

IN THE MATTER

\* BEFORE THE

OF

\* MARYLAND STATE

DENNIS RAY DREYER

\* BOARD OF PHARMACY

\* \* \* \* \*

CONSENT ORDER

This Consent Order is entered into by and between the Maryland State Board of Pharmacy and Dennis Ray Dreyer.

BACKGROUND

By letter dated February 14, 1990, the Maryland Board of Pharmacy (hereinafter referred to as the "Board") charged Dennis Ray Dreyer (hereinafter referred to as the "Respondent") with violation of probation under the Maryland Pharmacy Act. The basis of the charges was the alleged violation of the conditions of probation which were set out in paragraphs 1, 2, 4, 5, 7, 8, 11 and 14 of the Consent Order dated May 6, 1987, which was entered into between the Respondent and the Board. A copy of the Consent Order, which arose out of charges that Respondent had violated Section 12-311(b)(14), (16) and (20) of the Health Occupations Article, is attached hereto and made a part hereof as Exhibit 1.

A prehearing conference was held on July 11, 1990, after several prior prehearing conferences had been properly postponed. Present at the conference were the Respondent, Dennis Ray Dreyer, P.D.; his attorney, Charles E. Kountz, Esq.; Ralph T. Smith, a witness for the Respondent; Ralph Small, P.D., member of the Board; Roslyn Scheer, Executive Director of the Board; and Judith

K. Sykes, Assistant Attorney General, Administrative Prosecutor. The following evidence was introduced at the prehearing conference by the Respondent:

1. Copy of the Consent Order dated May 6, 1989, which was entered into between the Respondent and the Board.

2. Hospital records from Oakview Treatment Center dated September 26, 1989.

3. Report from Katie B. Riggs, L.C.S.W., dated May 30, 1990.

4. Monthly treatment reports from Kathleen C. Jones (urinalysis) from January, 1990, through and including March, 1990.

5. Letter dated July 9, 1990, from Patricia J. Tommasello, Program Coordinator, Pharmacists' Rehabilitation Committee.

The Respondent explained at the prehearing conference that he had previously abused tylenol No. 3 with codeine and morphine, and alcohol. The Respondent further indicated that after approximately twelve months of sobriety from the Board's prior Order of May 6, 1989, during which he complied with most of the terms and conditions of the order, he lapsed into the belief that he could use alcohol. The Respondent further stated that his use and abuse of alcohol eventually lead to his "picking up" of drugs and he found himself in the same position that he was prior to his first treatment. The Respondent indicated that he elected to admit himself to Oakview Treatment Center on August 29, 1989, for his drug and alcohol addiction. He indicated also that he has

been undergoing weekly urinalysis at the University of Maryland Drug Treatment Center and has been drug and alcohol free since August 29, 1989. In addition, he is meeting on a weekly basis with his Case Manager, Karen Stebbing of Oakview Treatment Center, as well as cooperating with Patricia J. Tommasello, Program Coordinator, Pharmacists' Rehabilitation Committee, where he volunteers his time. He is also being tested for random urinalysis by the Pharmacists' Rehabilitation Committee, where he volunteers his time. He is also being tested for random urinalysis by the Pharmacists' Rehabilitation Committee once per week and he has been drug and alcohol free since the beginning of their testing in April, 1990. The Respondent further stated that he continues to attend all groups (AA/NA), and, in fact, is secretary of one of the AA groups he regularly attends. The Respondent further stated that upon his successful release from Oakview Treatment Center, he continued with a halfway house program and resided up until April 1, 1990, at the Keswick House located at 3173 Keswick Road, Baltimore, Maryland 21211. After his successful termination from Keswick House, he now resides with Ralph T. Smith at 5028 Clifford Road, Perry Hall, Maryland, 21128, who is also in the program of AA/NA and has been providing assistance to the Respondent.

