

IN THE MATTER OF
ROBB V. FOOTE, P.D.
LICENSE NO. 12098

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BEFORE THE MARYLAND
MARYLAND BOARD OF
PHARMACY

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ORDER LIFTING SUSPENSION

The Maryland Board of Pharmacy (the "Board") is in receipt of a petition from Robb V. Foote, License No. 12098, requesting to lift the suspension of his license as set forth in a Consent Order, dated April 4, 2008. The Consent Order provides that Mr. Foote may petition to lift the suspension after two (2) years and provided that he submit to a substance abuse evaluation. Mr. Foote submitted to a substance abuse evaluation by a Board-appointed evaluator who made specific recommendations regarding Mr. Foote's re-entry into pharmacy practice, most of which are adopted herein. On May 19, 2010, the Board voted to lift the suspension and place Mr. Foote's license on immediate probation with terms as set forth below.

ORDER

It is this 18th day of June, 2010, by an affirmative vote of the Maryland Board of Pharmacy, hereby,

ORDERED that the suspension of Mr. Foote's license be LIFTED; and be it further,

ORDERED that Mr. Foote's license be placed on immediate PROBATION for at least THREE (3) YEARS during which:

1. As a dispensing pharmacist, Mr. Foote:
 - (a) May work a maximum of 35 hours per week, with a maximum of 8 hour shifts;
 - (b) May not work more than 5 days in a row, and must have two days off in a row;
 - (c) Must only work during day shifts;

- (d) May not work as a floater or for a staffing agency;
- (e) May not function as a pharmacy manager;
- (f) May only work for one pharmacy employer;
- (g) Must provide a copy of this Consent Order to his employer prior to commencing employment and must insure that the employer submits the attached employer verification form; and
- (h) Must insure that the employer maintains a perpetual CDS inventory which is not balanced by Mr. Foote; and be it further

2. Mr. Foote shall continue treatment with his treating psychiatrist and shall insure that his psychiatrist submits quarterly progress reports to the Board;

3. Mr. Foote may not own a pharmacy or work for a pharmacy that is owned, in whole or in part, by a family member;

4. Mr. Foote shall insure that his pharmacy employer submits quarterly performance reports to the Board;

5. Mr. Foote shall submit to random, Board-ordered urines on a weekly basis;

6. Mr. Foote shall provide the Board with written notification in advance of any period of time during which he may be unreachable due to travel or other reason; and be it further,

ORDERED that after one (1) year of probation, Mr. Foote may petition the Board to modify his probationary terms provided that he has fully complied with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that after three (3) years of probation, Mr. Foote may petition the Board to terminate probation provided that he has fully complied with the terms of probation and does not have any pending complaints filed against him; and be it further,

ORDERED that all urine screens under this Order shall be:

- (1) Submitted by Mr. Foote within 24 hours of the Board staff instructing him to submit a urine sample;
- (2) Submitted at a CLIA-certified laboratory;
- (3) Observed; and

(3) Negative for any controlled dangerous substance, narcotics, cocaine, or other mood-altering substance, except as provided below; and be it further,

ORDERED that Mr. Foote shall abstain from the ingestion of controlled dangerous substances, narcotics, cocaine, or other mood-altering substances, except that Mr. Foote may only ingest prescribed controlled dangerous substances for legitimate medical reasons under the following conditions:

(1) Mr. Foote must be a bona fide patient of a licensed Maryland prescriber who is aware of this Order;

(2) The medication must be lawfully prescribed by Mr. Foote's physician or other authorized medical practitioner;

(3) Mr. Foote must provide the Board, in writing, within seventy-two (72) hours of receiving the medication: (a) the name and address of the prescriber; (b) the illness or medical condition diagnosed; (c) the type, strength, amount and dosage of the medication; (d) and a signed statement consenting to the release of all medical information about Mr. Foote from the prescriber to the Board; and be it further,

ORDERED that Mr. Foote's execution of this Order shall constitute a release of any and all medical records, substance abuse treatment records, and psychological/psychiatric records pertaining to Mr. Foote to the Board in complying with the terms and conditions set forth herein. Further, Mr. Foote agrees and consents to the release by the Board of any information or data produced in relation to this Order to any treatment provider; and be it further,

ORDERED that Mr. Foote shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Mr. Foote's compliance with the terms and conditions of this Order; and be it further,

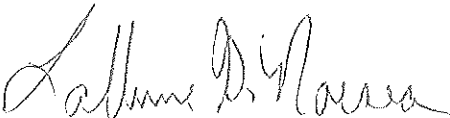
ORDERED that Mr. Foote's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that in the event the Board finds for any good faith reason that Mr. Foote has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Foote has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately summarily suspend Mr. Foote's license prior to a hearing, provided that Mr. Foote is given the opportunity for a show cause hearing within a reasonable time of such action; and be it further,

ORDERED that Mr. Foote shall bear the expenses associated with this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date June 18, 2010



LaVerne G. Naesea, Executive Director
for
Michael Souranis, P.D.
President, Board of Pharmacy

PHARMACY EMPLOYER VERIFICATION FORM

TO BE COMPLETED BY PHARMACY EMPLOYER
AND RETURNED TO THE MARYLAND BOARD OF PHARMACY:
4201 PATTERSON AVENUE, BALTIMORE, MD 21215

I hereby acknowledge that I am in receipt of a copy of the Order Lifting Suspension pertaining to the pharmacist's license of ROBB V. FOOTE.

I further acknowledge that I have read and understand the terms and restrictions placed upon Mr. Foote's ability to practice pharmacy.

Signature

Printed Name

Title

Name of Pharmacy/Company