

IN THE MATTER OF * BEFORE THE MARYLAND
JOHN RILEY, P.D. * STATE BOARD OF
LICENSE NO. 09173 * PHARMACY

* * * * *

CONSENT ORDER OF REINSTATEMENT

Background

On February 21, 2001, John F. Riley, P.D., License No. 09173 (the “Respondent”), entered into an Order of Indefinite Suspension By Consent with the Maryland Board of Pharmacy (the “Board”) (attached as Exhibit A and incorporated herein), in which he agreed to an indefinite suspension of his license to practice pharmacy with the opportunity to petition the Board for reinstatement after six (6) months provided that certain conditions were met. On August 10, 2001, the Respondent filed a petition for reinstatement. The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. The Respondent entered into a Consent Order with the Board on February 18, 1998, based on admissions of drug abuse. The Consent Order provided for a two-year suspension immediately stayed and an indefinite period of probation. The Respondent was self-medicating with tranquilizers, antibiotics and mood-altering drugs.

2. On May 13, 1998, the Respondent was summarily suspended for violating the terms of the February 18, 1998 Consent Order by submitting a positive urine sample indicating traces of hydromorphone.

3. The Respondent subsequently entered into a Consent Order with the Board indefinitely suspending his license on September 19, 1998.

4. The Board reinstated the Respondent’s license on June 23, 1999, conditioning the

reinstatement upon certain probationary terms. The Respondent was permitted to petition the Board for removal of his probationary status after one year of satisfactory compliance with the terms of reinstatement.

5. On June 9, 2000, the Board issued a summary suspension against the Respondent based on his failure to comply with his PEAC contract conditions by screening positive for Xanax and propoxyphene and failing to attend several therapy sessions.

6. On February 21, 2001, the Board entered into an Indefinite Order of Summary Suspension by Consent which indefinitely suspended the Respondent's license, but allowed the Respondent to petition the Board for reinstatement after six (6) months of compliance with the terms and conditions set out in the February 21, 2001 Consent Order.

7. The Respondent has met all of the conditions set forth in the Order of Indefinite Suspension by Consent that permit him to petition for reinstatement of his license.

a. The Respondent extended his PEAC contract and complied with all of the terms and conditions therein, as personally corroborated by Gilbert Cohen, his PEAC sponsor.

b. PEAC and the Respondent's therapist have submitted written endorsements of the Respondent's progress in treatment;

c. The Respondent has produced documentation evidencing: (1) attendance at weekly NA/AA meetings; (2) negative urine screens; (3) attendance at weekly individual or group therapy sessions; and (4) completion of continuing education credits.

CONCLUSIONS OF LAW

The Respondent has met all the prerequisite conditions for reinstatement and may practice pharmacy under conditions of probation set forth in this Consent Order of Reinstatement.

ORDER

Based on agreement of the parties, it is this 31st day of OCTOBER, 2001, by an affirmative vote of a quorum of the Board, hereby

ORDERED that the Respondent's license be reinstated and the Respondent be placed on **INDEFINITE PROBATION**, subject to the following conditions:

1. The Respondent shall only practice pharmacy in a non-dispensing role, with no access to prescription drugs;

2. The Respondent shall provide his employer with a copy of this Consent Order of Reinstatement prior to beginning employment, and insure that the employer notifies the Board of his/her receipt and review of this Consent Order;

3. The Respondent shall notify the Board of his place of employment and any change in employment prior to the change occurring;

4. The Respondent shall not be employed or supervised by another licensee who is on probation by this Board;

5. The Respondent shall notify the Board of any change of address;

6. The Respondent shall submit quarterly self-reports to the Board;

7. The Respondent shall ensure that his employer submits quarterly employer reports to the Board;

8. The Respondent shall continue in therapy and insure that quarterly therapist reports are submitted to the Board;

9. The Respondent shall enter into a PEAC contract for three (3) years, which contract shall include:

A. authorization for release of PEAC records, including therapy records, to the Board;

B. random urinalysis;

C. continuation of therapy;

D. requirement of Board approval prior to any change or modification to the

PEAC contract;

- E. requirement that PEAC submit quarterly progress reports to the Board; and
- F. requirement that PEAC notify the Board of any incident of non-compliance with the PEAC contract, this Consent Order, or treatment, within two (2) business days of the occurrence.

10. The Respondent shall insure that PEAC provides to the Board the initial treatment plan and copy of the PEAC contract within thirty (30) days of the date of this Consent Order; and be it further,

ORDERED that the Respondent's failure to abide by the terms of his PEAC contract or the Respondent's removal from or voluntary cessation of the PEAC program shall be deemed a violation of the conditions of probation set forth herein; and be it further,

ORDERED that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may immediately suspend the Respondent's license prior to a hearing; and be it further,

ORDERED that one (1) year following the date this Consent Order has been executed by the Board, the Respondent may petition the Board for modification of the probationary conditions set forth herein provided that the Respondent has complied with all of the terms and conditions of probation; and be it further,

ORDERED that three (3) years following the date this Consent Order has been executed by the Board, the Respondent may petition the Board for release from probation provided that the Respondent has complied with all of the probationary terms and conditions; and be it further,

ORDERED any petition for modification of or release from probation must be accompanied by an endorsement from PEAC and include documentation of the Respondent's compliance with treatment and the PEAC contract for the entire period of probation and contract term, respectively; and be it further,

ORDERED that the Board shall provide PEAC with a copy of this Consent Order and all Board communications regarding this case; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

10/31/01
Date

W. Irving Lottier, Jr.
W. Irving Lottier, Jr., P.D.
Secretary, Board of Pharmacy

CONSENT

By signing this Consent, I hereby admit to the truth of the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order of Reinstatement and its conditions.

I, John F. Riley, P.D., have read this Consent Order in its entirety. I have been given the opportunity to consult an attorney of my choosing to review each and every part of this Consent Order. I understand this Consent Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

10/26/2001
Date

John F. Riley P.D.
John F. Riley, P.D.

STATE OF MARYLAND
COUNTY/CITY OF Carroll:

I hereby certify that on this 26th day of October, 2001, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared John F. Riley, P.D., and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Heather McLaughlin
Notary Public

My commission expires: 1 Dec 2004