#### FINDINGS OF FACT

1. Paragraph 1 of the Consent Order of May 6, 1987 provided:

That Respondent continue at his own expense in group therapy through Dr. Richard

Anderson and individual therapy through Dr. Charles Goshen and comply with all recommendations made to him by these therapists in the time suggested by these therapists, until such time and unless he is discharged from treatment by the respective therapist. If such discharge occurs, Respondent shall arrange prompt submission by the respective therapist of a written discharge report to the Maryland Board of Pharmacy and the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association.

After a period of several months in which he cancelled or failed to appear for appointments with Dr. Goshen, Respondent stopped contacting or seeing him altogether. As of July 16, 1989, Respondent's last appointment with Dr. Goshen had been September 23, 1988, although he had never been discharged by Dr. Goshen.

From on or about January, 1989, through June, 1989, Respondent's attendance at group therapy sessions was sporadic and he failed to cooperate fully with respect to urine testing.

2. Paragraph 2 of the Consent Order of May 6, 1987 provided:

If, in violation of Paragraph 1, Respondent fails to continue with his therapist(s) without having been discharged or ordered by the Board to change and cease therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacists Rehabilitation Committee in writing and have his therapist notify such agencies of his status directly.

Respondent failed to notify the Maryland Board of Pharmacy and the Pharmacists' Rehabilitation Committee in writing and have his therapist notify those agencies directly of the fact that he had stopped seeing Dr. Goshen.

3. Paragraph 4 of the Consent Order of May 6, 1987 provided:

That Respondent arrange for each of his therapists to submit written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association, reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that led to his possession and/or abuse of controlled dangerous substances. The first report shall be due on July 1, 1987. Thereafter, the reports shall be due quarterly, until such time as Respondent has been terminated from probation.

Respondent failed to arrange for the consistent filing of the reports as required. No report was filed by Dr. Goshen between November 22, 1988, and July 6, 1989. The last report filed with the Board by Dr. Anderson was dated September 26, 1988.

4. Paragraph 5 of the Consent Order of May 6, 1987 provided:

Respondent is responsible for arranging, through the University of Maryland Drug Treatment Center or the program with Dr. Richard Anderson, for random observed urine screenings one time a week, in a manner acceptable to the Board. Respondent shall arrange for the results of all of said screenings be reported directly to Dr. Anderson. Respondent shall also arrange for immediate notification to the Board by the screener and Dr. Anderson at any time the tests indicate a likelihood that the Respondent has ingested a prohibited drug. Dr. Anderson shall advise the Board of the results of all of the Respondent's urine screenings by incorporating the results into his quarterly reports to the Board.

Beginning in or about January, 1989, there was increasing non-compliance regarding calling Dr. Anderson for instructions with respect to submitting a urine specimen. As of the beginning of July, 1989, Respondent had failed to submit a urine specimen for at least one month.

5. Paragraph 7 of the Consent Order of May 6, 1987 provided:

Respondent shall participate in at least four meetings per week of Alcoholics Anonymous or Narcotics Anonymous programs. Respondent shall report to the Board on a quarterly basis as to the date and places of meetings attended and as to the progress he has made within the Alcoholics Anonymous or Narcotics Anonymous program. In such quarterly reports, Respondent shall attach a copy of proof of his attendance at those meetings.

Respondent has not filed a personal report with the Board as to his attendance at and progress with Narcotics Anonymous or Alcoholics Anonymous since his letter dated March 29, 1988.

6. Paragraph 8 of the Consent Order of May 6, 1987 provided:

Respondent shall arrange for any and all Pharmacy employers during the course of his Probation to submit to the Maryland Board of Pharmacy written quarterly reports evaluating his job performance and describing the nature of his duties and his position. The first report shall be due on July 1, 1987. If, subsequent to the date of this Order, Respondent assumes a new position as a Pharmacist, the first report shall be due one month after that position is assumed.

The last report which was received by the Board from Respondent's employer was a report dated July 6, 1987.

