

IN THE MATTER OF

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BEFORE THE MARYLAND

PHILIP R. MORAWSKI, P.D.

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BOARD OF PHARMACY

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FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDER

Based upon information coming to its attention, the Maryland Board of Pharmacy ("the Board") conducted an investigation and determined to charge Philip R. Morawski, P.D. ("Respondent") with violations of the Maryland Pharmacy Act ("the Act"), Maryland Health Occupations Code Annotated, §§12-101 et seq. Specifically, Respondent was charged with violations of Section 12-311(b)(7), (14) and (20) of the Act, as follows:

- (7) Willfully fails to file or record any report that is required by law;
- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;
- (20) Is professionally . . . incompetent.

Respondent was notified of the charges by letter dated November 17, 1982. A hearing was scheduled for January 19, 1983.

As a result of pre-hearing discussions and negotiations among Respondent; Michael F. Gilligan, attorney for Respondent; and Thomas J. Kwiatkowski, Jr., Assistant Attorney General and administrative prosecutor before the Board, Respondent agreed to enter into a Consent Order as follows, thereby disposing of the above matter without hearing.

FINDINGS OF FACT

Based upon information obtained by and otherwise known and available to it, the Board finds:

1. That Respondent, Philip R. Morawski, P.D., is a pharmacist licensed and practicing in Maryland currently and at all times relevant to the above proceedings.

2. That in the period January - July, 1981, while employed as a registered pharmacist with Revco Drug Stores, Inc., Respondent misappropriated certain controlled drugs (amphetamines) from various Revco retail stores in the Baltimore metropolitan area.

3. That the drugs misappropriated by Respondent were for his personal use and were in fact used by him illicitly.

4. That the drugs misappropriated by Respondent were not prescribed by an authorized prescriber for any legitimate medical purposes but were dispensed by Respondent to himself.

5. That Respondent failed to record properly the true disposition of the drugs which he misappropriated as required by Maryland law.

6. That Respondent used the misappropriated drugs to attempt to alleviate personal and job-related stress, and voluntarily and unilaterally ceased using them several months before his misappropriation was discovered.

7. That Respondent has made full restitution in the amount of \$140 to Revco Drug Stores, Inc. for the retail value of the drugs which he misappropriated.

8. That since his misappropriation was discovered in October, 1981, Respondent has voluntarily and continuously participated in professional impairment and rehabilitation programs sponsored by the Medical and Chiurgical Faculty of Maryland and by the Maryland Pharmaceutical Association.

9. That Respondent is rehabilitated and capable of practicing pharmacy competently now.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Maryland Board of Pharmacy, by unanimous vote of those members considering the above case, hereby concludes as a matter of law that

Respondent violated Sections 12-311(b)(7), (14) and (20) of the Maryland Pharmacy Act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this ^{Order (P)} 20th day of ~~February~~, 1983, by a unanimous vote of those members of the Maryland Board of Pharmacy considering this case,

ORDERED that the Maryland license to practice pharmacy of Respondent, Philip R. Morawski, P.D., is hereby **SUSPENDED**; and be it further

ORDERED that the foregoing suspension shall be immediately STAYED, and Respondent placed on PROBATION subject to the following terms and conditions:


1. That Respondent shall immediately notify his present employer and any future employer of the existence and terms of this Order throughout the probationary term; and
2. That Respondent shall arrange to have any and all pharmacy employers make quarterly written reports to the Board, evidencing whether Respondent's continuing practice of pharmacy is professionally competent; and
3. That Respondent shall continue to participate ~~in~~ in the programs recommended by a substance impairment and rehabilitation group satisfactory to the Board until such time as the director of the group certifies to the Board in writing that Respondent has been fully rehabilitated and may be discharged; and
4. That Respondent shall arrange to have the director of the substance impairment and rehabilitation group make quarterly written reports to the Board, evidencing that Respondent continues to make satisfactory progress towards dealing with the problems that lead to his abuse of amphetamines; and

5. That Respondent shall refrain from any and all conduct and activities in any way similar or related to those underlying the charges in the above; and

6. That Respondent shall practice in accordance with the laws governing the practice of pharmacy in Maryland; and be it further

ORDERED that two 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. At such time, if the Board determines that termination of probation and complete reinstatement would not be appropriate, the Board may modify one or more of the conditions upon which Respondent was placed on probation; and be it further

ORDERED that if Respondent 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.

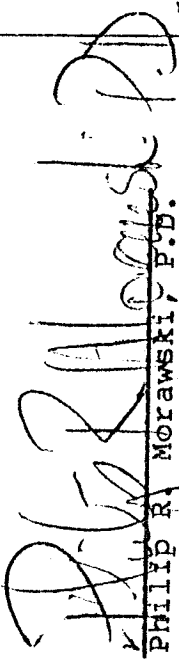

Paul Freiman, P.D.
Secretary

CONSENT

By this Consent, knowingly and voluntarily executed by me upon advice of counsel, I hereby admit the truth of the Findings of Fact and accept and submit to the foregoing Order and its conditions. I have read the Order, and the Findings of Fact and Conclusions of Law supporting it, and I acknowledge the validity of the Order, as if made after a hearing at which I

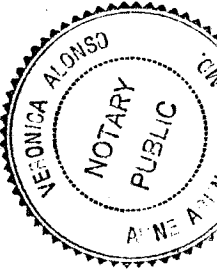
would have the right to counsel, to confront all witnesses against me, to give testimony and call witnesses in my own behalf, and to all other substantive and procedural protections provided by law.

By this Consent, I also recognize that I am waiving my rights to appeal any adverse rulings by the Maryland Board of Pharmacy that might have followed any such hearing. Further, I acknowledge that I may suffer further disciplinary action against my license to practice pharmacy in Maryland, should I fail to fully meet and satisfy the above conditions of my probation.


PHILIP R. MORAWSKI, P.D.

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, TO WIT:

I HEREBY CERTIFY that on this 2nd day of February 1983, Philip R. Morawski, P.D. personally appeared before me and made oath in due form of law that the making of the foregoing Consent was his voluntary act and deed.




Notary Public

My Commission Expires:
July 1, 1986