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IN THE MATTER OF	*	BEFORE THE
LAWRENCE APPEL, P.D.	*	MARYLAND BOARD
LICENSE NO.: 8351	*	OF PHARMACY
* * * * *	*	* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board") and subject to Health Occupations Article, §12-315, Annotated Code of Maryland (the "Act"), the Board charged Lawrence Appel (the "Respondent"), with violation of certain provisions of Md. Health-Occupations Article, §12-313 the Act.

Specifically, the Board charged the Respondent with violation of the following provisions:

(b) In general. - Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a two-thirds majority 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:

(4) Provides professional services while:
(ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 or other drug that is in excess of therapeutic amounts or without valid medical indication.

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

The Respondent was given notice of the charges by letter sent November 25, 1991. A prehearing conference on those charges

was held on December 18, 1991 and was attended by Ralph Small, P.D., secretary of the Board, and Roslyn Scheer, Executive Director of the Board. Also in attendance were the Respondents' attorney, Michael Mann and the Administrator Prosecutor, Roberta L. Gill, Assistant Attorney General. The Respondent did not attend because he was undergoing in patient treatment at Oakview Recovery Center. An agreement was reached that Respondent would sign an agreement not to practice pharmacy until authorized by the Board. In lieu of said agreement, by letter dated April 27, 1992, Mr. Mann assured the Administrative Prosecutor that Respondent was "not present by practicing pharmacy."

A 2nd prehearing conference was held on June 3, 1992. Present at that conference were Ralph Small and Theodore Litwin, members of the Board, and Roslyn Scheer, Executive Director of the Board. Also present was Respondent, his attorney (Mr. Mann) and the Administrative Prosecutor (Ms. Gill). Again the Board requested from Respondent a written agreement not to practice until authorized by the Board which Respondent submitted on that date. The Board also requested evaluation reports from Oakview, the Pharmacy Rehabilitation Committee ("Rehab Committee") and Whitfield and Associates. The Board further requested that Respondent sign a current contract with the Rehab Committee within two weeks of the 2nd prehearing conference date.

A 3rd prehearing conference was held on August 25, 1992. Present were the same people in attendance at the 2nd prehearing conference. At that conference Respondent submitted the above

described records previously requested by the Board at the 2nd prehearing conference as well as letters recommending that Respondent was ^{ABLE} ~~unable~~ ^{to} return to work. Robert Sheffey, Respondent's Narcotics Anonymous ("NA") sponsor, was present throughout the conference and confirmed Respondent's attendance at NA meetings.

Following the 3rd prehearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement.

FINDINGS OF FACTS

The Board finds that:

1. At all times relevant to the charges herein, Respondent was licensed as a pharmacist in the State of Maryland.
2. On April 22, 1990, while being treated in the emergency room of Frederick Memorial Hospital for lower back pain, Respondent admitted that he self-medicated with Tylenol #3 and Flexeril from the shelf at the Rite Aid pharmacy where he was employed. This information was relayed to the Rehab Committee. Upon being confronted by Respondent's employer about his substance abuse problem and the diversion of controlled dangerous substances ("CDS") from the store to support the abuse, the Respondent was "allowed to resign on May 8, 1990 for health reasons."
3. Subsequently the Rehab Committee attempted on numerous occasions throughout 1990 to set up a meeting with Respondent to discuss his impairment and provide an assessment and treatment

plan. Due to Respondent's continued refusal to meet with the Rehab Committee, the matter was turned over to the Board.¹

4. During the course of the investigation Respondent admitted to an investigator from the Department of Health and Mental Hygiene ("DHMH") that he was addicted to Pherteramine, Diazepam, Tylenol #3 and Tylenol #4, all controlled dangerous substance requiring a prescription. Respondent further informed the DHMH investigatory that he consumed 4-6 pills a day which he obtained off the shelf of his employers.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that Respondent violated §§12-313(4)(ii) and (14) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16 day of Sept, 1992, by a majority of a quorum of the Board,

ORDERED that the license of the Respondent to practice Pharmacy be **SUSPENDED**, that an immediate **STAY** be effective and that Respondent be placed on **PROBATION**, subject to the following conditions:

¹The Rehab Committee had indications that Respondent was impaired dating back to 1986 when it first began contacting him and attempting to get him to sign a contract for treatment. A contract was not signed by Respondent with the Rehab Committee until July 1991.