7. Paragraph 11 of the Consent Order of May 6, 1987 provided:

In the event that the Respondent changes jobs as a pharmacist or decides not to practice pharmacy, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his new employer by names, address, telephone number and describing his new position.

The Board has not received any personal reports from Respondent since his letter dated March 29, 1988.

8. Paragraph 14 of the Consent Order of May 6, 1987 provided:

The Respondent shall arrange for the Pharmacists' Rehabilitation Committee to forward to the Maryland Board of Pharmacy quarterly reports, commencing on July 1, 1987. These reports shall advise the Board of the extent to which Respondent is making satisfactory progress in therapy and in dealing with his problems of abuse of controlled dangerous substances.

No report was filed by the Pharmacists' Rehabilitation Committee for the period of March 1, 1989 to June 1, 1989.

9. Based on the above violations of conditions of probation, the Board voted to suspend Respondent's license and his license was suspended as of August 21, 1989 pursuant to a provision in the Consent Order permitting the Board to take such action in the event that the Board received an unsatisfactory report which it believed in good faith to be accurate. Respondent was notified of his right to a hearing on the suspension within thirty (30) days after notifying the Board of his desire for such a hearing. No hearing was requested by the Respondent.

10. On August 29, 1989, Respondent was admitted to the Oakview Treatment Center from which he was discharged on September 26, 1989.

11. Since October 2, 1989, Respondent has participated in the Professional Rehabilitation Outpatient Program of Oakview Treatment Center. His treatment compliance has been good.

#### CONCLUSIONS OF LAW

The Respondent has violated the conditions which were set out in paragraphs 1, 2, 4, 5, 7, 8, 11 and 14 of the Consent Order entered into between Respondent and the Board on May 6, 1987.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 29<sup>th</sup> day of August, 1990, by the unanimous vote of those members of the Board considering this case

**ORDERED**, that the Respondent's license to practice pharmacy be, and the same is hereby suspended; and it is further;

**ORDERED**, that such suspension is **IMMEDIATELY STAYED** and Respondent is placed upon **PROBATION** subject to the following conditions:

1. Respondent shall not dispense any medication.
2. Respondent shall comply with the continuing education requirements applicable to all licensed pharmacists with the



additional requirement that in each year, half of the hours he is required to earn shall be in the area of substance abuse.

3. Respondent shall continue at his own expense in group therapy through Oakview Treatment Center and individual therapy with Katie B. Riggs, L.C.S.W. and comply with all recommendations made to him by her and by his group therapist in the time suggested by these therapists, until such time and unless he is discharged from treatment by the respective therapist. If such discharge occurs, Respondent shall arrange prompt submission by the respective therapist of a written discharge report to the Maryland Board of Pharmacy and the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association.

4. If, in violation of paragraph 1, Respondent fails to continue with his therapist(s) without having been discharged or ordered by the Board to change and cease therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacists' Rehabilitation Committee in writing and have his therapist notify such agencies of his status directly.

5. If, in violation of paragraph 1, Respondent fails to continue with his therapist(s) without having been discharged or ordered by the Board to change and cease therapy, Respondent shall immediately notify the Maryland Board of Pharmacy and the Pharmacists' Rehabilitation Committee in writing and have his therapist notify such agencies of his status directly.

6. Respondent shall immediately give a copy of this Consent Order to both his therapists and arrange for both

therapists to advise the Maryland Board of Pharmacy within thirty (30) days, in writing, of their respective receipt thereof.

7. Respondent shall arrange for each of his therapists to submit written quarterly reports to the Maryland Board of Pharmacy and to the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association, reporting on Respondent's compliance with this Order and progress, and specifically indicating what progress the Respondent has made in dealing with the problems that led to his possession and/or abuse of controlled dangerous substances. The first report shall be due on October 1, 1990. Thereafter, the reports shall be due quarterly, beginning December 1, 1990, until such time as Respondent has been terminated from probation. For purposes of compliance with this paragraph and every other paragraph in which "quarterly reports" are required, the reports are due December 1, March 1, June 1, and September 1 of the applicable year, beginning with December 1, 1990.

