

IN THE MATTER OF
BLAISE LACHOWICZ, P.D.

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

* * * * *

CONSENT ORDER

This Consent Order is entered into by a between the Maryland State Board of Pharmacy and Blaise Lachowicz, P.D.

BACKGROUND

Upon certain information having come to the Maryland Board of Pharmacy (the "Board"), the Board determined to charge Blaise Lachowicz, P.D., (the "Respondent") a person licensed to practice pharmacy in the State of Maryland with violation of §12-311(b)(14), (21), and (23) of the Health Occupations Article Maryland Annotated Code, which provide:

Subject to the hearing provisions of §12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority vote of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

* * *

(14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

* * *

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

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(23) Is disciplined by a . . . court of any state of country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[.]

Appropriate notice of the charge and the grounds upon which it was based were sent to Respondent in a letter dated June 19, 1987. A prehearing conference was held on August 26, 1987 and was attended by Respondent, his counsel, Alan G. Horwitz, Esq.;, Dr. Steve Cohen, a member of the Board; Roslyn Scheer, Executive Director of the Board; Judith K. Sykes, Assistant Attorney General,, Administrative Prosecutor; and Harry Matz, Assistant Attorney General and Counsel to the Board.

At the prehearing conference, after preliminary statements by Mrs. Sykes and Mr. Horwitz, Respondent answered inquiries from Ms. Scheer, Dr. Cohen, and Mr. Matz and full discussion was held in which Mr. Lachowicz and his attorney participated. Following the prehearing conference, Respondent, having consulted with counsel, agreed to enter into the following Findings of Fact, Conclusions of Law and Consent Order.

FINDINGS OF FACT

1. At all time pertinent to this matter, Respondent was a pharmacist licensed in the State of Maryland and is subject to the jurisdiction of the Board.

2. On April 16, 1986, in the Circuit Court for Baltimore City, Respondent herein entered a plea of guilty to committing felonies -- unlawfully distributing morphine, a Schedule II narcotic drug, on October 24, 1985, November 8, 1985,

and November 25, 1985 and to unlawfully distributing Methadone, a narcotic drug, on October 11, 1985, in violation of Article 27, §286, of the Maryland Code.

3. All of the drugs described in paragraph 2 were sold without a prescription.

4. The Court imposed a sentence of 18 months to the Department of Correction, suspended the sentence, and placed the Respondent on supervised probation for three years. Respondent was also required to pay a fine of \$4,740 and court costs of \$260.00. A specific condition of Respondent's probation was that he was to have no contact with any pharmacy other than through his present employment with Syncor Company.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that Respondent is subject to discipline under §§12-311(b)(14), (21), and (23) of the Health Occupations Article of the Annotated Code of Maryland.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 18TH day of NOV., 1987, by unanimous vote of those members of the Board considering this case:

ORDERED that Respondent's license to practice pharmacy is hereby **SUSPENDED**, and be it further

ORDERED that said suspension is **IMMEDIATELY STAYED** and Respondent is placed on **PROBATION** subject to the following conditions:

1. Respondent may practice pharmacy only in a setting where he has no access to drugs or in a setting where such access is limited to radiopharmaceuticals.

2. Respondent shall perform 200 hours of Board approved community service in Drug Abuse Education within the next two years.

3. Respondent shall submit quarterly reports to the Administrator of this Board verifying the numbers of hours of community service performed, and the types of services rendered, and the agencies or other entities under whose auspices it was performed.

4. Respondent shall arrange for the filing of quarterly reports by his supervisor at the agency for whom his volunteer services have been performed verifying the number of hours of community service performed and the types of services rendered. In the alternative, at the option of the Administrator, the report submitted by Respondent pursuant to paragraph 3 above may be signed by the individual supervising his volunteer services.

5. Over the next two (2) years, Respondent shall complete a minimum of thirty (30) hours of continuing education per year in courses approved by the Board. In each year, fifteen (15) of those hours must be completed in courses addressing controlled substances management, inventory or abuse.

6. Respondent shall arrange for any and all of his pharmacy employers to submit to the Board written quarterly

reports evaluating his job performance and describing the nature and duties of his position. The first report from his present employer shall be due one month from the date of this Order. A report from any other employer shall be due one month after the date that he assumes any new position as a pharmacist. Such reports shall continue until all conditons are removed from Respondent's license. This includes any employment requiring the knowledge of a pharmacist or pertaining to pharmacy.

7. In the event that Respondent changes jobs as a pharmacist, or decides not to practice pharmacy, Respondent shall immediately notify the Board, in writing, identifying his new employer by name, address, telephone number and describing his new position.

8. Commencing thirty (30) days from the date of this Order or no later than December 1, 1987, Respondent shall send written quarterly reports to the Board describing the progress he feels he is making, what problems he presently faces and how he is coping with these problems. Said reports shall be forwarded to Roslyn Scheer, Executive Director of the Board, and are to be submitted on the schedule below, and shall continue as long as the probationary conditions are in effect.

December 1, 1987	March 1, 1989
March 1, 1988	June 1, 1989
June 1, 1988	September 1, 1989
September 1, 1988	December 1, 1989
December 1, 1988	

9. Respondent shall notify the Board, in writing, of his current address. In the event that Respondent moves he shall promptly notify the Board in writing of the change of address and any change in his telephone number.

10. Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED that in the event the Board receives an unsatisfactory report which it believes in good faith to be accurate, or in the event the Board believes for any reason in good faith that Respondent has violated Health Occupations Section 12-311(b) (14), (21) or (23) or any provision of Title 12 of the Health Occupations Article, the Board may take immediate action, including, but not limited to, revocation or suspension, without first giving Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action; but the Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED that two (2) years from the 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 or

restrictions as to the scope of the practice, provided that Respondent has completed his continuing education requirements. If the Board determines that the termination of probation and complete reinstatement would be appropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation. However, if Respondent fails to make any such petition then his probationary status shall continue indefinitely, subject to the conditions set forth in this Order.



Anthony Padussis, P.D.
President
Maryland Board of Pharmacy

CONSENT

By this Consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I 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.

Blaise Lachowicz
Blaise Lachowicz, P.D.

STATE OF MARYLAND)

CITY/COUNTY OF Baltimore)

I HEREBY CERTIFY that on this 12th day of November, 1987, before me, a Notary Public of the State and County aforesaid, personally appeared BLAISE LACHOWICZ, 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.

C Cheryl E. Fruhling
Notary Public

My Commission Expires: 7/1/90

