordance with the Consent Order of Reinstatement, the Board will schedule a show cause hearing within forty-five (45) days after receiving the Respondent's written request for a hearing.