8. Respondent is responsible for arranging, through the University of Maryland Drug Treatment Center or the program with Oakview Treatment Center, for random observed urine screenings one time a week, in a manner acceptable to the Board. Respondent shall arrange for the results of all of said screenings to be reported directly to the Board. Respondent shall also arrange for immediate notification to the Board by the screener and Katie B. Riggs at any time the tests indicate a likelihood that the Respondent has ingested a prohibited drug. Katie B. Riggs shall

advise the Board of the results of all Respondent's urine screenings by incorporating the results into her quarterly reports to the Board.

9. The Respondent shall immediately give a copy of this Consent Order to all of his Pharmacy employers and other employers who have drugs on the premises and arrange for those employers to advise the Maryland Board of Pharmacy, in writing, within thirty (30) days of their receipt thereof. Respondent's duty to provide a copy of this Order to such employers extends to any and all present and/or future such employers during the period of his Probation. Respondent shall arrange for the employers to send notification to the Maryland Board of Pharmacy, in writing, acknowledging their receipt of this Consent Order and a statement that they agree to comply with all conditions thereof that pertain to employers.

10. Respondent shall participate in at least four meetings per week of Alcoholics Anonymous or Narcotics Anonymous programs. Respondent shall report to the Board on October 1, 1990 and on a quarterly basis thereafter, beginning December 1, 1990 as to the dates and places of meetings attended and as to the progress he has made within the Alcoholics Anonymous or Narcotics Anonymous program. In such quarterly reports, Respondent shall attach a copy of proof of his attendance at those meetings.

11. Respondent shall arrange for any and all Pharmacy employers or other employers with drugs on the premises during the course of his Probation to submit to the Maryland Board of

Pharmacy written quarterly reports evaluating his job performance and describing the nature of his duties and his position. The first report, if Respondent is so employed, shall be due on October 1, 1990. If, subsequent to the date of this Order, Respondent assumes a new position as a non-dispensing Pharmacist, the first report shall be due one month after that position is assumed.

12. In the event that the Respondent changes jobs as a pharmacist or as an employee in a facility with drugs on the premises or decides not to practice pharmacy, or not to be employed in such a facility, Respondent shall immediately notify the Maryland Board of Pharmacy, in writing, identifying his new employer by name, address, telephone number and describing his new position.

13. In the event that Respondent's therapist(s) or the Pharmacists' Rehabilitation Committee report to the Maryland Board of Pharmacy that the Respondent is incapable of practicing pharmacy safely, or that his previous problems are interfering with his ability to practice pharmacy, the Respondent shall, within twenty-four (24) hours of being informed by the Pharmacy Board of that report, voluntarily discontinue the practice of pharmacy until the Pharmacy Board determines that the Respondent is capable of resuming the practice of pharmacy or gives him permission to resume the practice of pharmacy, with or without a report from that therapist or another therapist.

14. On October 1, 1990, and quarterly thereafter, beginning December 1, 1990, Respondent shall send written reports to the Maryland Board of Pharmacy and to the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association describing the progress he feels that he is making, what problems he feels that he presently faces, and how he intends or is coping with these problems. The report as to the Alcoholics Anonymous or Narcotics Anonymous participation and progress required by this Order may be incorporated into and attached to this quarterly report of this Respondent.

15. The Respondent shall notify the Maryland Board of Pharmacy, in writing, of his current address. In the event that he moves, the Respondent shall promptly notify the Maryland Board of Pharmacy, in writing, of any change or address and/or change of telephone number.

