

IN THE MATTER OF
JOHN EDWARD LOFTUS, P.D.

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BEFORE THE
MARYLAND STATE BOARD
OF PHARMACY

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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 **John Edward Loftus, P.D.**, (the "Respondent"). Following the investigation and after considering various reports the Board determined to charge Respondent pursuant to §12-311(b)(4)(ii), (6), (7), (14), and (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 April 9, 1984. A hearing on the charges was scheduled for June 20, 1984. A prehearing conference on the charges was scheduled for May 21, 1984.

The prehearing conference was held on May 21, 1984, and was attended by Respondent, Respondent's Wife, Respondent's attorney, Michael R. Aronson, Esquire, Bernard B. Lachman, President of the Board, Roslyn Scheer, Executive Director of the Board, Ronald S. Gass, Assistant Attorney General, counsel to the Board, and Barbara Hull Foster, Assistant Attorney General, and the Administrative Prosecutor and Ron Bloom from Alcohol and Drug Abuse Program at the University of Maryland School of Medicine.

At the prehearing conference Mr. Aronson and Ms. Foster presented their suggestions for settlement of the case to Dr. Lachman, a representative of the Board. Respondent, after consultation with his counsel, agreed to enter into the following Consent Order.

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 relevant to the charge Respondent was an employee at Dart Drug #252, 11111 Georgia Avenue, Wheaton, Maryland 20902;
3. On or about May 17, 1983, Respondent stole at least one-hundred (100) Percodan tablets from his place of employment;
4. On or about May 23, 1984 until August 29, 1983 Respondent stole at least six-hundred (600) Percodan tablets and two-hundred (200) Dilaudid 2mg. tablets from his place of employment;
5. Respondent also stole: 639 Demerol 50mg. tablets, 108 Demerol 100mg. tablets, 25 Daxedrine 5mg. tablets, an additional 600 Percodan tablets, 240 mg. TC Opium, and 71 Tylox during his employment with Dart Drug;
6. Respondent obtained the legend drugs by falsifying the inventory records;

7. During the last weekend of August Respondent decided to break his addiction and ceased taking any addictive drug;

8. On August 29, 1983, Respondent admitted to his employer that he had a drug problem and has stolen the drugs;

9. Respondent entered University of Maryland School of Medicine Alcohol and Drug Abuse Program in September of 1983;

10. Respondent entered Seneca House's program for a month; and

11. Respondent voluntarily agreed not to practice pharmacy until October 1, 1984.

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):

- (4) Provides professional services while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (7) Willfully fails to file or record any report that is required by law;
- (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; and

and based on the foregoing findings of fact the Board concluded that the Respondent did not violated

(20) Is professionally, incompetent;
and dismisses that charge.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 10 day of October 1984, 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 not practice pharmacy until October 1, 1984, or on the date this Order is signed by the Board, whichever is later;

2. Within thirty days from the date of this Order Respondent shall arrange for his therapist at University of Maryland School of Medicine, Drug and Alcohol Program ("the Program") to submit an evaluation report to the Board. The report shall include a recommendations, if any, for continual treatment of Respondent's drug abuse problem and an evaluation of whether Respondent is capable of presently returning to the practice of pharmacy without endangering himself and/or others and where Respondent can practice;

3. Respondent shall comply with any and all recommendations made by his therapist at the Program;

4. Respondent shall continue in therapy and comply with any and all recommendations made by his therapist in the time suggested by his therapist;

5. The Respondent shall arrange for the therapist to submit written quarterly reports indicating that Respondent is making satisfactory progress in drug therapy and in dealing with his problem of abuse of controlled dangerous substances. The first report shall be submitted to the Board sixty (60) days after the effective date of this Order. With the Board's approval, after the first year of Respondent's probation the Respondent shall arrange for the therapist to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;

6. Respondent shall arrange with his therapist to submit random urine screens which shall be supervised. In the event the urine screen is positive for legend drugs, Respondent's therapist shall immediately notify the Board;

