

IN THE MATTER OF * BEFORE THE
JOHN F. RILEY, P.D. * MARYLAND STATE BOARD
Respondent * OF PHARMACY
License Number: 09173 *

* * * * *

ORDER OF INDEFINITE SUSPENSION BY CONSENT

Based on the information received and a subsequent investigation by the State of Maryland Board of Pharmacy (the "Board") charged **John F. Riley, P.D.** (the "Respondent") **D.O.B. 05/15/53, License Number: 09173**, with violating the Consent Order of Reinstatement issued by the Board on June 23, 1999. The Consent Order for Reinstatement states in pertinent part:

1. Respondent shall continue to attend NA/AA meetings on a weekly basis.
2. Respondent shall continue to attend weekly group and individual therapy.
3. Respondent shall submit to random urinalysis testing once per week.
4. Respondent shall extend the terms of his current contract with the Pharmacy Education and Assistance Committee ("PEAC") to June 30, 2001, and shall abide by all terms of that contract and all recommendations made by PEAC.
5. Respondent shall not work at more than one pharmacy

location unless the additional pharmacy location is owned by the same employer. Respondent must notify the Board immediately regarding any intention to change employment, which change of employment is subject to the prior approval of the Board.

6. Respondent may only work in a dispensing role under the direct supervision of a licensed pharmacist and must disclose a copy of this Consent Order of Reinstatement and attached Consent Order to his employer.
7. Respondent shall insure that quarterly reports are provided to the Board from both his employer and his therapists regarding his progress in treatment.
8. Respondent shall disclose this Consent Order of Reinstatement and the attached Consent Order to all pharmacy employers.
9. Respondent shall complete 37.5 continuing education credits by December 1, 1999. (A copy of the Consent Order of Reinstatement, dated June 23, 1999, is attached hereto and incorporated herein as Exhibit A).

On December 20, 2000, a Case Resolution Conference ("CRC") was held regarding the charges of violating the Consent Order of Reinstatement issued by the Board on June

23, 1999. The CRC was attended by Commissioners to the Board, Jeanne Furman, P.D., and W. Irving Lottier, P.D.; Linda Bethman, Staff Attorney and Counsel to the Board; the Respondent; and Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor. The Respondent admitted his noncompliance with the terms set forth in the Consent Order of Reinstatement dated June 23, 1999, and enumerated in the Notice of Violation of Consent Order of Reinstatement dated November 16, 2000.

In lieu of proceeding to a hearing on the Violation of Consent Order of Reinstatement dated November 16, 2000, the parties, therefore agreed to enter into this Consent Order.

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times relevant to the charges herein, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally issued a license to practice pharmacy in the State of Maryland on July 16, 1979.

BACKGROUND

2. By Notice of Charges and Consent Order dated February 18, 1998, the Respondent's license to practice was suspended for a period of two (2) years. The Board immediately stayed the Respondent's suspension and placed him on probation for an unspecified period of time. (A copy of the Notice of Charges and Consent Order dated February 18, 1998, is attached hereto and incorporated herein as Exhibit B).

3. By Order for Summary Suspension to Practice Pharmacy dated May 7, 1998,

the Board summarily suspended the Respondent's license to practice pharmacy for failure to abide by the terms of the February 18, 1998 Notice of Charges and Consent Order. The Respondent failed to abide by probationary conditions (1) Respondent will immediately cease and desist from the unauthorized dispensing and/or unauthorized use of prescription medications and (2) Respondent shall comply with the terms of his PEAC contract. (A copy of the Order for Summary Suspension of License to Practice Pharmacy dated May 7, 1998, is attached hereto and incorporated herein as Exhibit C).

4. By Consent Order dated August 19, 1998, the Respondent's license to practice pharmacy was indefinitely suspended and he was immediately subjected to probationary conditions imposed by the Board. The Board found that the Respondent violated the probationary terms set forth in the February 18, 1998 Consent Order and Maryland Code Ann., Health Occ. § 12-313(b)(21). (A copy of the Consent Order dated August 19, 1998, is attached hereto and incorporated herein as Exhibit D).

5. By Consent Order of Reinstatement dated June 23, 1999, the Board reinstated the Respondent's license to practice pharmacy with probationary conditions. (A copy of the Consent Order of Reinstatement dated June 23, 1999 is attached hereto and incorporated herein as Exhibit E).

