

IN THE MATTER OF  
CRAIG ROTH  
License No. 10401

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHARMACY

\* \* \* \* \*

**CONSENT ORDER**

On January 3, 1998, Craig Roth, P.D. ("the Respondent"), sent a letter to the State of Maryland Board of Pharmacy ("the Board") requesting that his license to practice pharmacy be reinstated with probationary conditions appropriate for him to obtain a non-dispensing job. This Order grants Respondent's request and imposes several probationary conditions.

**BACKGROUND**

Based upon information received from the Pharmacist's Rehabilitation Committee, now called the Pharmacist Education and Assistance Committee ("PEAC") regarding the pharmacy practice of Craig Roth, P.D. ("the Respondent"), the Maryland Board of Pharmacy requested that the Respondent attend an informal meeting with the Board on January 8, 1997. As a result of this meeting, the Board and Respondent executed a Consent order on 14 March, 1997. Said Consent Order is hereby incorporated by reference and will be attached to this document. Said Consent Order imposed several conditions to be met by respondent.

On August 20, 1997, based on a report the Board of Pharmacy ("Board") had reason to believe was accurate, a unanimous quorum of the Board found that Respondent violated the terms of the order entered into with the Board on 14 March, 1997, ("Consent

Order"), by dispensing and taking unprescribed drugs. Under the terms of the Consent Order the Respondent was required to complete his existing contract with the Pharmacy Assistance and Education Committee ("PEAC"), submit to random drug screening, ensure that his employer understands the Consent Order, and immediately report any change in employment to the Board. The Consent Order permitted the Board to take immediate action if Respondent violated any provision of Annotated Code of Maryland, Health Occupations Article, Title 12.

Specifically, the Respondent admitted changing employers without timely notice to the Board. Respondent also admitted he failed to notify his employer that the Consent Order existed. Respondent also admitted to dispensing and taking a legend drug, (not a controlled dangerous substance) which may impair judgment necessary to safely practice pharmacy, without first obtaining a prescription for the drug. In addition, Respondent admits that he removed the drug from the Pharmacy prior to paying for the drug. Respondent stated that he paid for the drug the next day or a few days later.

A unanimous quorum of the Board meeting on August 20, 1997 found that Respondent violated the terms of the attached Consent Order and subsequently executed the attached Order Suspending License, hereby incorporated by reference.

#### **FINDINGS OF FACT**

The Board makes the following findings of fact:

1. At all times relevant to the facts herein, Respondent was licensed to practice pharmacy in the State of Maryland.
2. From April 1996 to May 1997 Respondent abided by the terms of his contract with the Pharmacist Rehabilitation Committee, now known as the Pharmacist Education

and Assistance Committee ("PEAC").

3. The Respondent has a long-standing and serious substance abuse problem which resulted in his hospitalization on April 15, ~~1997~~-(1995)<sup>02</sup> *ε*
4. Following an informal meeting with Board President George Voxakis on January 8, 1997, Respondent and the Board agreed to Consent Order that was signed by Respondent on March 14, 1997, and accepted by the Board at a full Board meeting on March 19, 1997.
5. Under the terms of the Consent Order Respondent was required to continue his contract with the PEAC and submit to random observed urine screens at least once a week. All positive results were to be reported to the Board immediately. In addition, Respondent was required to ensure that his current employer and any subsequent employer notify the Board that the employer has reviewed the Consent Order and understood its terms. Respondent was required under the Consent Order to notify the Board immediately upon changing addressees or employers.
6. The Consent Order provides "that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations thereunder or violated any of the conditions of Probation thereunder, the Board may take immediate action, including, but not limited to, revocation or suspension of the Respondent's license to practice pharmacy, prior to giving Respondent an opportunity for a hearing." (Consent Order, p. 4).
7. On June 27, 1997, the Board received a verbal report from Respondent through

Board staff member David Denoyer stating that Respondent admitted he was working at Revco in Annapolis, in violation of his Consent Order's requirement that the Board be notified prior to changing employers, and that the employer be provided with a copy of the Consent Order.

8. On June 28, 1997, David Denoyer forwarded Respondents Consent Order to Ms. Valerie Coons, Revco Pharmacy Supervisor, via facsimile.
9. On July 16, 1997, the Board voted to send Respondent a letter recommending reduced hours of work and a mental status evaluation.
10. Based on the Board's vote, on July 17, 1997, Norene Pease, Executive Director, executed a letter recommending Respondent agree to amend his Consent Order by agreeing to reduce hours worked to forty per week, and to undergo a psychiatric evaluation in order to determine Respondent's fitness for practice.
11. On August 1, 1997, Respondent hand delivered a written request to amend his Consent order as recommended by the Board, said written request specifying that Respondent would forward the recommendation provided by Respondent's psychiatrist to the Board as soon as possible.
12. On August 15, 1997, at the Board offices, Respondent admitted to Board staff members Norene Pease and David Denoyer that he was taking Wellbutrin, a psychoactive prescription drug which may impair judgment necessary to safely practice pharmacy.
13. On August 15, 1997, at the Board offices, Respondent admitted to Board staff members Norene Pease and David Denoyer that he dispensed the Wellbutrin without first obtaining a prescription. Further, he admitted that he was fired for

dispensing the unprescribed drug, or in the alternative, not paying for the drug in a timely manner.

