

IN THE MATTER OF
JOHN RILEY, P.D.
LICENSE NO. 09173,
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE PHARMACY

Pursuant to Md. Code Ann., State Gov't, §10-226 (c) (2) (1995), the Maryland State Pharmacy Board (the "Board") hereby suspends the license to practice pharmacy previously issued to John Riley, P.D., (the "Respondent"), License No. 09173, under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994) (the "Act"). This Order is based on the following information, which the Board has reason to believe is true:

BACKGROUND

1. At all times relevant, Respondent was licensed to practice pharmacy in the State of Maryland.
2. In April 1998, Respondent's employer became aware of the probationary status and probationary conditions of the Respondent's pharmacist license pursuant to the February 1998 Consent Order. Under that Order the Respondent's license was suspended for a period of two (2) years. The suspension was immediately stayed and the Respondent was placed on probation¹.

¹ Due to Respondent's unauthorized use of prescription medications the Respondent was under contract with PEAC to address his drug use. Respondent broke his PEAC contract and a report was filed with the Board. Respondent's use of prescription medications without valid prescriptions made it likely that Respondent was or would be having difficulty practicing pharmacy in a safe manner. Simultaneously, a patient filed a complaint regarding Respondent's dispensing practices and a complaint was received from the Respondent's primary care doctor about prescription refills which were not authorized by the primary care doctor's office. Respondent admitted to a relapse of his use of unauthorized prescriptions.



3. On or about April 23, 1998 the Board received a letter from the Director of Pharmacy at NeighborCare where the Respondent has recently been working as a pharmacist. Until very recently, the employer was unaware of the probationary conditions of Respondent's license.

4. The NeighborCare Director of Pharmacy witnessed the Respondent ask for the key to the narcotic cabinet. Respondent's employment with NeighborCare Pharmacy was terminated in April 1998.

5. On or about April 29, 1998 the Board received a PEAC report on the Respondent. It was reported that the Respondent had tested positive for hydromorphone. This positive results indicates that the Respondent has violated his PEAC contract. Respondent returned by mail his wallet certificate to the Board and has reported to the Board's investigator that he is entering a drug treatment program.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board finds that the public health, safety and welfare imperatively requires emergency action pursuant to Md. Code Ann., State Gov't §10-226 (c) (2) (1995). The Board finds that the Respondent's conduct constitutes a violation of the Health Occupations Article §§12-313 (b) in that it is a violation of (20) (is professionally incompetent).

ORDER

It is therefore, this 1 day of May 1998, by the State Pharmacy Board,

ORDERED, that pursuant to the authority granted the Board by Md. Code Ann., State Gov't §10-226 (c) (2) (1995), the license of the Respondent, John Riley (No. 09173), to practice pharmacy in the State of Maryland, be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, upon presentation of this Order for summary suspension, Respondent shall immediately deliver to the Board, through the Board's executive director or its designee, the display, renewal certificate, and wallet-sized license to practice pharmacy previously issued by the Board; and be it further

ORDERED, that a show cause hearing shall be scheduled on May 13, 1998 at 12:45 p.m. at 4201 Patterson Avenue, Baltimore, Maryland 21215 at which the Respondent will be given an opportunity to be heard on the issues limited to those raised in this Order, that is, regarding the Respondent's fitness to practice pharmacy and the danger to the public. Any such hearing will be held before the Board or its designee.

NOTICE OF HEARING

A full evidentiary hearing will be scheduled before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215, if the Respondent requests such a hearing. Any such hearing will be scheduled to be heard by the Board within thirty (30) days of receipt of Respondent's written request therefor.

5/1/98

DATE

A. Paul

David M. Russo

David Russo, P.D., M.B.A.
President
Pharmacy