6. By Order of Summary Suspension of Pharmacist's License dated June 9, 2000, the Board summarily suspended the Respondent's license to practice pharmacy. The Board summarily suspended the Respondent's license because he failed to abide by the probationary terms set forth in Exhibit E. The Respondent had positive urine screens for Xanax and/or Propoxyphene, refused to provide urine samples on five (5) occasions,

and missed several group and individual therapy sessions. (A copy of the Order for Summary Suspension of Pharmacist's License dated June 9, 2000, is attached hereto and incorporated herein as Exhibit F).

7. The Respondent violated the Consent Order of Reinstatement dated January 23, 1999 by failing to attend NA/AA meetings on a weekly basis; by failing to attend weekly group and individual therapy; by failing to submit random urinalysis testing once per week, and by failing to abide by this current PEAC contract and all recommendations made by PEAC.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated the terms and conditions set forth in the Consent Order of Reinstatement dated June 23, 1999.

ORDER

ORDERED that the Respondent's license to practice pharmacy is hereby **SUSPENDED INDEFINITELY**; and it is further

ORDERED that the Respondent shall extend his current Pharmacy Education and Assistance Committee ("PEAC") contract and abide by all the terms and conditions set forth in his PEAC contract. Noncompliance with the terms set forth in Respondent's PEAC contract will be grounds for automatic denial for the Respondent's request for reinstatement; and it is further

ORDERED that six (6) months following the effective date of this Order of Indefinite Suspension by Consent, the Respondent may petition the Board for

reinstatement of his license to practice pharmacy. Any such petition must be endorsed by ("PEAC") and the therapist assisting the Respondent's progress in treatment, which petition may be accepted or rejected at the Board's sole discretion; and it is further

ORDERED that the Respondent shall not be considered for reinstatement unless he can produce written documentation, satisfactorily to the Board, that he has attended weekly NA/AA meetings; taken and received negative urine screens; attended weekly individual or group therapy sessions and completed continuing education credits as requested by licensees; and it is further

ORDERED that the Board may attach any conditions to reinstatement it deems appropriate to adequately protect the public health; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Order of Indefinite Suspension by Consent; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. Code Ann., State Gov't. § 10-611 et seq. (1999).

2/21/01
Date

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

CONSENT OF JOHN F. RILEY, P.D.

I, John F. Riley, P.D., have read this Order of Indefinite Suspension by Consent ("Order"). By affixing my signature hereto, I acknowledge the following:

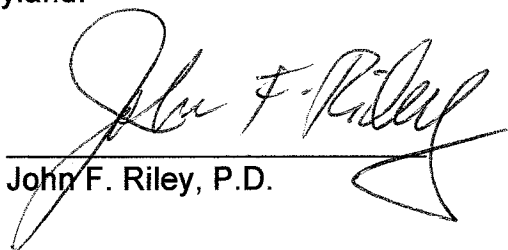
8. I understand and agree that this Order is a public document pursuant to Md. Code Ann., State Gov't. § 10-617(h).

9. I agree to the terms set forth in this Order after having an opportunity to consult with an attorney, whether or not I have done so, and without reservation, I fully understand its meaning. I acknowledge the validity of this Order as if entered after an evidentiary hearing in which I have had the right to counsel, to confront witnesses, to give testimony, to call witnesses in my own behalf, and to all other substantive and procedural protection provided by the law.

10. I waive any rights to contest the Findings of Fact and Conclusions of Law and I waive my right to a full evidentiary hearing, and any rights to appeal this Order.

11. I acknowledge that my failure to abide by the conditions set forth in this Order may result in further disciplinary action which may include revocation of my license to practice pharmacy in the State of Maryland.

2/13/2005
Date


John F. Riley, P.D.

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 13th day of February, 2001,
before me, a Notary Public of the State of and City/County aforesaid, personally
appeared John F. Riley, P.D., and declared and affirmed under the penalties of
perjury that signing the foregoing Order of Indefinite Suspension by Consent is his
voluntary act and deed.

