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IN THE MATTER OF
BEELI'S PHARMACY
Respondent
PERMIT NO. P00034

* BEFORE THE
* MARYLAND STATE
* BOARD OF
* PHARMACY

* * * * *

ORDER FOR SUMMARY SUSPENSION
OF PHARMACY PERMIT

Based upon the information received by the State Board of Pharmacy (the "Board") regarding Beeli's Pharmacy (the "Respondent"), the Board has reason to believe that the following facts are true:

1. Respondent is a pharmacy which has been issued a permit to be established and operated as a pharmacy in the State of Maryland.
2. At all times pertinent hereto, Respondent has been using the pharmacy permit for the establishment and operation of a pharmacy in the State of Maryland at 5145 Park Heights Avenue, Baltimore, Maryland 21215, known as Beeli's Pharmacy (the "Pharmacy").
3. At all times pertinent hereto, Julian I. Miden (the "Pharmacist"), a licensed pharmacist in the State of Maryland is the holder of the pharmacy permit for the Pharmacy.
4. On September 1, 1994, the Maryland State Police and the Baltimore City Police entered the premises of the Pharmacy, conducted a search and seizure and arrested the Pharmacist and the Pharmacist's wife.
5. Thereafter, Beeli's Pharmacy, Inc., was indicted with violation of the Annotated Code of Maryland, Article 27, Section

286(5) Maintaining a dwelling which is resorted to by drug abusers for purposes of illegally distributing controlled dangerous substances; Article 27, Section 290 Conspiracy to violate the Controlled Dangerous Substances Laws.

6. The search and seizure and arrest occurred pursuant to a search and seizure warrant issued on August 30, 1994, by the Honorable John N. Prevas of the Circuit Court for Baltimore City authorizing the Maryland State Police or other law enforcement agency to enter the Pharmacy, arrest all persons found on the premises who may be participating in the unlawful sale of controlled dangerous substances and to seize inter alia, all records relating to the ordering, purchase and distribution of controlled substances at the Pharmacy.

7. The probable cause which was presented to the Court in the application for the search and seizure warrant was based on the following facts:

a. There is a business known as Beeli's Pharmacy located at 5145 Park Heights Avenue, Baltimore City, Maryland.

b. During the month of May 1994, information was received from a confidential informant (the "CI") as to a pharmacist who is selling controlled dangerous substances illegally from Beeli's Pharmacy.

c. The CI advised that the suspected pharmacist will fill any prescription, knowing it to be false, for an excessive cost. On the average, it is one dollar (\$1.00) over cost per pill obtained. The pharmacist does not verify the prescription and does

not ask any questions prior to dispensing the medication. The CI advised that the DEA registration number need not be correct as long as it is the proper number of characters.

d. The suspected pharmacist, Julian Miden, is one of the incorporators of the Respondent Pharmacy and is the resident agent of the corporation.

e. On May 27, 1994, State Police Trooper First Class David M. Hammel, Bureau of Drug Enforcement, provided the CI with \$180 cash and a prescription for Valium and a prescription for Demerol, both for 50 tablets using a fictitious doctor's name and DEA number. The CI entered the Respondent Pharmacy and spoke with the Pharmacist but left without any drugs and told Trooper Hammel that the Pharmacist stated "you used to be good, you need to write these more like a doctor." The CI also stated that the Pharmacist rejected the prescriptions because they were written in felt tip pen.

f. On May 27, 1994, approximately four minutes later, the CI returned to the Respondent Pharmacy with two additional prescriptions which Trooper Hammel created using blue ink. The CI gave the Pharmacist the prescriptions, \$180 cash and received 47 blue tablets and 50 white tablets.

g. On May 31, 1994, Trooper Hammel provided the CI with two prescriptions, one for Dilaudid and one for Valium. Both prescriptions were for 50 tablets and a fictitious doctor's name and DEA number was used. The CI entered the Respondent Pharmacy and presented the prescription to the Pharmacist who stated he could

not fill them because he was busy filling prescriptions for "people who really need them."

h. On June 6, 1994, Trooper Hammel provided the CI with currency and two prescriptions, written on Johns Hopkins Hospital blanks, one for 50 Valium and the other for 50 Percocet and both written with a fictitious doctor's name and DEA number. Trooper Hammel and the CI met with the Pharmacist in the Respondent Pharmacy who stated he could not fill these prescriptions as they were written on blanks not intended for controlled substances. The Pharmacist stated that if he filled these it would get everyone in trouble. The Pharmacist stated that these prescriptions were not valid for controlled substances and some other form of prescription must be used. Respondent told them to try some other type of prescription.