14. On August 15, 1997, at the Board offices, Respondent delivered his wall license to the Board.
15. In response to Respondent's delivery of his wall license to the Board, Norene Pease and David Denoyer offered Respondent a letter documenting a temporary surrender. After consultation with a PEAC representative and an attorney, Respondent declined to sign the letter, but left his wall license to practice pharmacy at the Board offices and stated that he would get medical attention on Monday, August, 18, 1997.
16. Respondent appeared before the Board on January 21, 1998, with a PEAC representative. The PEAC representative endorsed Respondent's request. After discussing this matter and deliberation, the Board unanimously voted to issue this Consent Order contingent on receiving a copy of the mental status report mandated in the previous Orders.
17. On January 21, 1998, the Board received a psychiatric report from a licensed health practitioner. This report was reviewed for sufficiency by the Board Executive Director.

#### CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that it has reason to believe that Respondent has violated the Maryland Pharmacy Act and has violated the conditions of the Board's Consent Order. The Board bases this conclusion on Respondent's admission to dispensing without a prescription, which violates Maryland

Code Annotated, Health Occupations § 12-313(b)(14), and Respondents failure to notify the Board regarding his change in employment.

**ORDER**

Based on the foregoing findings of fact and conclusions of law, it is hereby

**ORDERED** that the Respondent's license to practice pharmacy is hereby **REINSTATED** upon Respondent's receipt of this Order; and be it further

**ORDERED** that the Respondent's license to practice pharmacy is hereby placed on **PROBATION** for a period of two years subject to the following conditions:

1. Respondent shall not be employed in a drug dispensing capacity.
2. Respondent shall continue the contract that he entered into with the PEAC in April of 1996.
3. Respondent shall be responsible for arranging for PEAC to submit quarterly status reports to the Board.
4. Respondent shall be responsible for submitting to random observed urine screens at least every two weeks, or as recommended by PEAC. The screens must be conducted in a manner acceptable to the Board. The Respondent shall arrange for the results of the screens to be reported to the Board as part of PEAC quarterly status reports, except that any positive result from a random observed urine screen shall be reported to the Board immediately.
5. Respondent shall participate in therapy sessions in accordance with the guidelines outlined in his contract with the PEAC. The therapy sessions must be conducted by a mental health professional licensed or certified under the Health Occupations

Article of the Annotated Code of Maryland.

6. Respondent shall ensure that the mental health professional submits reports relating to the Respondent's progress, prognosis and continued mental fitness to practice pharmacy to the Board at least quarterly.
7. Respondent shall ensure that his current employer and any subsequent employers notify the Board that the employer has reviewed this Order, and understands the terms and conditions of this Order.
8. Respondent shall notify the Board immediately upon changing addresses or employers; and be it further

**ORDERED** that if the Respondent violates any of the foregoing conditions of probation, or if the Board receives an unsatisfactory report which it believes in good faith to be accurate, or if the Board finds the Respondent has violated the Maryland Pharmacy Act the Board may impose any further disciplinary sanctions it deems appropriate; and be it further

**ORDERED** that on or after one year of the probationary period, the Respondent may petition in writing the Board to remove or modify the conditions of probation and be it further

**ORDERED** that any petition to remove or modify the conditions of probation must include the results of a mental status examination performed by a psychiatrist, the costs of the examination will be the responsibility of the Respondent, and be it further

**ORDERED** that this document constitutes an order of the Board and is therefore a public document for purposes of public disclosure as required by the Annotated Code of

Maryland, State Government Article, §10-617(h).

*W. Irving Lottier, Jr.*

W. Irving Lottier, Jr., P.D.  
Board Secretary  
Maryland Board of Pharmacy

CONSENT

By signing this Consent, I hereby admit the truth of the Findings of Fact, and agree to be bound by the foregoing Order and its conditions. I acknowledge the validity of the Order as if made after a 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. I understand that by signing this Consent I waive my right to appeal any adverse ruling that might have followed such a hearing.

I, Craig Roth, P.D., have read this Order in its entirety. I have been given the opportunity to consult with an attorney and to review each and every part of this Order with the counsel of my choice. I understand this Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

~~1/30/98~~ 2/2/98  
Date

*Craig Roth*  
Craig Roth, P.D.

STATE OF MARYLAND  
COUNTY/CITY OF BALTIMORE

I HEREBY CERTIFY that on this 2<sup>ND</sup> day of FEBRUARY 1998, before me, a Notary Public for the State of Maryland and County/City aforesaid, personally appeared Craig Roth, P.D., and made an oath in due form of law that the foregoing consent was his voluntary act and deed.

2/3/99  
My Commission Expires

*James M. Leete I*  
Notary Public

JAMES M. LEETE I  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires February 3, 1999