Sharon Demory-Cornish
Notary Public

My Commission Expires: _____
SHARON DEMORY-CORNISH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 3, 2004

IN THE MATTER OF * BEFORE THE MARYLAND STATE
JOHN RILEY, P.D. * BOARD OF PHARMACY
Respondent *
License No. 09173 *

* * * * *

CONSENT ORDER OF REINSTATEMENT

Pursuant to a Consent Order dated August 19, 1998 (copy attached and incorporated by reference herein), issued by the Maryland State Board of Pharmacy ("Board") regarding John Riley ("Respondent"), License number 09173, the Board indefinitely suspended Respondent's license and imposed certain probationary conditions that had to be met prior to allowing him to petition the Board for reinstatement of his pharmacist's license. Having met those conditions, Respondent petitioned the Board for reinstatement and appeared before the Board at a reinstatement hearing on June 1, 1999. Based on his compliance with the conditions for reinstatement set forth in the Letter of Surrender, the Board hereby ORDERS the reinstatement of Respondent's license subject to the following probationary conditions:

1. Respondent shall continue to attend NA/AA meetings on a weekly basis.



2. Respondent shall continue to attend weekly group and individual therapy.

3. Respondent shall submit to random urinalysis testing once per week.

4. Respondent shall extend the terms of his current contract with the Pharmacy Education and Assistance Committee ("PEAC") to June 30, 2001, and shall abide by all terms of that contract and all recommendations made by PEAC.

6. Respondent shall not work at more than one pharmacy location unless the additional pharmacy location is owned by the same employer. Respondent must notify the Board immediately regarding any intention to change employment, which change of employment is subject to the prior approval of the Board.

7. Respondent may only work in a dispensing role under the direct supervision of a licensed pharmacist and must disclose a copy of this Consent Order of Reinstatement and attached Consent Order to his employer.

8. Respondent shall insure that quarterly reports are provided to the Board from both his employer and his therapists regarding his progress in treatment.

9. Respondent shall disclose this Consent Order of Reinstatement and the attached Consent Order to all pharmacy employers.

11. Respondent shall complete 37.5 continuing education credits by December 1, 1999. And it is further

ORDERED, that the Board finds that the public health can be adequately protected only by Respondent's practice of pharmacy performed in accordance with the above probationary conditions. By signing this Consent Order of Reinstatement, Respondent agrees that he shall practice pharmacy only in accordance with these probationary conditions. And be it further

ORDERED that one year following the effective date of this Consent Order of Reinstatement, Respondent may petition the Board to release him from probation or to modify the terms of probation. Any such petition must be endorsed by the PEAC and the therapist assessing the Respondent's progress in treatment, which petition may be accepted or rejected at the Board's sole discretion. And be it further

ORDERED that the terms of this Consent Order of Reinstatement do not preclude the Board from summarily suspending Respondent's license as warranted by facts or circumstances of which the Board is not presently aware. And be it further

ORDERED that this Consent Order of Reinstatement constitutes a final order of the Board and is a public document subject to inspection by members of the public upon request, which Consent Order of Reinstatement may be shared by the Board with other licensing boards and otherwise published or disseminated consistent with Board policy regarding the dissemination and publication of Board orders. And be it further

ORDERED, that if Respondent fails to abide by the terms of this Consent Order of Reinstatement and/or otherwise appears to be a danger to himself or to others, then the Board may, without prior notice and without an opportunity to be heard, summarily suspend the Respondent's license to practice pharmacy. And be it further

ORDERED, that if the Board summarily suspends the Respondent's license to practice pharmacy, the Board shall give the Respondent immediate notice of the summary suspension and an opportunity to be heard within forty-five (45) days of the Board's receipt of his written request for a hearing.

6/27/77
Date

W. Irving Latham, Jr.
~~Stanton Ades, P.D.~~
President, Board of Pharmacy
Secretary Board of Pharmacy

CONSENT

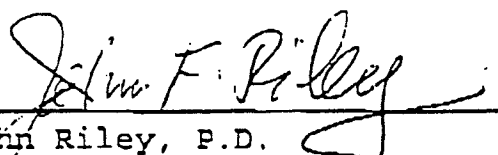
I, JOHN RILEY, P.D., have read this Consent Order of Reinstatement and acknowledge the following:

1. I understand and agree that this Consent Order of Reinstatement is a public document pursuant to §10-617(h) of the State Government Article, Annotated Code of Maryland.

2. I sign this Consent Order of Reinstatement after having an opportunity to consult with an attorney, whether or not I have done so, and without reservation, and I fully understand its meaning.

3. I further acknowledge that this Consent Order of Reinstatement provides that in the event the Board receives information that I am not complying with the conditions of this Consent Order of Reinstatement or that indicates that I appear to be a danger to myself or others, the Board may summarily suspend my license to practice pharmacy WITHOUT PRIOR NOTICE AND WITHOUT A PRIOR OPPORTUNITY TO BE HEARD. I acknowledge that should the Board take such action, I will then be given immediate notice of the summary suspension and an opportunity to be heard within forty-five (45) days of the Board's receipt of my written request for a hearing.

