

IN THE MATTER OF \* BEFORE THE  
RAMON JUTA, P.D. \* STATE BOARD  
License No. 10535 \* OF  
Respondent \* PHARMACY

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. §10-226 (c)(2004 Repl. Vol. and 2007 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Ramon Juta, P.D., (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2005 Repl. Vol. and 2007 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**BACKGROUND**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 31, 1985. The Respondent's license expires on July 31, 2009.

2. At all times relevant hereto, the Respondent was employed as a dispensing pharmacist at the CVS pharmacy on Compass Road in Baltimore County, Maryland.

3. On or about March 12, 2008, the Respondent was arrested and accused of trading drugs for sex and covering up the paper trail for the medicines illegally dispensed.

4. The basis for the arrest and charges are as follows:

A. Detectives Arciaga and Ruffino of the Baltimore County Police Department's Narcotics Diversion and Pharmaceuticals Squad were conducting an investigation into the illegal distribution of prescription medications, such as Lortab, a Schedule III Controlled Dangerous Substance (CDS), and Xanax, a Schedule IV CDS, when they were contacted in February by an individual that was later referred to as a Confidential Informant (CI), who advised them that a pharmacist at the CVS on Compass Road was asking her to exchange sex for "pills";

B. The CI further indicated that the pharmacist stated that he would pay for the prescriptions in exchange for sex. She also stated that the pharmacist told her that he knew that the prescriptions she used were fraudulent;

C. The CI agreed to testify in court and to wear a recording device. The pharmacist was identified as the Respondent. Accordingly, the CI wore the device on several occasions when she met with the Respondent.

D. At the Silver Moon Diner on 2/20/08, the Respondent stated that he would help her get prescriptions and suggested Lortab. The Respondent told the CI how to write out a prescription for the Lortabs, e.g., for 7.5, and to make it for 50 or 100, and that she needn't worry about paying for it—"I'll take care of the numbers side...I'll take care of you, you take care of me;"

E. During that same conversation, the Respondent suggested that they should get a hotel so that "we can stay longer;"

F. On 2/24/08, the Respondent told the CI to meet him at the CVS parking lot. At approximately 12:01 P.M., the CI met the Respondent on the CVS

parking lot where the Respondent took the fraudulent prescription from the CI that she had filled out. He told her that, due to a pharmacy inventory, he could only give her five tablets now and would give her the rest when they met later. The Respondent gave the CI a prescription bottle containing five tablets;

G. On 2/26/08, the CI told the Detectives that she had received a phone call from the Respondent stating that he could bring her the other "30" (Lortabs).

H. The Detectives observed that, on the rear seat of the Respondent's car (which he had used to meet the CI at the diner), there were empty stock bottles and blister packs that meds came in.

5. After the televised report of the Respondent's arrest, the Respondent called the Board and spoke to the Board's Compliance Officer and to its Investigator, wherein the Respondent informed them that he had a "sexual perversion" and needed counseling. He called to find out if the Board could refer him for counseling.

### **FINDINGS OF FACT**

1. As set forth above, by agreeing to exchange sex for drugs, by illegally distributing drugs, and by dispensing drugs based on a fraudulent prescription, the Respondent is a threat to the public health, welfare or safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provisions of §12-313:

(1)(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:

- (2) Fraudulently or deceptively uses a license;
- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (16) Violates any provision of § 12-505 of this title, which concerns the labeling requirements for prescriptions for drugs, devices, or diagnostics;
- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board[;].

### CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2004 Repl. Vol.).

### ORDER


Based on the foregoing, it is therefore this 26<sup>th</sup> day of March, 2008, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted the Board by Md. St. Govt. Code Ann. §10-226(c) (2) (2004 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 10535, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED**, that upon the Board's receipt of a written request from the Respondent,

a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

**ORDERED**, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

**ORDERED**, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).



LaVerne Naesea, Executive Director  
Board of Pharmacy

#### **NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be held before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215 following a written request by the Respondent for same.