

IN THE MATTER OF
MARCUS T. CARSON, P.D.

* BEFORE THE
* MARYLAND STATE BOARD
* OF PHARMACY

* * * * *

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the Maryland State Board of Pharmacy (the "Board") the Board directed an investigation of the pharmacy practice of Marcus T. Carson, P.D. (the "Respondent"). Following the investigation and after considering various reports the Board determined to charge Respondent pursuant to §12-311(b)(20) of the Health Occupations Article (the "Act").

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated September 14, 1984. A hearing on the charges was scheduled for December 12, 1984. Prior to the hearing negotiations were entered into by counsel for the Respondent, Morton Edelstein, Esquire, and Barbara Hull Foster, Assistant Attorney General, Administrative Prosecutor for the State. As a result of the negotiations an consent agreement was proposed to the Board which the board agreed to accept, as follows, in order to settle this case without the necessity of conducting an evidentiary hearing.

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FINDINGS OF FACT

Based upon the information known and available to it the Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed and practicing in Maryland and was and is subject to the jurisdiction of the Board;
2. At all times pertinent to this case Respondent owned and operated Randallstown Medical Center located at 5310 Old Court Road, Baltimore, Maryland;
3. From April through July of 1982, Respondent filled eighty nine (89) prescriptions for methaqualone, a controlled dangerous substance, issued by physicians at the Cheasepeake Medical Clinic;
4. COMAR 10.19.03.07 provides that a pharmacist who fills a prescription has a corresponding responsibility with the physician to ensure it is issued for legitimate purposes;
5. Respondent sought to determine if the prescriptions were issued for legitimate medical purposes by confirming the contents of the prescriptions with physicians and asking for guidance from the Division of Drug Control;
6. The Division of Drug Control informed the Respondent that he would have to make his own determination of the legitimacy of the prescriptions;
7. Prior to filling a prescription for controlled dangerous substance a pharmacist, in accordance with professional

standards must take into consideration the following:

- a. Does the prescription order contain an indication different from the one(s) in the package insert?
- b. Does the prescriber write significantly larger numbers of prescription orders (or in larger quantities) as compared with other physicians in the area?
- c. Does the prescriber write for antagonistic drugs, such as depressants and stimulants, at the same time?
- d. Do patients appear to be returning too frequently?
- e. Do patients appear presenting prescriptions written in the names of other people?
- f. Do a number of people appear simultaneously, or within a short time, all bearing similar prescription orders from the same prescriber?
- g. Are numerous strangers suddenly showing up with prescriptions from the same prescriber?
- h. Are your purchases of controlled substances rising dramatically?

8. Respondent knew or should have known by balancing the above factors particularly b, f, g, and h, that the prescriptions from Cheseapeake Medical Clinic for methaqualones were not issued for legitimate medical purposes; and

9. It is professional incompetent for a pharmacist to fill a prescription if he knows or should have known the prescription is not issued for legitimate medical purposes.

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CONCLUSION OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(20) of the Act.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 17th day of April 1985, by unanimous vote of those members of the Board considering this case:

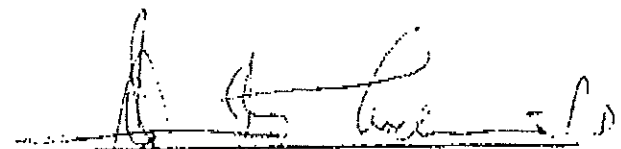
ORDERED that Respondent's license to practice pharmacy in the State of Maryland be **SUSPENDED** for one (1) year said **SUSPENSION** being **IMMEDIATELY STAYED** and Respondent placed on **PROBATION** subject to the following conditions:

1. Respondent shall perform one-hundred and twenty hours (120) of Board approved community service;
2. Respondent shall take fifteen (15) hours of Board approved continuing education on the subject of controlled dangerous substances; and
3. Respondent shall practice in accordance with the Pharmacy Act; and be it further

ORDERED that if Respondent violates any of the foregoing conditions of probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland, the Board may, after notification and hearing, and a determination of violation, withdraw Respondent's probationary status and may impose such disciplinary action as provided by

law; and be it further

ORDERED that after one (1) year from the effective date of this Order the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any conditions of probation provided that Respondent has complied successfully all conditions of probation. The Board shall not deny Respondent's petition for termination of probation without good cause.


Bernard B. Lachman, P.D.
President

CONSENT

By this consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I do not admit the truth of the charges or Findings of Fact but acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to abide by

the conditions set forth in the Order, I may suffer disciplinary action against my license to practice pharmacy in the State of Maryland.

Marcus T. Carson P.A.
Marcus T. Carson, P.D.

STATE OF MARYLAND)
CITY OF BALTIMORE) SS:

I HEREBY CERTIFY that on this 5th day of January, 1985 before me, a Notary Public of the State and City aforesaid, personally appeared **Marcus T. Carson, P.D.** and he made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

[Signature]
Notary Public

My Commission expires: July 1986

STATE OF MARYLAND

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IN THE CIRCUIT COURT

V.

*

FOR BALTIMORE COUNTY

MARCUS CARSON

*

CASE NO.: 82 CR 2887

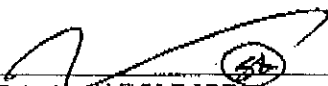
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STATE'S ANSWER TO DEFENDANT'S PETITION FOR EXPUNGEMENT

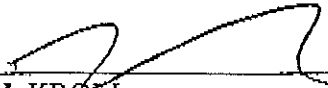
Now comes the State of Maryland by Sandra A. O'Connor, State's Attorney for Baltimore County, and Steven I. Kroll, Assistant State's Attorney for Baltimore County, and in Answer to the Petition for Expungement filed herein, says that:

- I. The State admits to all the allegations in the above-mentioned Petition.

WHEREFORE, having fully answered said Petition, the State prays that Disposition be made.



 SANDRA A. O'CONNOR
 STATE'S ATTORNEY FOR BALTIMORE COUNTY



 STEVEN I. KROLL
 ASSISTANT STATE'S ATTORNEY
 FOR BALTIMORE COUNTY
 401 BOSLEY AVENUE, ROOM #511
 TOWSON, MARYLAND 21204
 (410) 887-6610

I HEREBY CERTIFY that a copy of the foregoing Answer was mailed this 8th day of October, 2002, to:

Marcus Carson
3827 Janbrook Rd.
Randallstown, MD 21133



 STEVEN I. KROLL
 ASSISTANT STATE'S ATTORNEY