1. Any employment of Respondent as a dispensing pharmacist shall be pre-approved by the Board before Respondent commences employment. Respondent shall submit a written description of the job and the job location to the Board.

2. The maximum number of hours that Respondent is to work in a dispensing capacity shall be no more than 20 hours per week for the 1st six months of his employment; thereafter, Respondent shall work no more than 40 hours per week as a dispensing pharmacy, consisting of no more than 8 hours per day.

3. The Respondent may not work as a "floater" or be self-employed as a dispensing pharmacist.

4. Respondent shall extend his current contact with the Rehab Committee to cover an additional 2 year period from the date of this Order and submit the signed contract to the Board.

5. Respondent shall attend at least 4 Alcoholics Anonymous ("AA") or NA meetings per week and submit a verification of attendance with the quarterly report.

6. Respondent shall submit quarterly reports to the Board on his progress. Reports shall also be submitted on a quarterly basis from his employer, the Rehab Committee and Whitfield Associates. The 1st such report shall be due on January 1, 1992. Said report shall be sent to Ms. Roslyn Scheer, Executive Director, Board of Pharmacy, 4201 Patterson Avenue, Baltimore, Maryland 21215.

7. Respondent shall continue in group therapy is recommended by his therapist(s), e.g., Whitfield & Associates

("Whitfield"). Respondent shall submit weekly random urine samples, the results of the negatives shall be included in Whitfield's quarterly report. Upon submission of a positive urine sample by Respondent, Whitfield and the Pharmacy Rehab Committee agree to provide to the Board immediate notification of that event.

8. In conjunction with the continuing education credits ("CEUs") needed for licensure renewal, Respondent shall obtain 10 additional hours of CEUs in substance abuse or addiction. These additional hours must be completed prior to a request for reinstatement of Respondent's license without conditions; and be it further

ORDERED that Respondent may apply in writing for reinstatement of his license without condition (for renewal of conditions of practice) 2 years from the date of this Order said request is to be accompanied by an evaluation report from a therapist with a receipt to end probation. The request should also be accompanied by similar recommendations from the Rehab Committee and Respondent's employer; and be it further

ORDERED that Respondent shall practice in accordance with the Maryland Pharmacy Act; and be it further

ORDERED that if the Board determines that Respondent has failed to comply with any of the aforesaid conditions during the period of probation or has violated that Pharmacy Act, the Board will revoke Respondent's license immediately without a hearing.

subject to the Respondent's subsequent right to request a hearing on the Board's action; and be it further

ORDERED that this is a Final Order and, as such, is a public document pursuant to §10-611 et seq. of the State Government Article, Annotated Code of Maryland.



Steven A. Cohen, P.D., President
Board of Pharmacy

CONSENT OF LAWRENCE APPEL

I, Lawrence Appel, Jr., by affixing my signature hereto, acknowledge that:

1. I am represented by Michael Mann, Esquire, and I have had the opportunity to consult with counsel before signing this document;

2. I am aware that without my consent, my license to practice Pharmacy in this state cannot be limited except pursuant to the provisions of §12-315 of the Act and §10-205 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland;

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-316 of the Act and §10-205 of the Administrative Procedure Act, State Government Article, Annotated Code of

Maryland and any right to appeal as set forth in §12-315 of the Act and §10-205 of the Administrative Procedure Act. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

9/14/92
Date

Lawrence W. Appel
Lawrence Appel

STATE OF MARYLAND
CITY/COUNTY OF:

I HEREBY CERTIFY, that on this 14th day of September, 1992, a Notary Public of the State of Maryland and (City/County), Baltimore County, personally appeared Lawrence Appel, License No.: 8351 and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Lawrence W. Appel
Notary Public

My Commission Expires: 7-31-94

My Commission Expires
7-31-94