

IN THE MATTER OF * BEFORE THE MARYLAND STATE
RAIMUND A. TAUKULIS, P.D. * BOARD OF PHARMACY
LICENSE NO.: 10013 *

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Health Occupations Article, §12-315 of the Act, the Board charged the Respondent with violation of the following provisions of the Maryland Code Annotated, Health Occupations Article:

(1) Section 12-313(b)(4)(i)(ii) - Provides professional services while:

(i) Under the influence of alcohol; or

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

(2) Section 12-313(b)(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; and

(3) Section 12-313(b)(20) - In that he is professionally, physically, or mentally incompetent.

On September 10, 1993, the Respondent was personally served a proposed Order of Emergency Suspension of his license to practice pharmacy in Maryland. At that time, the Respondent was under contract with Maryland Pharmacists Rehabilitation Committee, participating in a Professional Rehabilitation Out Patient Program, and not employed as a pharmacist. The Respondent voluntarily surrendered his Maryland pharmacist

license and at the September 15, 1993 meeting, the Board voted to accept the voluntary surrender of the Respondent's pharmacist license under certain conditions.

At the October 20, 1993 Board meeting, the Respondent and his facilitator at the Professional Rehabilitation Out Patient Program (PROP), Pam Ferinde, R.N., B.S.N., M.A., appeared before the Board to petition for reinstatement of the Respondent's license to practice pharmacy in Maryland. As a result of that meeting, the Respondent and the Board have agreed to enter into the Consent Order that follows:

FINDINGS OF FACT

Based upon information known and available to it, the Board has reason to believe:

1. Respondent was and is licensed to practice pharmacy in the State of Maryland at all times relevant to the facts stated herein.
2. Respondent was employed by the University of Maryland Medical System in Baltimore, Maryland on or about June 30, 1993.
3. The pharmacy director reported on June 30, 1993 that an undetermined number of Hydromorphone ampules were missing from the ninth floor University of Maryland Cancer Center Pharmacy, Room #N9E14.
4. On June 30, 1993, the pharmacy supervisor and clinical director were interviewed regarding the behavior of Raimund Taukulis and stated that he had been acting drowsy and had

fallen asleep several times in the past months.

5. On June 30, 1993, Raimund Taukulis was observed in the pharmacy area at 2330 hours when everyone else was leaving the pharmacy and during his vacation time.
6. The problem of missing narcotics has been on going since October of 1992.
7. On or about July 12, 1993, the Respondent was observed by another pharmacist taking syringes from the pharmacy and going into the waiting room bathroom. When a University of Maryland Police Officer and a pharmacy supervisor observed him coming out of the bathroom Dr. Taukulis approached them and stated that he had used the missing narcotics for himself. He was stopped and taken back to his supervisor and then told her the same story. Raimund Taukulis stated he had already called the Employee Assistance Program (E.A.P.) for help. He was advised by the supervisor to contact the Pharmacist Rehabilitation Committee (PRC).
8. Raimund A. Taukulis was suspended with pay and placed on short term disability for treatment. He was not arrested.
9. Section 12-313(b)(4) of Title 12, Health Occupations Article, prohibits a pharmacist from providing professional services while using any narcotic or controlled dangerous substance.
10. Section 12-313(b)(14) prohibits a pharmacist from dispensing any drug for which a prescription is required without first having received a written or oral prescription for the drug

from an authorized prescriber.

11. Section 12-313(b)(20) of Title 12 prohibits a pharmacist from practicing while professionally, mentally or physically incompetent.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law, that the Respondent violated §12-313(b)(4), (14), and (20).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 29 day of NOV, 1993, by a majority of a quorum of the Board, it is hereby

ORDERED that the license of Respondent to practice Pharmacy be REINSTATED; and be it further ordered that the license of Respondent to practice pharmacy be SUSPENDED; and be it further ordered that said suspension shall be immediately STAYED and the Respondent be placed on PROBATION under the following conditions:

1. Respondent shall continue his contract with the Pharmacists' Rehabilitation Committee of the Maryland Pharmacists Association (the "Rehabilitation Committee"). The contract shall be for a term of at least two years and continue for at least as long as Respondent is on probation. Within fifteen (15) days of the signing of this Order, Respondent shall provide the Board with a copy of any modification to the contract.

2. The Respondent shall continue to participate in the

individual and group therapy programs of The Professional Rehabilitation Outpatient Program (PROP) with Ms. Pamela Ferinde, R.N., B.S.N., M.A., and comply with all recommendations made to him and in the time limit suggested by his therapist(s), until such time as he is discharged from treatment by the therapist(s). If such discharge occurs, Respondent shall arrange for prompt submission by the therapist(s) of a written discharge report to the Board and the Rehabilitation Committee.

3. If, in violation, of paragraph 2, Respondent fails to continue with his therapist without having been discharged or ordered by the Board to change or cease therapy, Respondent shall immediately notify the Board and the Rehabilitation Committee in writing and have his therapist(s) notify the aforementioned entities.

