

IN THE MATTER OF * BEFORE THE
DANIEL MCTAGGART, P.D. * STATE BOARD
License No.: 14584 * OF
Respondent * PHARMACY
* Case No. 12-088

* * * * *

REVISED ORDER OF MODIFICATION

On April 15, 2015, the Maryland Board of Pharmacy (the "Board") charged Daniel McTaggart, License No. 14584 with violating certain probationary conditions under the Board's Order Lifting Suspension, dated March 22, 2013, pursuant to the Maryland Pharmacy Act, Md. Code Ann., Health Occ. II ("H O"), §§ 12-101 *et seq.* (2014).

BACKGROUND

Specifically, the Board charged the Respondent with violating the following conditions of his probation under the Board's Order Lifting Suspension:

ORDERED that all urine screens and breathalyzer tests submitted under this Order shall be:

- (1) Submitted by [the Respondent] within 24 hours of the Board staff instructing him to submit a urine sample;
- (2) Submitted at a CLIA-certified laboratory;
- (3) Observed; and
- (4) Negative for any controlled dangerous substances, narcotics, cocaine, alcohol, or other mood altering substances or drugs of concern, except as provided below; and be it further...

1. At all times relevant, the Respondent was and is licensed to practice pharmacy in the State of Maryland. The Respondent was initially licensed to practice pharmacy in Maryland on July 16, 1997, under License Number 14584. The Respondent's license is current through September 30, 2016.

PRIOR BOARD ORDERS

2. On or about August 15, 2012, the Board summarily suspended the Respondent's license to practice pharmacy in Maryland after determining that the Respondent posed an imminent threat to public health, safety and welfare, when he violated his contract with the Pharmacists Education and Advocacy Council ("PEAC") by failing to comply with its recommendations and to completely abstain from the use of alcohol.

3. The Respondent originally entered into a contract with PEAC on or about November 19, 2011, after he was terminated from his employment as a result of testing positive for alcohol while working as a pharmacist. In that incident, the Respondent submitted to a breathalyzer test, which registered .029 BAC (Blood Alcohol Content).

4. By Consent Order, dated December 6, 2012, the Respondent consented to having his license to practice pharmacy suspended for at least ninety (90) days subject to certain terms and conditions.

ORDER LIFTING SUSPENSION

5. On or about March 22, 2013, the Board issued an Order lifting the suspension of the Respondent's license to practice pharmacy in Maryland.

6. Pursuant to the Order Lifting Suspension, the Respondent was immediately placed on probation for a period of at least three (3) years subject to certain terms and conditions.

7. One of the conditions of the Respondent's probation required that he submit to observed urine screens and breathalyzer tests at a CLIA-certified laboratory within 24 hours of being instructed to by Board staff and that the results shall be negative for any controlled dangerous substances, narcotics, cocaine, alcohol, or other mood-altering substances or drugs of concern.

VIOLATION OF PROBATION

8. On or about August 15, 2014, the Respondent failed to submit to a urine drug screen within 24 hours after being notified by Board staff. The Respondent did not submit to urine drug screen until August 18, 2014.

9. On or about July 10 and 22, 2014, and August 25, 2014, the Respondent failed to submit to urine drug screens within 24 hours after being notified by Board staff, and/or failed to submit the same to Board.

10. The Respondent stated that he received notice to take the August 15th test on a Friday at 4:00 p.m. and was not able to take the test until August 18th, which is when he took it; the Respondent further contends he did not receive a message regarding the August 25th test; and, the Respondent contends that he did take the July 10 & 22 tests, however, the lab failed to send the results to the Board.

11. The Respondent's failure to submit to and document urine drug screens within 24 hours after being notified by Board staff on or about July 10 and 22, 2014, and

August 15 and 25, 2014, constituted violations of his probation under the Board's Order Lifting Suspension, dated March 22, 2013.

CASE RESOLUTION CONFERENCE

On June 3, 2015, the Respondent and his attorney, along with certain Board Members, met to determine whether the Violation could be settled. Subsequently, a majority of the Board voted to resolve the matter, as follows:

ORDER

It is this 20th day of July 2015 by a majority vote of the Board, it is hereby,

ORDERED that the Respondent's Probationary period be extended by six months; and be it further

ORDERED that requests for urinalysis by the Board will be telephoned and emailed to the Respondent, who will provide the Board with his current email address (es). The Respondent shall confirm within two hours that he received the Board's request.

ORDERED that all of the other terms of the December 12, 2012 Consent Order in Lieu of Summary Suspension and the March 22, 2013 Order remain in full force and effect and be it further,

ORDERED that the Revised Order of Modification is effective as of the date of its signing by the Board; and be it

ORDERED that, should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing,

the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to remove any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

7/20/15
Date

for Mitra G. Gargani
Mitra Gargani PharmD., President
Board of Pharmacy

CONSENT OF DANIEL MCTAGGART, P.D.

I, Daniel McTaggart, P.D., acknowledge that I am represented by counsel, James C. Eberly, Jr., and have consulted with counsel before entering into this Revised Order of Modification. By this consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Order and its conditions.

I acknowledge the validity of this Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this consent to the Order voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Order.

7/15/2015

Date


Daniel McTaggart, P.D.

STATE OF Maryland :
CITY/COUNTY OF Allegheny

I HEREBY CERTIFY that on this 15 day of July, 2015,
before me, Daniel McTaggart, a Notary Public of the foregoing State and
(Print Name)
(City/County), personally appeared Daniel McTaggart, License No.: 14584, and made
oath in due form of law that signing the foregoing consent to the Revised Order of
Modification was his voluntary act and deed, and the statements made herein are true
and correct.

AS WITNESSETH my hand and notarial seal.

Susan A. Slider
Notary Public

My Commission Expires: _____

