

IN THE MATTER OF * BEFORE THE
DAVID A. ROBINSON, R.PH. * MARYLAND BOARD
RESPONDENT * OF PHARMACY
LICENSE NO.: 14295 * Case No.: 17-148

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't II §§ 10-226(c)(2) (2014 Repl. Vol. and 2016 Supp.), the Maryland Board of Pharmacy (the "Board") hereby summarily suspends the license of David A. Robinson, R. Ph., License Number 14295 (the "Respondent"), to practice pharmacy, under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. II ("H.O."), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS¹

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice pharmacy in Maryland on or about August 7, 1996. The Respondent's license expires on November 30, 2017.

2. On or about January 7, 2015, the Respondent applied to the Board for a permit to operate a retail pharmacy (the "Respondent-Pharmacy")². In the application,

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis for the Board's action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

the Respondent identified himself as the owner of the Respondent-Pharmacy. The Board subsequently issued a permit for the Respondent-Pharmacy that is currently active.

3. On June 21, 2017, an arrest warrant was issued for the Respondent in the United States District Court for the District of Maryland (Case No. JFM-17-0341).

4. On or about June 22, 2017, a Federal Grand Jury for the District of Maryland issued a nine-count indictment (the "Indictment") against the Respondent. The Indictment charged the Respondent with:

Count One - From at least August 2015, up to at least May 2016, in the District of Maryland, [the Respondent], did knowingly and willfully combine, conspire, confederate, and agree with others known and unknown . . . to knowingly, intentionally, and unlawfully distribute and possess with intent to distribute a mixture or substance containing oxycodone, a schedule II controlled substance, and alprazolam, a schedule IV controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), 21 U.S.C. § 846.

Count Two - On or about January 15, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Three - On or about January 19, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Four - On or about February 23, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Five - On or about March 9, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, and

a quantity of a mixture or substance containing a detectable amount of alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Six - On or about April 20, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, and a quantity of a mixture or substance containing a detectable amount of alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Seven - On or about May 11, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of .alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Eight - On or about June 6, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of oxycodone, a Schedule II controlled substance, and a quantity of a mixture or substance containing a detectable amount of alprazolam, a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

Count Nine - On or about July 29, 2016, in the District of Maryland, [the Respondent] did knowingly and intentionally distribute and possess with the intent to distribute a quantity of a mixture or substance containing a detectable amount of alprazolam. a Schedule IV controlled substance. 21 U.S.C. § 841(a)(1), 18 U.S.C. § 2.

5. On June 23, 2017, a search and seizure warrant was issued for the Respondent's cellular telephone, residence, and the Respondent-Pharmacy.

6. On June 28, 2017, the Respondent was released on personal recognizance. According to the Order Setting Conditions of Release, "[u]pon finding that release by one of the above methods will not by itself reasonably assure the [Respondent's] appearance and the safety of other persons or the community, it is further ordered that the [Respondent's] release is subject to" conditions, including: 1) "notify Md. Board of Pharmacy of these charges by COB on 7/3/17. To be confirmed by

PTS”; 2) the Respondent “is not to enter [the Pharmacy] but may perform off-site management functions not involving drugs or pharmacist duties”; and 3) the Respondent is “to notify current or potential employers of pendency of this action.”

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes as a matter of law that the public health, safety, and welfare imperatively require emergency action in this case, pursuant to Md. Code Ann., State Gov’t II § 10-226(c)(2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 7th day of August 2017, by a majority of the quorum of the Board, hereby

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov’t II § 10-226(c)(2), the Respondent’s license to practice pharmacy in the State of Maryland under license number 14295 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing pharmacy in the State of Maryland; and it is further

ORDERED that the Respondent shall immediately return all licenses to the Board; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS**; and it is further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation

show cause hearing but fails to appear when scheduled, the Respondent's license will remain **SUSPENDED**; and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Repl. Vol. and 2016 Supp.).

8-7-17
Date

Deena Speights-Napata
Deena Speights-Napata, Executive
Director, for
Mitra Gavgani, Pharm.D.
President
Maryland Board of Pharmacy