

IN THE MATTER OF \* BEFORE THE MARYLAND BOARD  
ALFRED FRIEDMAN, P.D. \* OF PHARMACY

\* \* \* \* \*

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER

Based upon certain information having come to the attention of the Maryland Board of Pharmacy (the "Board") regarding the pharmacy practice of Alfred Friedman, P.D. (the "Respondent"), the Board determined to charge Respondent with violation of § 12-311(b)(6) and (21) of the Health Occupations Article of the Maryland Annotated Code, formerly Maryland Annotated Code Article 43, § 266A(c)(1)(i) and (xiv). The specific charges are as follows:

Subject to the hearing provisions of § 12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, may . . . reprimand any licensee, or suspend or revoke a license if the . . . licensee:

\* \* \*

(6) Willfully makes or files a false report or record as part of practicing pharmacy;

\* \* \*

(21) Is convicted of a crime involving moral turpitude.

Respondent was notified of the charges by letter dated October 9, 1981. A hearing was held on December 9, 1981 before the following members of the Board: Leonard J. DeMino, P.D.; Paul Freiman, P.D.; Bernard B. Lachman, P.D.; Anthony G. Padussis, P.D.; Ralph T. Quarles, P.D.; and Robert E. Snyder, P.D. Mr. Lachman presided at the hearing as President of the Board. A quorum of the Board was present.

Assistant Attorney General, presented the case against Respondent on behalf of the Board. Ronald S. Gass, Assistant Attorney General, was present to advise the Board on procedural matters and rules of evidence. Following introductions and a statement by Mr. Lachman regarding the purpose of the hearing, Mr. Cohen presented his case. After an opening statement, Mr. Cohen introduced the following documentary evidence:

State's Exhibit #1: Certified copies of the indictment, docket entries and Order for Probation in State v. Friedman, Criminal Court of Baltimore, Case No. 1980/18036410.

State's Exhibit #2: Certified copies of indictment and docket entries in State v. Harval, Inc. T/A Hammonds Lane Pharmacy, Criminal Court of Baltimore, Case No. 1980/18036413.

After these exhibits were received into evidence, Mr. Cohen rested the case on behalf of the Board.

After an opening statement, Mr. Leonard Goodman introduced the following documentary evidence:

Respondent's Exhibit #1: Transcript of sentencing proceedings in State v. Friedman et al. before the Honorable John R. Hargrove, Judge, Criminal Court of Baltimore City, dated February 10, 1981.

Respondent's Exhibit #2: Stipulated Agreement among the Maryland Department of Health and Mental Hygiene, Respondent and Hammonds Lane Pharmacy dated April 1, 1981 and signed by Respondent on his own behalf and as President of Hammonds Lane Pharmacy and Lawrence R. Payne, Acting Director, Medical Assistance Compliance Administration.

Following the introduction of these exhibits, Mr. Leonard Goodman called Respondent to testify on his own behalf.

After closing arguments by Mr. Cohen and Mr. Leonard Goodman, the hearing was adjourned.

1. That Respondent is a person licensed by the Maryland Board of Pharmacy to practice pharmacy in Maryland.
2. That Respondent owns and operates Hammonds Lane Pharmacy in Baltimore City.
3. That Respondent was indicted for thirty (30) counts of theft or Medicaid fraud in State v. Friedman, Criminal Court of Baltimore, Case No. 1980/18036410.
4. That Respondent pled nolo contendere to five (5) counts (Counts 1, 3, 5, 7 and 9 of the indictment) of theft or Medicaid fraud in State v. Friedman, Criminal Court of Baltimore, Case No. 1980/18036410.
5. That on February 10, 1981, the Criminal Court of Baltimore (the "Court") entered the verdict of nolo contendere against Respondent.
6. That the Court ordered Respondent to pay a fine of \$1,500.00 (\$300.00 for each count) and to reimburse the Maryland Department of Health and Mental Hygiene ("DHMH") in the amount of \$54.90.
7. That the Court placed Respondent on two (2) years supervised probation and required him to perform 200 hours of unpaid community service through pre-trial release.
8. That Respondent has satisfactorily completed the - 200 hours of community service ordered by the Court.
9. That Respondent was suspended from participation in the Maryland Medicaid Program for thirty (30) days, beginning April 1, 1981.
10. That Respondent and the Hammonds Lane Pharmacy agreed to "reimburse" DHMH in the amount of \$4,000.00 pursuant to the stipulated agreement contained in Respondent's Exhibit #2.

