

IN THE MATTER OF
MATTHEW VACCARI, R.Ph.
LICENSE NO. 16372

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BEFORE THE MARYLAND
MARYLAND BOARD OF
PHARMACY

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**CONSENT ORDER IN LIEU OF
CONTINUING SUMMARY SUSPENSION**

Background

Based on information received and a subsequent investigation by the Maryland Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2009 Repl. Vol.), and the Maryland Administrative Procedure Act, Md. Code Ann., Health Occ. §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated January 30, 2014, in which it summarily suspended the pharmacist's license held by Matthew Vaccari, R.Ph. (the "Respondent"). Specifically, the Board found reliable evidence demonstrated that the public health, safety or welfare imperatively required emergency action, pursuant to Md. Code Ann., State Gov't §10-226(c)(2)(2004 Repl. Vol.).

On June 4, 2014, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why the Respondent did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, the Respondent and the Board agreed to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 2, 2002. The Respondent's license expires on April 30, 2016.

2. At all times relevant hereto, the Respondent was employed as a “floater” pharmacist at various pharmacy locations of a retail chain pharmacy.
3. On or about November 11, 2013, a detective from the Baltimore County Police Department’s Pharmaceutical Diversion Team was called to the pharmacy in which the Respondent had last worked. The detective met with the retail pharmacy’s loss prevention manager who advised the detective that the Respondent had stolen considerable quantities of Hydrocodone from several pharmacies where he worked within the retail pharmacy chain.
4. Specifically, between January 2, 2013 and November 6, 2013, the Respondent diverted 2,468 Hydrocodone tablets, valued at approximately \$9,896.68.
5. The Respondent submitted a written and oral admission to the pharmacy employer indicating that he diverted the Hydrocodone for his own use.
6. As a result, the Respondent was terminated from his employment.
7. The Respondent entered into a rehabilitation contract with the Pharmacists Education and Advocacy Council (“PEAC”) on November 23, 2013 and has been in full compliance with its terms and conditions.
8. The Respondent pled guilty on April 11, 2014 in the Circuit Court for Queen Anne’s County to CDS possession, and was sentenced to a \$1,000 fine and supervised probation until April 11, 2017.
9. The Respondent pled guilty on April 17, 2014 in the Circuit Court for Baltimore County to theft under \$1,000, and was sentenced to probation before judgment, and to successfully complete the residential program at Stepping Stone and the intensive outpatient program at the Kolmac Clinic.
10. The Respondent successfully completed an inpatient treatment program at Warwick Manor on November 22, 2013. He subsequently completed the intensive outpatient program at Kolmac Clinic on March 19, 2014, and is currently participating in the aftercare program at Kolmac Clinic, in which he will remain until January 2016.

11. The Respondent attends daily NA meetings and has a sponsor.
12. The Respondent is subject to urine screenings at Stepping Stone and Kolmac.
13. The Respondent is under the treatment of a psychiatrist and a psychologist.

ORDER

It is this 18th day of July, 2014, by an affirmative vote of the Maryland Board of Pharmacy, hereby,

ORDERED the summary suspension of Mr. Vaccari's license is hereby terminated; and be it further,

ORDERED that Mr. Vaccari's license shall be SUSPENDED for one (1) year, effective December 1, 2013, during which time Mr. Vaccari shall:

- (a) Not work, in any capacity, for a pharmacy or other entity in which he would have access to controlled dangerous substances;
- (b) Submit to random, Board-ordered urine screenings on a weekly basis;
- (c) Continue individual therapy with a psychologist monthly;
- (d) Continue medication management with a psychiatrist monthly;
- (e) Continue participation in the aftercare program at Kolmac Clinic, and submit monthly progress reports to the Board;
- (f) Attend NA/AA meetings at least three (3) times a week; and be it further,

ORDERED that Mr. Vaccari may petition to lift the suspension of his license on or after December 1, 2014, provided that he has fully complied with all terms of suspension; and be it further,

ORDERED that upon lifting the suspension, Mr. Vaccari's license shall be placed on immediate PROBATION for at least FIVE (5) YEARS, during which time Mr. Vaccari:

1. Shall continue to comply with all above terms of suspension related to rehabilitation and recovery ((b) – (f));
2. Shall practice in a non-dispensing role for the first two (2) years of probation;
3. May practice as a dispensing pharmacist after two years of probation, provided that Mr. Vaccari:
 - (a) May not work more than 40 hours per week;
 - (b) May not work night shifts;

- (c) May not work as a floater;
- (d) May not function as a pharmacy manager;
- (e) Shall insure that his pharmacist supervisor submits quarterly performance reports to the Board; and be it further

ORDERED that Mr. Vaccari 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. Vaccari 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 five (5) years of probation, Mr. Vaccari 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 submitted under this Order shall be:

(1) Submitted within 24 hours of the Board staff instructing him to submit a urine sample;

(2) Submitted at a CLIA-certified laboratory;

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

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

(1) Mr. Vaccari 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. Vaccari's physician or other authorized medical practitioner;

(3) Mr. Vaccari 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. Vaccari from the prescriber to the Board; and be it further,

ORDERED that Mr. Vaccari'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. Vaccari to the Board in complying with the terms and conditions set forth herein. Further, Mr. Vaccari 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. Vaccari shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Mr. Vaccari's compliance with the terms and conditions of this Order; and be it further,

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

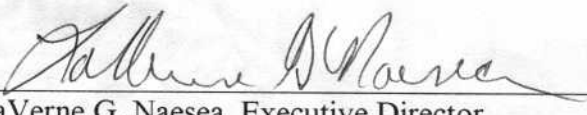
action; and be it further,

ORDERED that Mr. Vaccari 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

7/18/14




LaVerne G. Naesea, Executive Director
for
Lenna Israbian-Jamgochian, Pharm.D.
President, Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby admit to the truth of the findings contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

7/16/2014
Date


Matthew Vaccari, R.Ph.