

5/6/83

IN THE MATTER OF \* BEFORE THE MARYLAND  
DAVID J. CURRY, P.D. \*  
BOARD OF PHARMACY

\* \* \* \* \*

ORDER FOR EMERGENCY SUSPENSION  
OF PHARMACY LICENSE

On April 28, 1983, the Maryland Board of Pharmacy (the "Board") received information from the federal Drug Enforcement Administration (the "DEA") regarding the pharmacy practice of David C. Curry, P.D. (the "Respondent"). Based on information provided by DEA and further investigation by the Board, the Board makes the following findings:

1. That Respondent is a pharmacist licensed to practice pharmacy in the State of Maryland.
2. That on January 24, 1983, the Board charged Respondent with being addicted to cocaine, a Schedule II controlled dangerous substance.
3. That on March 1, 1983, Respondent entered into consent order negotiations with the Board for the purpose of settling the case against him without the necessity of going through a formal hearing.
4. That on April 11, 1983, Respondent voluntarily executed the Consent Order proposed by the Board without admitting the truth of any of the findings of fact or the conclusion of law. See Exhibit A.
5. That on April 20, 1983, members of the Board unanimously voted to approve the Consent Order.
6. That on April 27, 1983, the president of the Board executed the Consent Order on behalf of the Board.
7. That in its findings of fact, the Board found that on June 22, 1982 Respondent admitted to the security manager of the Randallstown K-Mart Store, in Randallstown, Maryland,

where he was employed as a pharmacist, that he had used cocaine for at least three (3) months prior to that date. Prior to that admission, Respondent had been observed putting a needle away on a shelf in a suspicious manner and had been questioned about his behavior. On June 22, 1982, Respondent's employment at the K-Mart Store was terminated. See Findings of Fact ## 2, 3, 4, and 5 of Exhibit A.

8. That the Board concluded as a matter of law that Respondent had violated §12-311(b)(4) of the Health Occupations Article of the Annotated Code of Maryland which provides that the Board may reprimand, suspend or revoke the license of a licensee if he "[i]s addicted to any controlled dangerous substance

. . . ."

9. That the Board ordered the suspension of Respondent's pharmacy license but immediately stayed that suspension and placed Respondent on probation subject to various conditions, one of which was that Respondent practice pharmacy in a competent manner and in accordance with the standards set forth in the Maryland Pharmacy Act, Health Occupations Art. §12-101 et seq. of the Annotated Code of Maryland.

10. That based on information contained in a letter dated April 27, 1983 from George B. Brosan, Assistant Special Agent-in-Charge, Baltimore District Office of the DEA, see Exhibit B, the Board has reason to believe that on or about September 15, 1982 Respondent stole 120 Dilaudid 4 mg. tablets, a Schedule II controlled dangerous substance, from Shuster Pharmacy, 1231 West Baltimore Street, Baltimore, Maryland while employed there as a pharmacist. See Exhibit B, at 1, ¶B. This information was unknown to the Board when it filed charges on January 24, 1983 and approved and signed the Consent Order in April, 1983.

11. That Respondent is currently employed as a pharmacist at Constant Care Health Center Pharmacy ("Constant Care"), 1501 Division Street, Baltimore, Maryland. See Exhibit B, at 1, ¶C.
12. That based on information provided by DEA, the Board has reason to believe that while employed by Constant Care, Respondent stole an unknown quantity of cocaine from the pharmacy and substituted 13.6 grams of inositol, a noncontrolled vitamin B complex, to evade detection. Respondent allegedly made admissions to Craig N. Chretien, Group Supervisor for DEA, that suggest that it was he who stole the cocaine and substituted inositol. See Exhibit B, at 1-2, ¶C.
13. That subsequent analysis of the contents of the cocaine bottle by the DEA laboratory confirmed that it contained inositol and not cocaine. See Exhibit B, at 2, ¶1.
14. That the foregoing information conveyed to the Board by DEA has been verified and confirmed by James Temple, the Board's investigator.
15. That based on the information provided by DEA and its own investigation, the Board has reason to believe (a) that Respondent stole cocaine from Constant Care during the time he was negotiating the Consent Order with the Board, and (b) that he stole Dilaudid from Shuster Pharmacy.
16. That for the reasons set forth in the foregoing paragraphs, the Board concludes that emergency action is required in this case pursuant to Article 41, §250A(c) of the Annotated Code of Maryland because Respondent's continued access to controlled dangerous substances poses an imminent and grave danger to the public health, welfare, and safety and that that situation imperatively requires emergency action by the Board prior to its filing and considering charges against Respondent's license to

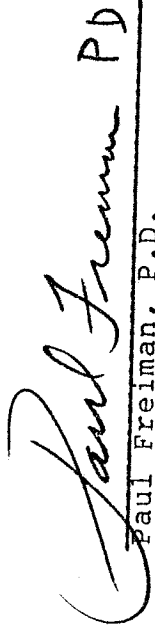
ORDER

It is this 2nd day of May, 1983, by the Maryland Board of Pharmacy,

ORDERED that pursuant to the authority vested in the Board by Article 41, §250A(c) of the Annotated Code of Maryland, Respondent's license to practice pharmacy is hereby SUMMARILY SUSPENDED; and be it further

ORDERED that on presentation of this Order, Respondent shall immediately deliver to its investigator (1) his diploma-sized Certificate of the Maryland Board of Pharmacy, (2) his current Department of Health and Mental Hygiene License Renewal Certificate, and (3) his current wallet-sized license renewal card; and be it further

ORDERED that a hearing shall be held before the Board within ten (10) business days of the date upon which the Board receives a request from Respondent for a hearing to consider this emergency suspension.

  
Paul Freiman, P.D.  
Secretary  
Maryland Board of Pharmacy