7/3/99
Date

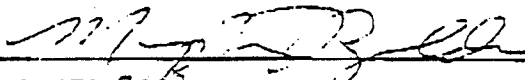

John Riley, P.D.

NOTARY

STATE OF MARYLAND
ANNE
ARUNDEL COUNTY

I HEREBY CERTIFY that on this 3rd day of July, 1999,
before me, a Notary Public of the State and City aforesaid,
personally appeared John Riley, P.D., and made oath in due form of
law that the execution of the foregoing Consent Order of
Reinstatement is his voluntary act and deed.

AS WITNESS my hand and notarial seal.



Notary Seal

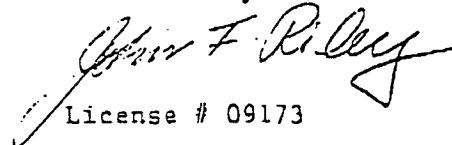
My Commission expires on 7/1/02.

Mary Beth Reynolds, Notary Public
Anne Arundel County
State of Maryland
My Commission Expires July 1, 2002

To whom it may concern,

I am requesting a resolution conference for John F Riley license number 09173. I have continued to go to the Resource Group and Gerald Hunt (410 337 7772). I have done this for almost one year since leaving Neighborcare. I have consistently given negative urines, attended individual, and group therapy. I also have attended AA and NA meetings, have asponsor, and maintained contact with Rick Peters and the rehab committee. During this time I have maintained a good quality of sobriety. I have been working at Frank's Nursery and Crafts. Working there I have been a sales associate, nursery manager, forklifter operator, assistant manager, grower consultant, and pesticide/herbicide consultant. Unfortunately I was making at the start \$6.00 per hour then increased to \$9.18 per hour. During this time up to just recently I have had no health insurance and have been paying \$600.00 per month at the Resource Group and \$100.00 per month at Friends Lab for urines. I will now begin paying child support retroactive to the beginning of the year. I am respectfully requesting that I be allowed to go back to work as a fulltime pharmacist. I have always been exceptionally capable pharmacist that many can witness to this fact. Thank you for your consideration.

John F Riley PD



License # 09173

IN THE MATTER OF
JOHN F. RILEY, P.D.
LICENSE NO.09173,
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

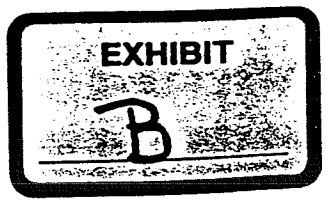
NOTICE OF CHARGES AND CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to Health Occupations Article §12-315, Annotated Code of Maryland the Board charges John Riley, P.D., License No. 09173 (the "Respondent") with violation of certain provisions of Maryland Health Occupations Article, Code Ann., §12-101 et seq. Repl. Vol. (1994) under the Maryland Pharmacy Act ("the Act").

Specifically, the Board possessed sufficient evidence to show that Respondent had violated certain provisions of §12-313(b) of the Act:

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:

- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (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, physically, or mentally incompetent;



FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland.

2. The Board of Pharmacy received a telephone call from a member of the Pharmacists Education and Assistance Committee ("PEAC"). Respondent had broken his PEAC contract. Respondent's use of prescription medications without a valid prescription made it likely that Respondent was or would be having difficulty practicing pharmacy in a safe manner.

3. Respondent had previously been employed with a chain pharmacy and had been discharged from their employment due to difficulties that Respondent had at the work place.

4. A patient¹ filed a complaint with the Board wherein the patient complained that when her prescriptions were called in to her pharmacy and the Respondent was on duty, the prescription would not be available for pick up when the patient arrived at the pharmacy. The patient claimed that at all times when she had this difficulty in picking up her prescriptions the Respondent was the pharmacist on duty. The patient complained that her insurance company was billed for additional prescriptions which she never received and which were the same prescriptions which were not available for pick up when she arrived.

¹ For confidentiality reasons patient names are not contained in this document, however, the Respondent may obtain the identity of the patient by contacting the administrative prosecutor assigned to this case.

