IN THE MATTER OF

STEVEN L. SILVERMAN, P.D.

BEFORE THE

MARYLAND BOARD

OF PHARMACY

ORDER FOR EMERGENCY SUSPENSION

OF PHARMACY LICENSE

Based on information received from the Virginia State Board of Pharmacy (the "Virginia Board") regarding the pharmacy practice of Steven L. Silverman, P.D. (the "Respondent") and further investigation by the Maryland Board of Pharmacy (the "Maryland Board"), the Maryland Board makes the following findings:

1. That Respondent took and passed the Virginia Board's licensure examination and was issued pharmacist license No. 4132 on November 15, 1967. See Exhibit A, at 4.

2. That by reciprocity, Respondent was issued pharmacist license No. 7844 on July 20, 1973 by the Maryland Board and is currently licensed as a pharmacist in Maryland.

3. That in an undated Notice of Hearing and Statement of Particulars, the Virginia Board alleged that Respondent had violated the following provisions of the Virginia Pharmacy Act:

COUNT 1

That Steven L. Silverman, R.Ph., has diverted controlled substances from pharmacies at which he was employed in the following approximate amounts and for the following approximate periods of time:

a. Percodan
   approximately 60 tablets per week for two years

b. Valium 5 mg.
   approximately 70 tablets per week for three years

c. Tylenol with codeine
   approximately 70 tablets per week for three years

d. Doriden
   approximately 15 tablets over the last eight years
e. Florinal approximately 100 tablets over the last eight years

Said drugs were diverted for personal and unauthorized use. Such diversion forms the basis for disciplinary action against the licensee pursuant to § 54-524.22:1(1) of the Code.

COUNT II

That Steven L. Silverman, R.Ph., has engaged in or attempted to defraud or deceive the Board in that during an informal conference of the Board held on June 24, 1983, Mr. Silverman denied having diverted drugs from Crystal City Drug Fair, where he was then employed, when he had in fact diverted large quantities of drugs from said pharmacy. Such conduct forms the basis of disciplinary action against the licensee pursuant to § 54-524.22:1(g) of the Code.

COUNT III

That Steven L. Silverman, R.Ph., is incompetent or unable to practice pharmacy; or is unfit for the performance of his professional obligations and duties by virtue of drug use or addiction. Such drug use or addiction forms the basis for disciplinary action against the licensee pursuant to §§ 54-524.22:1(d) and (e).

See Exhibit B, at 2-3.

4. That the Virginia Board scheduled a hearing on these charges for June 26, 1984. See Exhibit B, at 1.

5. That by Order of Summary Suspension dated June 7, 1984, the Virginia Board alleged the following:

1. That Steven L. Silverman, R.Ph., a pharmacist licensed by the Board, had signed a statement admitting to the diversion of the following drugs from pharmacies at which he was employed:

a. Percodan approximately 60 tablets per week for two years

b. Valium 5 mg. approximately 70 tablets per week for three years

c. Tylenol with codeine approximately 70 tablets per week for three years

d. Doriden approximately 15 tablets over the last eight years
e. Fiorinal approximately 100 tablets over the last eight years

2. That the foregoing drugs were diverted for the personal and unauthorized use of Mr. Silverman.

3. That according to his own admissions, Mr. Silverman self-administered Valium and Tylenol with codeine while on duty as a pharmacist. By his own estimate, Mr. Silverman self-administered approximately 6-8 Tylenol with codeine tablets and 10 Valium 5 mg. tablets each day while on duty.

4. That on or about May 1, 1984, Mr. Silverman arrived at work at the Crystal City Drug Fair, where he was employed as a relief pharmacist, in an impaired state as a result of drug use. He was admitted on that day to the National Orthopaedic Hospital, Arlington, Virginia, intensive care unit via the emergency room for "acute alteration of mental status" and was subsequently transferred to Sibley Hospital in Washington, D.C., for drug detoxification and treatment.

5. That Mr. Silverman was hospitalized at Sibley Hospital for drug treatment until May 21, 1984.

See Exhibit C, at 1-2

6. That the allegations contained in Count I of the Virginia Board's Notice of Hearing and Statement of Particulars and Paragraphs 1, 2, and 3 of the Order of Summary Suspension are substantiated by a handwritten statement made by Respondent on May 21, 1984 before Robert Shemeld, Loss Prevention Officer, from the Loss Prevention Department at Gray Drug Fair, Inc. See Exhibit D.

7. That in its Order of Summary Suspension, the Virginia Board determined that "the continued practice of pharmacy by Steven L. Silverman, R.Ph., poses an imminent danger to the public health or safety warranting summary suspension." See Exhibit C, at 2.

8. That in its Order of Summary Suspension, the Virginia Board summarily suspended Respondent's license to practice pharmacy in Virginia and directed Respondent to cease
immediately from engaging in the practice of pharmacy in that State.

9. That until May 21, 1984, Respondent had been employed since the early part of 1984 by Gray Drug Fair, Inc., Alexandria, Virginia, as a relief pharmacist at various Drug Fair stores located in Virginia, Maryland and the District of Columbia.

10. That based on the information received from the Virginia Board, the Maryland Board has reason to believe that Respondent's drug problem remains unresolved.

11. That based on the foregoing information, the Maryland Board has reason to believe that Respondent may have violated the following subsections of § 12-311(b) of the Health Occupations Article of the Annotated Code of Maryland:

(4) Provides professional services while:

(ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(7) Willfully fails to file or record any record that is required by law;

(14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(20) Is professionally, physically, or mentally incompetent;

(23) Is disciplined by a licensing or disciplinary authority of any other state for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.
12. That for the reasons set forth in the foregoing paragraphs, the Board concludes that emergency action is required in this case pursuant to Article 41, § 250A(c) of the Annotated Code of Maryland because Respondent's continued access to controlled dangerous substances as a practicing pharmacist poses an imminent and grave danger to the public health, safety and welfare and that that situation imperatively requires emergency action by the Board prior to its filing and considering charges against Respondent's license to practice pharmacy.

ORDER

IT IS THIS 29 day of June, 1984, by the Maryland Board of Pharmacy,

ORDERED that pursuant to the authority vested in the Board by Article 41, § 250A(c) of the Annotated Code of Maryland, Respondent's license to practice pharmacy is hereby SUMMARILY SUSPENDED; and be it further

ORDERED that on presentation of this Order, Respondent shall immediately deliver to the Board's investigator (1) his diploma-sized certificate of the Maryland Board of Pharmacy, (2) his current Department of Health and Mental Hygiene license renewal certificate, and (3) his current wallet-size license renewal card; and be it further

ORDERED that a hearing to consider this emergency suspension shall be held before the Board within ten (10) business days of the date on which the Board receives a written request for such a hearing from Respondent.

[Signature]
Roslyn Schoer
Executive Director
Maryland Board of Pharmacy

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