1. That Respondent willfully filed fraudulent Medicaid prescription claims as part of his practice of pharmacy at Hammonds Lane Pharmacy.

2. That Respondent's plea of nolo contendere constitutes a "conviction" for the purposes of the Maryland Pharmacy Act pursuant to § 12-311(a) of the Health Occupations Article.

3. That Respondent was convicted of a crime involving moral turpitude, namely theft and Medicaid fraud.

Accordingly, the Board, by unanimous vote, hereby adjudicates Respondent GUILTY of violating § 12-311(b)(6) and (21) of the Health Occupations Article of the Maryland Annotated Code, formerly Maryland Annotated Code Article 43, § 266A(c)(1)(i) and (xiv).

#### ORDER

Upon the foregoing Findings of Fact and Conclusions of Law, it is this 2<sup>nd</sup> day of March, 1982, by unanimous vote of the members of the Board considering this case,

ORDERED that Respondent's license to practice pharmacy in Maryland is hereby SUSPENDED for a period of two (2) years from the date of this Order; and be it further

ORDERED that all but thirty (30) days of the foregoing two (2) year suspension shall be STAYED with Respondent placed on PROBATION subject to the conditions enumerated below; and be it further

ORDERED that the thirty-day suspension not stayed by this Order shall begin on the tenth (10th) day from the date of this Order; and be it further

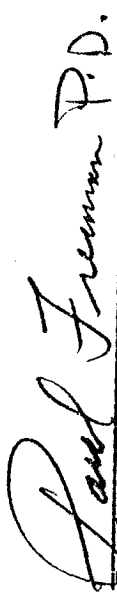
ORDERED that during the thirty-day suspension period, Respondent shall not engage in any activities requiring a

ORDERED that upon the termination of the foregoing thirty-day suspension period, the following conditions of probation shall apply during the suspension period:

1. That Respondent shall inform any and all of his pharmacy employers about the probationary status of his license; and
2. That Respondent shall promptly notify the Board in writing of any and all of his pharmacy employers; and
3. That Respondent shall promptly notify the Board of his current address and telephone number and of any subsequent change of address; and
4. That Respondent shall arrange for each and every owner of a pharmacy at which he is employed, but of which he is not the owner, to provide the Board with written quarterly reports evaluating his pharmacy practice; and
5. That Respondent shall arrange for his probation officer from the Division of Probation to provide the Board with written quarterly reports regarding his compliance with the terms of probation imposed by Criminal Court of Baltimore; and
6. That at the conclusion of his court-imposed probation, Respondent shall arrange for his probation officer to submit a final written report regarding his compliance with the terms of his probation; and be it further

ORDERED that two (2) years from the date of this Order, the Board will entertain a petition for termination of Respondent's probationary status and for reinstatement of his license to practice pharmacy without any condition or restriction whatsoever. If the Board determines that termination of probation and complete reinstatement would not be appropriate at that

ORDERED that if Respondent violates any of the terms of this Order with regard to the thirty-day suspension of his license to practice pharmacy, or violates any of the terms of his probation, or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland, the Board, after notification, a hearing and determination of violation, may withdraw the stay of the suspension of his license or may impose any other disciplinary sanction it deems appropriate.

  
Paul Freiman, P.D., Secretary  
Maryland Board of Pharmacy