5. The Board of Pharmacy received a complaint regarding the Respondent from the Broadneck office of Maryland Primary Care Physicians. In that complaint letter the nurse practitioner stated that their office had been contacted by a pharmacy. The pharmacy inquired as to whether that medical office had prescribed certain prescriptions for the Respondent. Maryland Primary Care advised the Board and pharmacy that they had not called in prescriptions to the particular pharmacy.

6. A computer printout of the pharmacy scripts filled for the Respondent was received by the Board of Pharmacy. The printout indicates that Respondent had dispensed to himself prescriptions for various medications from physicians affiliated with Maryland Primary Care Physicians. However, a review of Respondent's medical record from Maryland Primary Care indicates that that medical office had telephoned those prescriptions to other pharmacies and further the prescriptions they had called in were fewer in number and number of refills than had actually been dispensed to Respondent at the pharmacy at which he was employed as a pharmacist.

7. Respondent admitted to the Board's investigator, David Denoyer that Respondent had had a relapse and was signing a new contract with PEAC and that Respondent intended to comply with the recommendations of PEAC and his contract.

8. Respondent's use of unauthorized prescriptions has included antibiotics, a controlled substance (Ambien-a sleeping

agent), medications for sinusitis, and a mood-altering controlled medication.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds Respondent violated Health Occupations Article §§12-313 (b) (6) Willfully makes or files a false report or record as part of practicing pharmacy), (14) (Without having first received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required), and (20) (Is professionally incompetent).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of February, 1997, by a majority of the Board, hereby

ORDERED that Respondent's license to practice pharmacy in the State of Maryland be and is hereby **SUSPENDED** for a period of two (2) years, and that the suspension shall be immediately **stayed**;

ORDERED that Respondent be placed on **PROBATION** effective beginning with the date of execution of this consent order;

ORDERED that Respondent's license be subject to the following probationary conditions:

1. Respondent will immediately cease and desist from the unauthorized dispensing and/or unauthorized use of prescription

medications;

2. Respondent shall comply with the terms of his PEAC contract;

3. Respondent shall submit to a psychological examination as approved by the Board Respondent's expense. Respondent shall provide a copy of this Consent Order to the person conducting the psychological evaluation;

4. Recommendations of the psychological examination of Respondent shall be incorporated into this Consent Order and Respondent agrees to comply with those recommendations. Respondent shall consent to the release of the recommendations of the psychological examination to the Board;

5. Respondent shall consent to the release of the results and recommendations of the psychological examination to the PEAC;

6. Respondent shall take a Board-approved course in ethics at his expense and pass any examination given in conjunction with the course with a B or better;

7. Failure to submit to a psychological examination within 90 days of the execution of this Order, shall be deemed as a violation of Respondent's probation;

8. Respondent shall immediately notify the Board in writing of any change in his residential and business address.

ORDERED that in the event the Board finds for any reason in good faith the Respondent has substantially violated any provision of Title 12 of the Health Occupations Article, Maryland Annotated

Code or the regulations thereunder, or if the Respondent violated any of the foregoing conditions of Probation, the Board, after notification to the Respondent, and an opportunity to be heard, may take immediate action or impose any lawful disciplinary sanction it deems appropriate, including but not limited to revocation or suspension of Respondent's licensee to practice pharmacy; and be it further

ORDERED that the conditions of the Consent Order be, and the same hereby are, effective as of the date of this Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by §10-617 (h), State Government Article, Maryland Code Annotated, this document constitutes the Board's Findings of Fact, Conclusions of Law, and Order, resulting from formal disciplinary proceedings.

2/18/98

Date

David M. Russo

P.D

David Russo, ~~Pharm. D.~~
President

CONSENT of John F. Riley, P.D.

I, John F. Riley, by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney, but am aware that I

have the right to have had an attorney.

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited, except pursuant to the provisions of §12-315 of the Act and §10-201 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.

3. I am aware that I am entitled to a formal evidentiary hearing before the Board or an Administrative Law Judge.

4. I understand that by agreeing to enter into this Consent Order I cannot challenge the Findings of Fact and Conclusions of Law in any future hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-201 et seq. of the Administrative Procedure Act except in connection with any alleged violation of this Order. I acknowledge that by failing to abide by the conditions set forth in this Order, I may, after an opportunity to be heard, suffer disciplinary action, including revocation of my license to practice pharmacy in the State of Maryland.