i. On June 6, 1994, approximately 30 minutes later, the CI re-entered the Respondent Pharmacy and presented two prescriptions to the Pharmacist, both written on Sinai Hospital blanks, both with a fictitious doctor's name and DEA number. One prescription was for 50 Percocet and one for 50 Valium. The Pharmacist filled these prescriptions without question. The CI gave the Pharmacist \$100 cash which the Pharmacist placed in his pocket without ringing the sale on the register.

j. On June 6, 1994, Trooper Hammel asked the Pharmacist for an over-the-counter medicine for allergies. The Pharmacist gave Trooper Hammel a bottle without a label containing 5 pink pills and told Trooper Hammel to take one every 12 hours.

k. On June 10, 1994, the CI entered the Respondent Pharmacy and presented the Pharmacist with a prescription on Sinai Hospital blank for Dilaudid 4 mg. The CI paid the Pharmacist \$120 cash. The Pharmacist told Trooper Hammel he should take the CI to "detox at GBMC."

l. On June 15, 1994, Corporal Thomas G. McElroy of the Maryland State Police, Bureau of Drug Enforcement, entered the Respondent Pharmacy and presented the Pharmacist a prescription for 50 Percocet and prescription for 50 Valium. The Pharmacist stated he could not fill them on that day and told Corporal McElroy to come back the next day. The Pharmacist asked Corporal McElroy how the CI was doing.

m. On July 18, 1994, the CI entered the Respondent Pharmacy and spoke with the Pharmacist about the sale of steroids, specifically DECA Winstrol-V or testosterone. The Pharmacist told the CI that the steroid is usually prescribed one (1) per day and gave the CI a piece of paper on which the Pharmacist wrote "methtestosterone 10 mg."

n. On July 18, 1994, the CI and the Respondent Pharmacy gave the Pharmacist a prescription for Demerol 100 mg 50 tablets, and Valium 50 tablets and \$200 cash. The Pharmacist placed the cash in his pants pocket and gave the CI \$10 change from the register. The Pharmacist gave the CI two pill bottles and \$50 cash.

o. On August 15, 1994, Trooper Hammel gave the CI a prescription for Demerol and a prescription for Valium and cash.

The CI entered the Respondent Pharmacy and gave the prescriptions to the Pharmacist who stated that the prescriptions did not look "good enough" and he should return the next day with different prescriptions.

p. On August 16, 1994, Trooper Hammel gave the CI cash and a prescription for Demerol and a prescription for Valium. The CI entered the Respondent Pharmacy and presented these prescriptions to the Pharmacist who told the CI that the prescriptions were "too neat," they needed to be "sloppier" and to "look like a doctor wrote them." The Pharmacist stated that one of the symbols was incorrectly written and that "M.D." should be behind the doctor's name.

q. On August 16, 1994, approximately ten minutes later, the CI re-entered the Respondent Pharmacy and again presented the prescriptions, which Trooper Hammel rewrote, to the Pharmacist. The Pharmacist stated to the CI that he "could get in trouble filling these fake prescriptions." The CI gave the Pharmacist \$130 cash and received two prescription bottles.

8. Based upon the above, the Board has reason to believe that Respondent's retention of a Maryland pharmacy permit for the practice of pharmacy poses a risk to the health, safety and welfare of the citizens of Maryland.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board finds that the public health, safety and welfare imperatively requires emergency action

in this case pursuant to Md. State Gov't Code Ann. §10-405(b) (1993 Repl. Vol.).

It is this 21st day of ORDER Sept, 1994, by the Board of Pharmacy:

ORDERED that pursuant to the authority vested in the Board by the Maryland State Gov't Code Ann. §10-405(b) (1993 Repl. Vol.), Respondent's pharmacy permit for the operation of a pharmacy in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that on presentation of this Order, Respondent shall immediately surrender to the representatives of the Board:

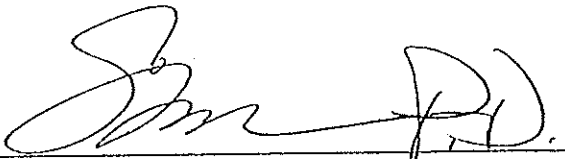
(1) current Department of Health and Mental Hygiene Permit No. P00034; and be it further

ORDERED that a hearing to consider this emergency suspension shall be held before the Board on October 19, 1994 at 1:00 p.m., Room 108, 4201 Patterson Avenue, Baltimore, Maryland 21215; and be it further

ORDERED that a copy of this Order shall be filed with the Maryland State Board of Pharmacy; and be it further

ORDERED that this is a Final Order and as such is considered as public record pursuant to Md. State Gov't Code Ann. §10-611 et seq. (1993 Repl. Vol.).

9/21/94
Date


Steven Cohen, P.D.
President
Board of Pharmacy