

IN THE MATTER OF

DAVID RUSSO, P.D.

License No.: 09176

Mr. Russo

* BEFORE THE MARYLAND

* STATE BOARD

* OF PHARMACY

* Case No. PI-11-057

* * * * *

INTERIM CONSENT ORDER STAYING SUMMARY SUSPENSION

Background

On December 22, 2010, the Maryland Board of Pharmacy (the "Board") issued an Order for Summary Suspension for the pharmacist's license of David Russo, P.D. pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2009 Repl. Vol.). The Order for Summary Suspension is incorporated by reference and attached hereto as Exhibit A. On January 5, 2011, Mr. Russo was given the opportunity to show cause as to why the Order for Summary Suspension should not be continued pursuant to COMAR 10.34.01.12. Mr. Russo attended that hearing with his counsel, and the State was represented by an administrative prosecutor. Thereafter, the Board and Mr. Russo agreed to be bound by the following terms in order to ensure that Mr. Russo does not pose an imminent threat to the public health, safety and welfare.

Order

Based on an affirmative vote of a quorum of the Board, and by consent of Mr. Russo and the Board, it is this 23 day of February, 2011, hereby:

ORDERED that the summary suspension of Mr. Russo's pharmacist license first imposed on December 22, 2010 is hereby **STAYED**, subject to the following **CONDITIONS** whereby Mr. Russo shall:

1. Not accept nor dispense any prescriptions for CDS;
2. Not engage in the practice of internet pharmacy in any capacity;
3. On a weekly basis, provide the Board with a computer-generated report of all prescriptions he dispenses;
4. Not work in any capacity in the prescription area of any pharmacy where CDS are dispensed;
5. Cooperate with the Board in its ongoing investigation of Mr. Russo and his pharmacy, Russo's Pharmacy d.b.a. Russo's Rx; and
6. Withdraw his request for an evidentiary hearing on the Order for Summary Suspension issued on December 22, 2010;

and be it further

ORDERED that this Order shall remain in effect until the Board issues a Final Order following an evidentiary hearing on any forthcoming formal charges related to the conduct alleged in the Order for Summary Suspension issued on December 22, 2010; and be it further


ORDERED that, subject to an opportunity to be heard as required by Md. Code Ann., State Gov't § 10-226(c) and COMAR 10.34.01.12, the Board shall immediately lift this stay if Mr. Russo fails to immediately and continuously comply with the conditions set forth herein or if the Board finds that the public health, safety, or welfare imperatively requires emergency action; and be it further

ORDERED that upon execution of this Order the Board shall return to Mr. Russo his wall certificate and wallet-sized license to practice pharmacy; and be it further

ORDERED that Mr. Russo shall be responsible for all costs incurred under this Order; and be it further

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., State Gov't, § 10-617(h).


2/23/2011
Date


LaVerne G. Naesea, Executive Director
for Michael Souranis, P.D., Board Chair

CONSENT

1. By signing this Consent, I hereby agree to be bound by the foregoing Interim Consent Order and its conditions.
2. By signing this Consent, I submit to the foregoing Interim Consent Order as a resolution of the Order for Summary Suspension issued on December 22, 2010.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Interim Consent Order.
4. I sign this Interim Consent Order freely and voluntarily, aware of my right to consult with counsel.
5. I fully understand the language, meaning, and effect of this Interim Consent Order.

2/10/11
Date



David Russo, P.D.

STATE OF MARYLAND
COUNTY/CITY OF Washington;

I hereby certify that on this 10 day of Feb., 2011, before me, a
Notary Public of the State of Maryland and County/City aforesaid, personally appeared
DAVID RUSSO, P.D., and made an oath in due form that the foregoing Consent was his
voluntary act and deed.

Maria L. Werder
Notary Public
My commission expires: June 4, 2013