2/5/98

DATE

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

STATE OF MARYLAND
CITY/COUNTY OF: Queen Anne's

I HEREBY CERTIFY that on this 4 day of February,
1998 a Notary of the State of Maryland and (City/County),
Queen Anne's, personally appeared John F. Riley
_____, P.D. License No. 09173, and made oath in due
form of law that signing the foregoing Consent Order was his
voluntary act and deed, and the statements made herein are true and
correct.

AS WITNESS my hand and notarial seal.

C.L. Smith

Notary Public

My commission expires: 11/1/98

C.L. SMITH
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires November 1, 1998

IN THE MATTER OF

* BEFORE THE

JOHN RILEY, P.D.

* MARYLAND STATE

LICENSE NO. 09173,

* BOARD OF PHARMACY

RESPONDENT

* * * * *

ORDER FOR SUMMARY SUSPENSION OF LICENSE TO PRACTICE PHARMACY

Pursuant to Md. Code Ann., State Gov't, §10-226 (c) (2) (1995), the Maryland State Pharmacy Board (the "Board") hereby suspends the license to practice pharmacy previously issued to John Riley, P.D., (the "Respondent"), License No. 09173, under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994) (the "Act"). This Order is based on the following information, which the Board has reason to believe is true:

BACKGROUND

1. At all times relevant, Respondent was licensed to practice pharmacy in the State of Maryland.
2. In April 1998, Respondent's employer became aware of the probationary status and probationary conditions of the Respondent's pharmacist license pursuant to the February 1998 Consent Order. Under that Order the Respondent's license was suspended for a period of two (2) years. The suspension was immediately stayed and the Respondent was placed on probation¹.

¹ Due to Respondent's unauthorized use of prescription medications the Respondent was under contract with PEAC to address his drug use. Respondent broke his PEAC contract and a report was filed with the Board. Respondent's use of prescription medications without valid prescriptions made it likely that Respondent was or would be having difficulty practicing pharmacy in a safe manner. Simultaneously, a patient filed a complaint regarding Respondent's dispensing practices and a complaint was received from the Respondent's primary care doctor about prescription refills which were not authorized by the primary care doctor's office. Respondent admitted to a relapse of his use of unauthorized prescriptions.



3. On or about April 23, 1998 the Board received a letter from the Director of Pharmacy at NeighborCare where the Respondent has recently been working as a pharmacist. Until very recently, the employer was unaware of the probationary conditions of Respondent's license.

4. The NeighborCare Director of Pharmacy witnessed the Respondent ask for the key to the narcotic cabinet. Respondent's employment with NeighborCare Pharmacy was terminated in April 1998.

5. On or about April 29, 1998 the Board received a PEAC report on the Respondent. It was reported that the Respondent had tested positive for hydromorphone. This positive results indicates that the Respondent has violated his PEAC contract. Respondent returned by mail his wallet certificate to the Board and has reported to the Board's investigator that he is entering a drug treatment program.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board finds that the public health, safety and welfare imperatively requires emergency action pursuant to Md. Code Ann., State Gov't §10-226 (c) (2) (1995). The Board finds that the Respondent's conduct constitutes a violation of the Health Occupations Article §§12-313 (b) in that it is a violation of (20) (is professionally incompetent).

ORDER

It is therefore, this 7 day of May 1998, by the State Pharmacy Board,

ORDERED, that pursuant to the authority granted the Board by Md. Code Ann., State Gov't §10-226 (c) (2) (1995), the license of the Respondent, John Riley (No. 09173), to practice pharmacy in the State of Maryland, be and is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, upon presentation of this Order for summary suspension, Respondent shall immediately deliver to the Board, through the Board's executive director or its designee, the display, renewal certificate, and wallet-sized license to practice pharmacy previously issued by the Board, and be it further

ORDERED, that a show cause hearing shall be scheduled on **May 13, 1998 at 12:45 p.m.** at 4201 Patterson Avenue, Baltimore, Maryland 21215 at which the Respondent will be given an opportunity to be heard on the issues limited to those raised in this Order, that is, regarding the Respondent's fitness to practice pharmacy and the danger to the public. Any such hearing will be held before the Board or its designee.

NOTICE OF HEARING

A full evidentiary hearing will be scheduled before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215, if the Respondent requests such a hearing. Any such hearing will be scheduled to be heard by the Board within thirty (30) days of receipt of Respondent's written request therefor.