7. Respondent shall continue in therapy until such a time as he is discharged from treatment by the therapist. Upon discharge from treatment, Respondent shall arrange for his therapist to submit a written discharge report to the Board;

8. In the event that Respondent discontinues therapy prior to discharge by his therapist, the therapist shall immediately notify the Board in writing;

9. In the event that Respondent's therapist reports to the Board that Respondent is incapable of practicing pharmacy safely or that Respondent's previous problems are interfering with Respondent's ability to practice pharmacy, or there is a positive urine screen, Respondent shall voluntarily discontinue the practice of pharmacy until such time as this therapist indicates that Respondent is capable of resuming his practice of pharmacy;

10. Respondent shall contact the Committee for the Impaired Pharmacists (the "Committee") and make arrangements to meet with this Committee within thirty (30) days of the date of this Order;

11. Respondent shall continue to comply with the recommendations made by the Committee in the time suggested by the Committee;

12. Respondent shall arrange for the Committee to submit written quarterly reports indicating Respondent is making satisfactory progress in therapy in dealing with his problem of abuse of controlled dangerous substances. The first report shall be submitted to the Board sixty (60) days from the date of this Order;

13. After the first year of Respondent's probation, with the Board's approval, the Respondent shall arrange for the Committee to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;

14. Respondent shall continue with the Committee until such time he is discharged from treatment by the Committee. Upon discharge from treatment by the Committee, Respondent shall arrange for the Committee to submit a written discharge report;

15. In the event Respondent discontinues treatment with the Committee prior to his discharge by the Committee, the Committee shall immediately notify the Board in writing;

16. In the event the Committee reports to the Board that Respondent is incapable of practicing pharmacy safely, the Respondent shall voluntarily discontinue the practice of pharmacy until such time as the Committee indicates that Respondent is capable of resuming his practice of pharmacy;

17. Respondent shall immediately notify any and all of his pharmacy employers that he has been placed on probation by the Board and inform the employers of the conditions of his probation. Within thirty (30) days of being hired as a pharmacist Respondent shall submit written proof to the Board that he has notified his employer of the conditions of probation contained in this Order;

18. 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 shall be due a month after Respondent assumes a position as a pharmacist and shall continue until all conditions are removed from Respondent's license;

19. 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;

20. Commencing sixty (60) days from the date of this Order, 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;

21. 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;

22. Respondent shall refrain from engaging in the conduct which led to his violation of the Maryland Pharmacy Act;

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

ORDERED, that if Respondent violates any of the foregoing conditions of probation or fails to remain drug free or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland or if the Board receives an unsatisfactory report from the Respondent's therapist, or the Committee, 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 two (2) years from the date of this Order the effective date being the date upon which the Board signs 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 practice provided that Respondent has compiled with the conditions of probation. If the Board determines with good cause that the termination of probation and complete reinstatement would not be appropriate at the time the Board may modify one or more of the conditions upon which Respondent was placed on probation.

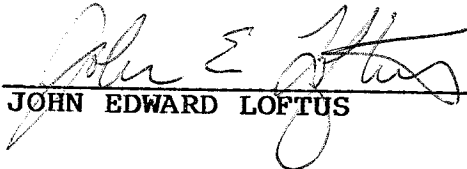


Bernard B. Lachman, P.D.
President, Maryland Board of
Pharmacy

CONSENT

By this consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I do not admit the truth of the charges 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

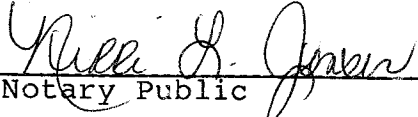
and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to 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.


JOHN EDWARD LOFTUS P.D.

STATE OF MARYLAND)
CITY OF BALTIMORE) ss:

I HEREBY CERTIFY that on this 29th day of September 1984 before me, a Notary Public of the State and City aforesaid, personally appeared **John Edward Loftus, 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.


Notary Public

My Commission Expires: July 1, 1987