

IN THE MATTER OF
LAWRENCE APPEL, P.D.

License No. 08351
Respondent

* BEFORE THE
* STATE BOARD
* OF
* PHARMACY

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't, §10-226(c)(1995), the State Board of Pharmacy (the "Board") hereby suspends 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 (1994). 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 the State of Maryland. The Respondent was first licensed by the Board on July 22, 1976.¹ The Respondent last renewed his license on February 28, 1999. The Respondent's license expires February 28, 2001.

2. On or about the evening of February 12, 1999, while the Respondent was employed as a dispensing pharmacist by Rite Aid pharmacy at the Hawthorne location in Baltimore County, the Respondent assaulted, with a heavy metal pole,

¹ On September 16, 1992, the Board entered into a Consent Order with the Respondent, due to the Respondent's drug addiction. The Consent Order contained numerous conditions of probation, which the Respondent satisfactorily completed. Thus, at the time of the events hereinafter-described, the Respondent had been reinstated to practice pharmacy without restrictions or conditions.

a customer who had inquired why the Respondent had cursed at the customer's wife, a pharmacy patient.

3. As a result of the assault, police were called to the scene and the customer and his wife filed criminal charges against the Respondent. On September 29, 1999, following a hearing where the Respondent was represented by counsel and testified under oath, Patricia Pytash, Judge of the District Court for Baltimore County, found the Respondent guilty of assault and sentenced the Respondent to one year and a day of incarceration, with all but 48 hours stayed, followed by two years of supervised probation to the Division of Parole and Probation².

4. As an immediate result of the above-described assault, the Respondent was terminated from Rite Aid, where he had been working since October, 1998.

5. As a result of statements made at the criminal trial³ and its resultant conviction, the Board exercised the authority granted to it under § 12-320 to refer the Respondent to a psychiatrist, Dr. Ellen G. McDaniel.⁴ In a written report to the Board, Dr. McDaniel concluded, inter alia, that the Respondent:

"[H]as no insight at all into his contributions to his

² The Respondent claims that said conviction was ultimately set aside and that he was given a probation before judgment (PBJ).

³ Statements include an explanation regarding the Respondent's behavior that indicated that the Respondent suffered from alcohol abuse.

⁴ The Board had originally referred the Respondent to Paul F. Giannandrea, M.D., to determine whether the Respondent had suffered a relapse into his drug addiction. Dr. Giannandrea performed no blood or urine screens to make his determination that the assault did not result from substance abuse and that the Respondent had not relapsed.

difficulties. Judgment is grossly impaired in interpersonal situation. (Sic) He uses projection, externalization, and rationalization to avoid facing his emotional problems... [The Respondent] is a very immature individual and has significant interpersonal difficulties which are not directly linked to drug abuse...his characterological difficulties are serious and persistent....does not accept any responsibility for his assault charges, for his inability to keep a job, for his years of ongoing interpersonal conflict...I see no evidence of empathy, guilt or remorse. His thinking is rigid and concrete and he does not learn from experience. He lacks insight and has impaired judgment...illustrate poor judgment and a gross lack of sensitivity....It is my professional opinion that without a significant intervention, [the Respondent] will continue to have interpersonal conflict at work. I have concerns about his initiating or provoking future violence at workplaces--given [the Respondent's] lack of ability to learn from experience, his degree of anger about perceived victimizations, his suspiciousness and mistrustfulness, his relative social isolation, his lack of acceptance of any responsibility for his problems, and his lack of motivation to change his behavior. He has a clear pattern of interpersonal conflict at work. His behavior threatens others and has led to at least two known assaults. [The Respondent] is not a good psychotherapy candidate for the same reasons I have listed when discussing his potential for violence."

FINDINGS

1. Based upon the Respondent's assault upon a customer at the Rite Aid pharmacy where the Respondent was employed as a dispensing pharmacist and the resultant conviction for second degree assault, and, based upon the conclusion of the Board-appointed psychiatrist that conducted an in-depth evaluation of the Respondent that the Respondent is prone to violence in the workplace, does not learn from his experiences,

lacks motivation to change his behavior, and his behavior threatens others, the Board finds that the public safety and welfare require that the Respondent's license be summarily suspended.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following section of § 12-313 (b) of the Act:

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

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety and welfare imperatively require emergency action, pursuant to Md. Code Ann., St. Gov't Article, §10-226(c)(2) (1995).

ORDER

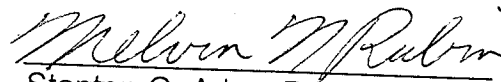
Based on the foregoing, it is therefore this 25th day of August, 2000 by a vote of a quorum of the State Board of Pharmacy by authority granted by the Board by Md. Code Ann., St. Gov't, §10-226(c)(2) (1995), the license held by the Respondent to practice pharmacy, (License No. 08351), is hereby **SUMMARILY SUSPENDED**, and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent for a hearing, a hearing shall be scheduled within thirty days of said request, at which the Respondent will be given an opportunity to be heard on the issues limited to those raised in this Order, that is, regarding the Respondent's fitness to practice pharmacy and the

danger to the public; and, be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

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


~~Stanton G. Ades, P.D., Chair~~
~~Board of Pharmacy~~
TREASURER, MARYLAND
BOARD OF PHARMACY

NOTICE OF HEARING

A full evidentiary hearing will be held before the Board of Pharmacy at 4201 Patterson Avenue, Baltimore, Maryland, 21215 on the merits of the Board's Summary Suspension within 30 days of a written request for a hearing by the Respondent.