

IN THE MATTER OF
VENKATESH SHAN, R.Ph.
LICENSE NO. 16618

BEFORE THE MARYLAND
STATE BOARD OF
PHARMACY

* * * * *



PRE-CHARGE CONSENT ORDER

HISTORY

On October 4, 2012, Venkatesh Shan applied to the Maryland Board of Pharmacy (the “Board”) to renew his license to practice pharmacy in Maryland, License Number 16618. On his renewal application, Mr. Shan answered “yes” to a question that indicated the commission of an alcohol or drug offense. Mr. Shan disclosed that he has a deferred adjudication in criminal court and that the Texas State Board of Pharmacy sanctioned his license to practice pharmacy in that state in August 2010. These actions were based on diversion of controlled dangerous substances and the creation of fraudulent prescriptions by Mr. Shan in 2009.

In lieu of instituting formal proceedings against Mr. Shan, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and Mr. Shan have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, Mr. Shan was a licensed pharmacist with the Board, Pharmacist License No. 16618. He was originally licensed by the Board on October 17, 2002. Mr. Shan currently resides, and practices pharmacy, in Texas.
2. On October 4, 2012, Mr. Shan applied with the Board to renew his license. On his application, Mr. Shan answered “yes” to the question “Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment for a traffic

offense involving the use of alcohol, drugs or controlled dangerous substances?”

3. Mr. Shan stated that he had a deferred adjudication and that his license to practice pharmacy in Texas has been on probation since August 2010.
4. Review of the relevant documents shows that on August 11, 2010, Mr. Shan signed an Agreed Board Order with the Texas State Board of Pharmacy (the “Texas Order”). The Texas Order was based on diversion of controlled dangerous substances and the creation of fraudulent prescriptions by Mr. Shan.
5. Mr. Shan was also charged with a felony offense in Harris County, Texas, for his actions. On September 10, 2009, he entered into an agreement for Pre-Trial Intervention with the Harris County Community Corrections and Supervision Department.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Shan is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-313(b)(21), (24), and (25).

ORDER

It is this 12th day of Feb., 2012, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

ORDERED that Mr. Shan’s license be placed on immediate PROBATION for at least THREE (3) YEARS, during which:

1. Mr. Shan shall continue to comply with the terms of the Texas Order, including participation in the Professional Recovery Network of the Texas Pharmacy Association;
2. Mr. Shan shall ensure that any reports submitted pursuant to the Texas Order are also submitted to the Board, on a quarterly basis; and
3. Mr. Shan shall inform the Board in writing before he begins practicing pharmacy

in Maryland; and be it further,

ORDERED that if Mr. Shan begins practicing pharmacy in Maryland, the Board reserves the right to modify this consent order to include further monitoring by the Board; and be it further,

ORDERED that after one (1) year of probation, Mr. Shan may petition the Board for modification of the probationary terms herein, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that after three (3) years of probation, Mr. Shan may petition the Board to terminate probation, provided that he has been fully compliant with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that Mr. Shan shall abstain from the ingestion of controlled dangerous substances, narcotics, cocaine, or other mood-altering substances, except that Mr. Shan may ingest prescribed controlled dangerous substances for legitimate medical reasons; and be it further,

ORDERED that Mr. Shan's execution of this Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to Mr. Shan to the Board in complying with the terms and conditions set forth herein; and be it further,

ORDERED that Mr. Shan shall agree and consent to the release by the Board of any information or data produced in relation to this Order to any treatment provider; and be it further,

ORDERED that Mr. Shan shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Mr. Shan's compliance with the terms and conditions of this Order; and be it further,

ORDERED that Mr. Shan's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that in the event the Board finds in good faith that Mr. Shan has violated any of the conditions of probation herein, or in the event the Board finds in good faith that Mr. Shan has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may impose further disciplinary action against Mr. Shan's license, provided that Mr. Shan is first given the opportunity for a hearing; and be it further,,

ORDERED that Mr. Shan shall bear the expenses associated with 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 Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

2/12/2012



LaVerne Naesea, Executive Director

For


Michael Souranis, P.D.

President, Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

2/5/13
Date



Venkatesh Shan, R.Ph.

STATE OF TEXAS
COUNTY/CITY OF Harris :

I hereby certify that on this 5 day of Feb, 201~~2~~¹³, before me, a Notary Public of the State of ~~Maryland~~^{Texas} and County/City aforesaid, personally appeared VENKATESH SHAN, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public
My commission expires: 9-10-14

