

IN THE MATTER OF
LAWRENCE APPEL, P.D.
LICENSE NO. 08351
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

ORDER CONTINUING SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't § 10-226(c) (1999 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby continues the summary suspension of the license to practice pharmacy issued to Lawrence Appel, P.D. (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article (2000 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

Background

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 26, 1976. The Respondent's license expires on February 28, 2005. At all times relevant hereto, the Respondent was working at Wal*Mart Stores, Inc. as a dispensing pharmacist.

2. The Respondent has a long history of substance abuse. On September 16, 1992, the Board and the Respondent entered into a Consent Order in which the Respondent admitted that he was addicted to Pherteramine, Diazepam, Tylenol #3 and Tylenol #4, all controlled substances requiring a prescription, and that he consumed 4-6 pills a day which he obtained off the shelf of the pharmacy. The Pharmacy Rehabilitation

Committee had indications his impairment dated back to 1986 when it first contacted him to attempt to get him to sign a contract for treatment.

3. The 1992 Consent Order placed the Respondent's license on probation, requiring among other conditions of probation that he continue in group therapy, attend Alcoholics Anonymous or Narcotics Anonymous meetings, submit urine screens, and extend his contract with the Pharmacy Rehabilitation Committee for 2 years. In 1994, the Respondent's license was reinstated to good standing.

4. On August 25, 2000, the Board issued a Summary Suspension Order against the Respondent's license based both on a report that he had assaulted a customer and a psychiatric evaluation issued by Ellen McDaniel, M.D., which evaluation had concluded that the Respondent was potentially violent. Following two Board hearings, the Respondent and the Board entered into a Consent Order on November 15, 2000, which Consent Order placed the Respondent's license on probation, required that he be directly supervised as a pharmacist, and required that he agree to undergo a therapy program developed by the Pharmacy Education and Assistance Committee.

5. On July 27, 2001, following an evidentiary hearing, the Board issued an Order concluding that the Respondent had violated the 2000 Consent Order by failing to obtain Board approval for his treatment program with Dr. David McDuff and for failing to obtain Board approval prior to initiating a new treatment program with Victor Fitterman, LCSW-C. The Board placed the Respondent's license on probation, subject to conditions among which were that his current therapist submit a treatment plan to the Board within 30 days of the Order, that the Board approve the treatment plan, that his practice be supervised, and that he submit to random drug testing.

6. On November 30, 2001, the Board issued an Amended Final Decision and Order in order to settle an appeal of the Final Order issued on July 27, 2001. The main difference in the orders was that the Board agreed to the Respondent's demand that he not be required to undergo drug testing provided that the Respondent agreed to take and pass only one urine screen, which the Respondent took, with negative results.

7. On March 24, 2003, while working for Wal*Mart, the Respondent admitted that a bag of marijuana found in the restroom was his marijuana. He also admitted that he had smoked a joint one week earlier. The Respondent was terminated by Wal*Mart on that day.

8. At the non-evidentiary show cause hearing held before the Board on August 20, 2003, the Respondent admitted that he had brought the marijuana to work and that he had smoked marijuana as a substitution for his prescription drug addiction. The Respondent stated that his addiction was a disease for which there is no known cure and that there was no one to blame but himself.

9. The Respondent further stated that he had very recently returned to therapy and is again attending NA meetings. Last year, he had dropped out of therapy and the NA program. He stated that he was in denial regarding the severity of his addiction and had "naively" thought that he could recover on his own.

10. The Respondent claimed that he would cooperate with any Board order that would allow him to continue to practice and asked that the Board fund the costs of drug testing.

11. The Administrative Prosecutor argued that the Respondent's long history of drug abuse, failure to cooperate with the Board, and his lack of demonstrated

commitment to recovery all show that he is not ready to safely return to the practice of pharmacy.

FINDINGS

The Respondent is an admitted substance abuser with a long history of substance abuse. The Respondent's attempts at recovery occurred only after he got in trouble and have consisted merely of a couple of therapy sessions and some recently attended NA meetings. The Respondent has failed to demonstrate that he has recovered from his substance abuse problem.

DISCUSSION

In view of the Respondent's long history of substance abuse, his violations of a previous Board order, his previous resistance to the Board's requirement that he undergo urine screens, and the fact that he has only very recently sought help for his addiction, the Board concludes that the Respondent cannot be trusted to practice pharmacy in a safe manner at this time. The Respondent has failed to convince the Board that he no longer abuses drugs or is no longer at risk of abusing drugs. At this time, his efforts at recovery have been too little and too late for the Board to trust that he is ready to safely return to pharmacy practice .

CONCLUSION OF LAW

Based upon the foregoing, the Board concludes that the public health, safety, and welfare imperatively require emergency action, pursuant to Md. Code Ann., State Gov't Article § 10-226(c)(2) (2000 Repl. Vol.).

ORDER

Based on the foregoing, on this 21st day of August, 2003, by a unanimous vote of a quorum of the Board, by authority granted to the Board by Md. Code Ann., State Gov't Art. § 10-226(c)(2) (2000 Repl. Vol.), it is hereby,

ORDERED that the license held by the Respondent to practice pharmacy in Maryland, License No. 08351, is **SUMMARILY SUSPENDED**; and be it further.

ORDERED that upon the Board's receipt of a written request from the Respondent for an evidentiary hearing on this matter, a hearing shall be scheduled, at which time the Respondent will be given an opportunity to be heard on whether the summary suspension of his license should be continued; and be it further

ORDERED that this document constitutes a final order of the State Board of Pharmacy and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., State Gov't Art., § 10-617(h).

August 21, 2003
Date

Stanton G. Ades, P.D.
Stanton G. Ades, P.D.
President, Board of Pharmacy