4. Respondent may not work in a hospital or pharmacy or dispensing area in any capacity whatsoever for 90 days from the signing of this Order. Respondent may not acquire, transport, distribute, dispense or be in any contact with any drugs whatsoever.

5. Respondent may not work as dispensing pharmacist. Any changes in this non-dispensing role may only be made after 90 days from the date of the signing of this Order. At that time the Respondent may petition the Board to change from a non-dispensing role to a non-narcotic dispensing role.

6. Respondent shall be responsible for arranging for random observed urine screens at least once a week, in a manner

acceptable to the Board. Respondent shall arrange for the results of all screening to be reported directly to his therapist. His therapist shall advise the Board of the results of all negative screenings by incorporating the results into the quarterly reports. His therapist shall report the results of all positive screenings immediately to the Board and to the Pharmacists Rehabilitation Committee.

7. In the event that the Respondent's therapist(s) or the Pharmacists Rehabilitation Committee reports to the Board that the Respondent is incapable of practicing pharmacy safely, or that his previous problems are interfering with his ability to practice pharmacy, the Respondent shall, within 24 hours of being informed by the Board of that report, voluntarily discontinue the practice of pharmacy. The Respondent shall not resume the practice of pharmacy until the Board determines that Respondent is capable of resuming the practice of pharmacy or gives him permission to resume the practice of pharmacy.

8. The Respondent will agree to and follow through with any charges in his treatment program determined to be necessary by the Board, based upon the recommendations of his therapists or the Pharmacists Rehabilitation Committee.

9. In addition to the number of continuing education hours needed for license renewal set by the Board for the renewal period of 1995, Respondent shall obtain 15 additional hours in substance abuse and provide proof of the completion of these courses to the Board;

10. Respondent must have prior approval from the Board for any pharmacy employment.

11. If Respondent obtains employment as a pharmacist, he must provide a copy of this Order to any and all employers prior to beginning employment. Within 10 days of initiation of Respondent's employment, he must arrange for any and all pharmacy employers to acknowledge in writing to the Board that the employer has received a copy of the Order prior to Respondent beginning employment and that the employer has agreed to comply with the conditions pertaining to the employer.

12. Respondent shall submit quarterly reports and shall arrange for his therapist, any and all pharmacy employers, and the Rehabilitation Committee to submit written quarterly reports to the Board that report on Respondent's progress and compliance with this Order. His therapist shall advise the Board of the results of all the urine screenings by incorporating the results into his quarterly reports. The reports shall be due on June 1, September 1, December 1, and March 1 of each year until the Respondent has been terminated from probation. Respondent shall include in his quarterly report the dates and places of AA or NA meetings attended and a description of the progress he has made with AA or NA programs. Respondent shall attach a copy of proof of this attendance at said meetings in his quarterly reports; and be it further

ORDERED, 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 conditions of probation or any provision of Title 12 of the Health Occupations Article or regulations 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 the Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED, that in the event Respondent moves, he shall promptly notify the Board in writing of the change of address and of any change in his home and work telephone number; and be it further

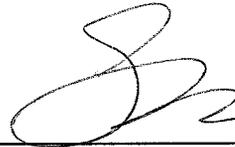
ORDERED, that the Respondent shall refrain from engaging in the conduct which led to his suspension from the practice of pharmacy and shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED, that the Respondent will agree to follow through with any change in his program determined to be necessary by the Board, based upon the recommendations of his therapist or the

Rehabilitation Committee; and be it further

ORDERED, that the Conditions of this Consent Order be effective as of the date of this Order; and be it further

ORDERED, that after 90 days from the date that Respondent signs the Order, the Board shall entertain a petition for termination of the Respondent's non-dispensing status and partial reinstatement of his license to practice pharmacy in a non-narcotic dispensing role. If the Board determines that the termination of a non-dispensing probation and reinstatement of a non-narcotic dispensing role would be inappropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation or maintain the Order as previously written. However, if Respondent fails to make any such petition, then his probationary status as a non-dispensing pharmacist shall continue indefinitely, subject to the conditions set forth in this Order.



Steven S. Cohen, P.D.
President

CONSENT OF Raimund Taukulis

I, Raimund Taukulis, by affixing my signature hereto, acknowledge that:

1. I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order.

2. I acknowledge that by failure to abide by the conditions set forth in this Order, I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

11/29/93
Date

Raimund A. Taukulis
Raimund A. Taukulis,
P.D.

STATE OF MARYLAND
CITY/COUNTY OF: Howard

I HEREBY CERTIFY that on this 29 day of November, 1993, a Notary Public of the State of Maryland and (City/County), Howard, personally appeared Raimund A. Taukulis, License #10013, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Cathy L Cook
Notary Public
CATHY L. COOK
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires April 1, 1996

My commission expires: April 1, 1996