

IN THE MATTER OF
CRAIG ROTH
License No. 10401

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY

* * * * *

ORDER SUSPENDING LICENSE

Based on a report the Board of Pharmacy ("Board") has reason to believe is accurate, a unanimous quorum of the Board meeting on August 20, 1997 finds that Craig Roth, license number 10401 ("Respondent"), has violated the terms of the attached consent order entered into with the Board on 14 March, 1997, ("Consent Order"), by dispensing and taking unprescribed drugs. Under the terms of the Consent Order the Respondent was required to complete his existing contract with the Pharmacy Assistance and Education Committee ("PEAC"), submit to random drug screening, ensure that his employer understands the Consent Order, and report any change in employment to the Board. The Consent Order permits the Board to take immediate action if Respondent violates any provision of Annotated Code of Maryland, Health Occupations Article, Title 12.

Specifically, the Respondent has admitted changing employers without timely notice to the Board. Respondent also admitted he failed to notify his employer that the Consent Order existed. Respondent also admitted to dispensing and taking Wellbutrin, a psychoactive prescription drug which may impair judgment necessary to safely practice pharmacy, without first obtaining a prescription for the drug. In addition, Respondent admits that he removed the drug from the Pharmacy prior to paying for the drug. Respondent stated that he paid for the drug the next day or a few days later.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the facts herein, Respondent was licensed to practice pharmacy in the State of Maryland.
2. From April 1996 to May 1997 Respondent abided by the terms of his contract with the Pharmacist Rehabilitation Committee, now known as the Pharmacist Education and Assistance Committee ("PEAC").
3. The Respondent has a long-standing and serious substance abuse problem which resulted in his hospitalization on April 15, 1997.
4. Following an informal meeting with Board President George Voxakis on January 8, 1997, Respondent and the Board agreed to the attached Consent Order that was signed by Respondent on March 14, 1997. and accepted by the Board at a full Board meeting on March 19, 1997.
5. Under the terms of the Consent Order Respondent was required to continue his contract with the PEAC and submit to random observed urine screens at least once a week. All positive results were to be reported to the Board immediately. In addition, Respondent was required to ensure that his current employer and any subsequent employer notify the Board that the employer has reviewed the Consent Order and understood its terms. Respondent was required under the Consent Order to notify the Board immediately upon changing addressees or employers.
6. The Consent Order provides "that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith

members Norene Pease and David Denoyer that he was taking Wellbutrin, a psychoactive prescription drug which may impair judgment necessary to safely practice pharmacy.

13. On August 15, 1997, at the Board offices, Respondent admitted to Board staff members Norene Pease and David Denoyer that he dispensed the Wellbutrin without first obtaining a prescription. Further, he admitted that he was fired for dispensing the unprescribed drug, or in the alternative, not paying for the drug in a timely manner.
14. On August 15, 1997, at the Board offices, Respondent delivered his wall license to the Board.
15. In response to Respondent's delivery of his wall license to the Board, Norene Pease and David Denoyer offered Respondent a letter documenting a temporary surrender. After consultation with a PEAC representative and an attorney, Respondent declined to sign the letter, but left his wall license to practice pharmacy at the Board offices and stated that he would get medical attention on Monday, August, 18, 1997.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that it has reason to believe that Respondent has violated the Maryland Pharmacy Act and has violated the conditions of probation contained in the Board's Consent Order. The Board bases this conclusion on Respondent's admission to dispensing without a prescription, which violates Maryland Code Annotated, Health Occupations § 12-313(b)(14), and Respondent's failure

to notify the Board regarding his change in employment.

All of these factors authorize the Board under the Consent Order to "take immediate action, including, but not limited to, revocation or suspension of the Respondent's license to practice pharmacy, prior to giving Respondent an opportunity for a hearing." (See Consent Order, p. 5). The Board finds that immediate suspension of the Respondent's license is required to protect the public health from the dangers presented by Respondent's unauthorized drug use.

ORDER

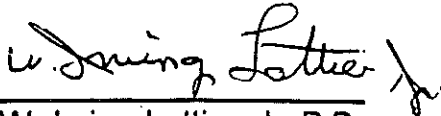
Based on the foregoing findings of fact and conclusions of law, it is hereby

ORDERED that the Respondent's license to practice pharmacy is hereby **SUSPENDED** upon Respondent's receipt of this Order; and be it further

ORDERED that the Respondent must return his pharmacist's wallet license, and display wall certificate, if applicable, upon presentation of this Order; and be it further

ORDERED that if the Respondent fails to request a hearing within 90 days of his receipt of this Order, the Board shall issue an Order revoking Respondent's license; and be it further

ORDERED that this document constitutes an order of the Board and is therefore a public document for purposes of public disclosure as required by the Annotated Code of Maryland, State Government Article, §10-617(h).


W. Irving Lottier, Jr. P.D. 8/20/97
Board Secretary
Maryland Board of Pharmacy