

IN THE MATTER OF	*	BEFORE THE
STEVEN NING, P.D.	*	STATE BOARD
License No. 11341	*	OF
Respondent	*	PHARMACY
* * * * *	*	* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. Code Ann., State Gov't, §10-226(c)(1995), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy issued to Steven Ning, P.D., (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Title 12, Health Occupations Article (1994). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed by the Board on March 20, 1988. The Respondent last renewed his license on August 19, 1999. The Respondent's license expires August 31, 2001.

2. On or about August 11, 2000, the Virginia Board of Pharmacy issued an Order of Summary Suspension to the Respondent. The basis of that Order was that, while the Respondent was employed as a pharmacist at Safeway pharmacy #1304 in Falls Church, Virginia, between approximately April and May, 2000, the Respondent diverted approximately 180 does of Morphine for his personal and unauthorized use.

3. On or about May 13, 2000, the Respondent was admitted to Arlington Hospital after a suicide attempt by ingesting morphine. He remained as an inpatient for approximately three weeks.

4. On or about July 28, 2000, the Respondent's treating psychiatrist, John R. Maloney, M.D., reported to the Board that he conducted psychiatric testing of the Respondent on June 14, 2000 and conducted a clinical evaluation on July 21, 2000. Dr. Maloney opined that, based on these examinations, the Respondent is not competent to safely practice pharmacy; that he has shown significant cognitive impairment and depression; and, that he has shown consistent lack of insight into the severity of his illness and his limitations.

FINDINGS

1. Based upon the Respondent's inability to safely practice pharmacy, his significant cognitive impairment an depression and his consistent lack of insight into the severity of his illness and his limitations, the Board finds that the public safety and welfare require that the Respondent's license be summarily suspended.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following violation of § 12-313 (b) of the Act:

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

Acts which would be grounds for disciplinary action by the Board are:

(14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber.

(20) Is professionally, physically, or mentally incompetent;

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety and welfare imperatively require emergency action, pursuant to Md. Code Ann., St. Gov't Article, §10-226(c)(2) (1995).

ORDER


Based on the foregoing, it is therefore this **1st** day of **September**, 2000 by a vote of a quorum of the State Board of Pharmacy by authority granted by the Board by Md. Code Ann., St. Gov't, §10-226(c)(2) (1995), the license held by the Respondent to practice pharmacy, (License No. 08351), is hereby **SUMMARILY SUSPENDED**, and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent for a hearing, a hearing shall be scheduled within thirty days of said request, at which the Respondent will be given an opportunity to be heard on the issues limited to those raised in this Order, that is, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and, be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it

further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., St. Gov't, §10-617(h).



W. Irving Lottier, Jr., P.D., Secretary
Board of Pharmacy

NOTICE OF HEARING

A full evidentiary hearing will be held before the Board of Pharmacy at 4201 Patterson Avenue, Baltimore, Maryland, 21215 on the merits of the Board's Summary Suspension within 30 days of a written request for a hearing by the Respondent.

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