

IN THE MATTER OF	*	BEFORE THE
CRAIG HOLSTON, P.D.	*	STATE BOARD
License No.: 09940	*	OF
Respondent	*	PHARMACY
	*	Case No. 2008-347

* * * * *

**FINAL ORDER OF REVOCATION
OF THE RESPONDENT'S PHARMACIST'S LICENSE**

On October 26, 2010, the Board of Pharmacy (the "Board"), notified Craig Holston, P.D., the Respondent, of its Intent to Revoke his pharmacist's license. The Notice also informed the Respondent that, unless he requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2009 Repl. Vol.).

The pertinent provision of § 10-226(c)(1) of the APA states:

Revocation of suspension. (sic)—(1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,

(ii) an opportunity to be heard.

The pertinent provisions of § 3-313 provide:

Subject to the hearing provisions of 12-313 of the Act:

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a 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:

- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board;
- (28) Fails to cooperate with a lawful investigation conducted by the Board or the Division of Drug Control.

The Board also charged the Respondent with a violation of its Pharmacist and Pharmacist Technician Code of Conduct, 10.34.10. (2/19/09):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

- (a) United States Code, Title 21,
- (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
- (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
- (e) COMAR 10.19.03;

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the licensee on probation, or suspend or revoke the licensee's license if the licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated Code of Maryland.

FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S LICENSE

1. At some of the time relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on February 16, 1983. The Respondent's license expired on March 30, 2010.

2. On December 3, 2007, the Board issued a Consent Order lifting the Respondent's Summary Suspension. The Summary Suspension was occasioned by the following events:

A. The Respondent's license to practice pharmacy was summarily suspended on December 10, 1993 due to his arrest for possession of CDS paraphernalia, possession of cocaine, and possession of prescription drugs with intent to distribute;

B. The Respondent subsequently pled guilty to possession of a controlled substance and received probation;

C. The Board reinstated the Respondent's license on January 14, 2004, and placed him on probation for three years;

D. In August 2004, the Respondent tested positive for illegal drugs, resulting in the Board's suspending his license on October 8, 2004;

E. On October 19, 2005, the Board held a Show Cause hearing, after

which the Board issued an Order Continuing the Summary Suspension, dated November 30, 2005;

F. The terms of the November 30, 2005 Order allowed the Respondent to petition the Board to lift the suspension of his license after July 15, 2007;

G. The Respondent submitted to a substance abuse evaluation by Ralph Raphael, Ph.D., on August 20, 2007. Dr. Raphael's evaluation found that the Respondent could safely return to pharmacy practice under certain conditions, which the Board incorporated in its Order;

H. The Order lifted the summary suspension of the Respondent's license, provided that he first submit proof of completion 30 CEUs;

I. The Order placed the Respondent immediately on Probation for at least three years, subject to the following conditions, *inter alia*:

(1) The Respondent shall not have access to controlled dangerous substances;

(2) The Respondent shall abstain from all alcohol and mood-altering drugs;

(3) The Respondent shall continue his involvement with the 12-Step program, working actively with a home group and a sponsor. The Respondent shall submit a monthly attendance sheet to the Board documenting his participation in the 12-step program;

(4) The Respondent shall submit to weekly random urine screens [;].

CURRENT REASONS FOR SUMMARILY SUSPENDING THE LICENSE

1. By letter dated February 9, 2010, the Board notified the Respondent that he had not provided the Board with a result of a urine test since 8/20/09, putting him in significant violation of his Board Order. It further informed the Respondent that the Board had been calling him weekly for his random urine tests. The letter further informed the Respondent that the Board was giving him until February 19, 2010 to take a urine test and forward the results to the Board and warned him that failure to do so may further subject him to Board discipline.

2. On April 7, 2010, the Board issued the Respondent a Notice of Intent to summarily suspend his license, as a result of the above. The Board set forth a date for the Respondent to Show Cause why the Board should not issue the Order. The Respondent failed to appear. Consequently, on April 23, 2010, the Board issued a Summary Suspension Order.

3. As set forth above, the Respondent violated the Act and regulations thereunder and his license should be revoked.

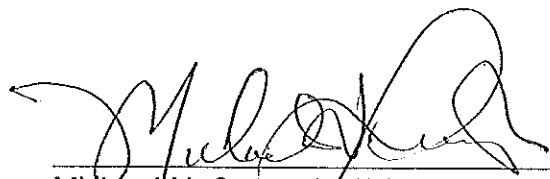
CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-315 and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

12-15-2010
Date



Michael N. Souranis, P.D., President
Board of Pharmacy