16. Respondent shall enter into a new contract with and/or renew his former contract with the Pharmacists' Rehabilitation Committee of the Maryland Pharmaceutical Association to extend for a period of two years from the date of this Order. Respondent shall comply with all terms of that contract. In the event that the Pharmacists' Rehabilitation Committee terminates Respondent's contract prior to the expiration of his probation period, the Respondent shall arrange for the Pharmacists' Rehabilitation Committee to immediately notify the Maryland Board of Pharmacy of such action.

17. The Respondent shall arrange for the Pharmacists' Rehabilitation Committee to forward to the Maryland Board of Pharmacy reports on October 1, 1990 and quarterly thereafter commencing on December 1, 1990. These reports shall advise the Board of the extent to which the Respondent is making satisfactory progress in therapy and in dealing with his problems of abuse of controlled dangerous substances.

18. The Respondent shall refrain from engaging in the conduct which led to his suspension of the practice of pharmacy under the Maryland Pharmacy Act.

19. The Respondent shall practice pharmacy in accordance with the Maryland Pharmacy Act and in a competent manner in a non-dispensing role only.

20. The Respondent will agree to and follow through with any change in his program determined to be necessary by the Board, based upon the recommendations of his therapists or the Pharmacists' Rehabilitation Committee; and be it further

**ORDERED**, that this Order supercedes the Consent Order of May 6, 1987, and that conditions of this Consent Order be, and the same are hereby effective, as of the date of this Order; and be it further,

**ORDERED**, that in the event that 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 Pharmacy Board finds for any reason in good faith that the Respondent has violated any provisions of Title 12 of the Health

Occupations Article or regulations thereunder, the Board may take immediate action, including, but not limited to, revocation or suspension of the Respondent's license to practice pharmacy prior to giving the Respondent an opportunity for hearing. However, the Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-201, et seq. within thirty (30) days after Respondent notifies the Board, in writing, of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, after notification to the Respondent, a hearing and determination of violation, withdraw the stay of suspension on Respondent's license or impose any other disciplinary action it deems appropriate; and be it further,

**ORDERED**, that two (2) years from the date of this Order, the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any conditions or restrictions as to the scope of practice. Any such petition shall be accompanied by reports from his individual therapist and from his case manager at the Professional Rehabilitation Outpatient Program which were prepared within thirty (30) days of his petition. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at that time, the Board may modify one or more of the conditions upon which Respondent was placed on probation. However, if Respondent fails to make

any such petition then his probationary status shall continue indefinitely, subject to the conditions set forth in this Order.



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President  
Maryland Board of Pharmacy

CONSENT

I, Dennis Ray Dreyer, P.D., by affixing my signature hereto, acknowledge:

1. That I have been advised to seek advice of counsel prior to signing this document; that I have in fact sought advice of counsel prior to signing this document;

2. That I am aware that without my consent, no legal action can be taken against me, except pursuant to the Maryland Administrative Procedure Act, State Government Article, Section 10-201 et seq., Annotated Code of Maryland;

3. That I have the following rights, among others: to have a formal evidentiary hearing before the Board, to reasonable notice of said hearing, to representation by counsel, and to subpoena and cross-examine witnesses against me;

4. That I waive all such rights to the formal hearing;

5. That I admit to the truth of the foregoing Findings of Fact;

6. That I consent to the entry of the foregoing Order affecting my license to practice pharmacy in the State of Maryland;



7. That I acknowledge the validity of this Consent Order as if it were made following a formal hearing before the Board;

8. That I enter into this Consent Order of my own free will and under no duress or undue influence.

Dennis Ray Dreyer, P.D.  
Dennis Ray Dreyer, P.D.

STATE OF MARYLAND )  
CITY/COUNTY of )

I HEREBY CERTIFY that on this 20<sup>th</sup> day of August, 1989<sup>90</sup>, before me, a Notary Public of the State and County aforesaid, personally appeared DENNIS RAY DREYER, P.D. and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Carole A. Lueck  
Notary Public

My Commission Expires: August 24, 1993