

IN THE MATTER OF

*

BEFORE THE MARYLAND

DAVID CURRY, P.D.

*

STATE BOARD OF

LICENSE NO. 07976

*

PHARMACY

* * * * *

CONSENT ORDER OF REINSTATEMENT

Background

On May 24, 2004, Mr. Curry submitted a Petition for Reinstatement to the Board of Pharmacy (the "Board") for reinstatement of his license to practice pharmacy. On July 21, 2004, Mr. Curry appeared before a quorum of the Board to present his case in support of reinstatement and to answer questions posed by the Board regarding his ability to practice pharmacy in a safe and ethical manner.

Mr. Curry's first infraction before the Board was a result of his cocaine addiction. The Board revoked Mr. Curry's license on June 13, 1984. The Board subsequently reinstated Mr. Curry's license on April 8, 1987, and placed him on probation, which he successfully completed. On August 4, 2003, the Board summarily suspended Mr. Curry's license based on an order issued by the Nevada Board of Pharmacy, dated May 23, 2003, revoking Mr. Curry's license. The Nevada Board found that Mr. Curry illegally altered a prescription for hydrocodone, a Schedule II drug, by increasing the quantity and adding two refills. After an evidentiary hearing on November 19, 2003, the Maryland Board found that Mr. Curry falsified the prescription in response to his wife's request and out of concern for his wife's medical condition. Mr. Curry's wife did not have a treating physician in Nevada at that time. On January 9, 2004, the Maryland Board, mirroring the Nevada board's sanction, issued an order suspending Mr. Curry's license, and giving Mr. Curry permission to petition to lift the suspension of his Maryland license no earlier than May 23, 2004.

FINDINGS OF FACT

1. Mr. Curry has not practiced pharmacy since the suspension of his Maryland license on August 4, 2003.
2. Mr. Curry has maintained up-to-date continuing education credits during his suspension period.
3. Mr. Curry remains active in Narcotics Anonymous.
4. Mr. Curry's wife currently has a treating physician in Maryland.

CONCLUSION

Mr. Curry has demonstrated to the Board that he has learned from his professional error and is capable of practicing pharmacy in a safe and ethical manner, provided that he is able to successfully complete a board-approved ethics course and the Multistate Pharmacy Jurisprudence Examination ("MPJE").

ORDER

Based on an affirmative vote of the Board, it is this 18th day of DEC, 2004, hereby:

ORDERED that the suspension of Mr. Curry's license be lifted PROVIDED that Mr. Curry first successfully complete the following:

1. a Board-approved ethics course; and
2. the Multistate Pharmacy Jurisprudence Examination ("MPJE"); and be it further

ORDERED that upon successful completion of the above and the lifting of the suspension, Mr. Curry's license shall be immediately placed on INDEFINITE PROBATION, subject to the following conditions:

1. Mr. Curry may not dispense prescriptions for himself or for family members;
2. Mr. Curry shall only practice pharmacy for one employer at a time;
3. Mr. Curry shall notify the Board of his pharmacy employer and any changes in pharmacy employment;
4. Mr. Curry's pharmacy employer shall be in good standing;
5. Mr. Curry shall provide the pharmacy employer with a copy of this Consent Order and insure that the attached verification form is completed by the employer and returned to the Board prior to commencing employment; and be it further

ORDERED that in the event the Board finds for any good faith reason that Mr. Curry has relapsed, has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that Mr. Curry has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend Mr. Curry's license prior to a hearing; and be it further,

ORDERED that Mr. Curry may petition the Board for release from probation after three (3) years provided that he has been compliant with all of the terms of probation; and be it further,

ORDERED that this is a final 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

17-10-04


Melvin Rubin, P.D.

President, Board of Pharmacy

CONSENT

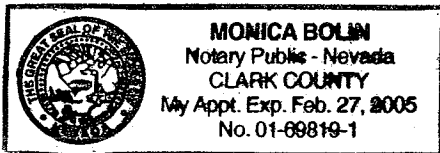
1. By signing this Consent, I hereby admit to the truth of the findings contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may 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.

Oct 13, 2004
Date

David Curry P.D.
David Curry, P.D.

Nevada
~~STATE OF MARYLAND~~
COUNTY/CITY OF Clark / Las Vegas

I hereby certify that on this 13 day of Oct, 2004, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DAVID CURRY, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Monica Bolin
Notary Public
My commission expires: 27 Feb 2005



STATE OF MARYLAND

DHMH

Office of Health Services
Medical Care Programs

Maryland Department of Health and Mental Hygiene
201 W. Preston Street • Baltimore, Maryland 21201

Robert L. Ehrlich, Jr., Governor – Michael S. Steele, Lt. Governor – S. Anthony McCann, Secretary

November 4, 2004

Mr. David C. Curry
8604 Willow Oak Road
Parkville, MD 21234-3605

RECEIVED

NOV 10 2004

Board of Pharmacy

Dear Mr. Curry:

I have been notified by the United States Department of Health and Human Services that you were disqualified from participation in the Medicare, Medicaid, and all Federal health care programs pursuant to Section 1128(b)(4) of the Social Security Act effective November 18, 2004. The statute requires that you also be excluded from participation in the Maryland Medicaid Program.

Therefore, pursuant to COMAR 10.09.36.08, your participation in the Maryland Medical Assistance Program is terminated, both as a provider and as a person furnishing services for which Medical Assistance payment will be sought, for all services rendered on or after November 18, 2004.

If you have questions concerning the above exclusion, please contact me at (410) 767-6060.

Sincerely,

Susan J. Tucker
Executive Director



Mr. David C. Curry
November 4, 2004
Page Two

Distribution List

cc: Mr. Paul Bechtold
Ms. Karen Clark
Mr. Sam Colgain
Ms. Diane Coughlin
Ms. Nancy Cutair
Mr. Joseph E. Davis
Ms. Cynthia M. Demarest
Mr. Patrick A. Doyle
Ms. Leigh Drexler-Geist
Mr. J. Bobbe Fraiser
Mr. Jim Gardner
Mr. Don Gilmore
Mr. Jeffrey Gruel
Mr. Brian Hepburn
Ms. Jessica Hogue
Ms. Katie Mattson
Ms. Julie May
Ms. Rosemary Murphey
Ms. Laverne Naesea
Ms. Jeanette Roddy
Ms. Tricia Roddy
Ms. Jane Sacco
Ms. Nadine Smith
Mr. Tom Sommer
Ms. Barbara Spence
Ms. Susan Steinberg
Mr. Richard Stringer
Mr. Michael Travieso
Ms. Leslie Wallace
Ms. Jane Wessely
Ms. Christine Wilde
Ms. Grace Zaczek
Local Health Officers
Medicaid Director, Charleston WV
Medicaid Director, Harrisburg PA
Medicaid Director, New Castle DE
Medicaid Director, Richmond VA
Medicaid Director, Washington DC