5/1/98

DATE

W. Reed

David M. Russo

David Russo, P.D., M.B.A.
President
Pharmacy

IN THE MATTER OF
JOHN F. RILEY, P.D.
LICENSE NO. 09173,
RESPONDENT

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
* 98-BP-043, 98-BP-083

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to Health Occupations Article §12-315, Annotated Code of Maryland the Board charged **John Riley, P.D., License No. 09173** (the "Respondent") with violation of certain provisions of Maryland Health Occupations Article, Code Ann., §12-101 et seq. Repl. Vol. (1994) under the Maryland Pharmacy Act ("the Act").

Specifically, the Board possessed sufficient evidence to show that Respondent had violated certain provisions of §12-313 (b) of the Act, 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.

Additionally, the Board charged the Respondent with having violated the probationary terms of the February 18, 1998 Consent Order.

BACKGROUND

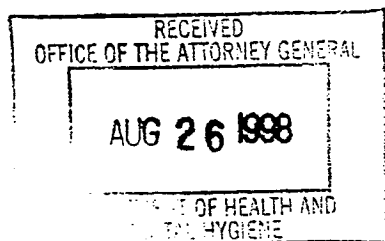
On June 17, 1998 a case resolution conference was held at the Board's office; that conference was held at the request of the Respondent for the purpose of resolving the Notice of Charges issued regarding the violation of the February 1998 Consent Order and to resolve the



Summary Suspension Order issued by the Board on May 13, 1998. The case resolution conference was attended by Mr. David Russo, P.D., Board President; Ms. Norene Pease, Executive Director to the Board; the Respondent; Mr. Paul Ballard, Assistant Attorney General, Board Counsel; Mr. Rick Peters, PEAC representative; and Ms. Lisa B. Hall, Administrative Prosecutor. The parties have entered into this Consent Order consisting of Findings of Fact, Conclusions of Law and Order to resolve the issues presented and to avoid further litigation.

FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland.
2. On February 18, 1998 the Respondent and the Board entered into a Consent Order placing the Respondent on probation with conditions. Respondent's pharmacist's license was suspended for two years and the suspension was immediately stayed.
3. **Condition 1** of the Consent Order required that "Respondent will immediately cease and desist from the unauthorized dispensing and/or unauthorized use of prescription medications." On March 30, 1998 the Respondent submitted urine for a drug screen. It tested positive for hydromorphone.
4. **Condition 2** of the Consent Order required that the "Respondent shall comply with the terms of his PEAC contract." Respondent recently missed a urine drug screen test in violation of his PEAC contract and on March 30, 1998 he tested positive for hydromorphone.
5. **Condition 7** of the Consent Order required that the Respondent's "Failure to submit to a psychological examination within 90 days of the execution of this Order, shall be deemed as a violation of Respondent's probation." The Respondent has failed to submit to a psychological



examination within ninety (90) days following the execution of the Consent Order. Respondent submitted to a psychological examination recently and presented the report from that examination to the case resolution conference on June 17, 1998. The report was dated June 16, 1998.

6. **Condition 8** of the Consent Order required that the "Respondent shall immediately notify the Board in writing of any change in his residential and business address." The Respondent has changed his residence without notification to the Board in writing.

7. Respondent's conduct demonstrates that he has substantially violated the terms of the February 1998 Consent Order in that he has violated conditions 1, 2, 7, and 8.

8. On May 7, 1998 the Board notified the Respondent that it would hold a summary suspension hearing regarding the status of the Respondent's pharmacist license following the receipt by the Board of complaints regarding the Respondent's non-compliance with his PEAC contract. Additionally, in April 1998, Respondent's employer became aware of the probationary status and probationary conditions of the Respondent's pharmacist license pursuant to the February 1998 Consent Order.

9. Respondent's employment with NeighborCare Pharmacy was terminated in April 1998. On May 13, 1998 the Board summarily suspended the Respondent's license. The Respondent did not attend the show cause hearing.

10. Respondent returned his wallet certificate to the Board by mail.

11. On or about May 29, 1998 the Respondent was given notice by way of a charging document and letter of procedure of the Board's vote to charge the Respondent with having violated the probationary conditions of the Consent Order.

12. The Respondent requested that the Board schedule a case resolution conference.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent substantially violated the probationary terms under the February 1998 Consent Order and therefore he has also violated Health Occupations Article §§12-313 (b) (20) (Is professionally incompetent).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of August, 1998, by a majority of the Board, hereby

ORDERED that Respondent's license to practice pharmacy in the State of Maryland be and is hereby **indefinitely SUSPENDED**;

ORDERED that Respondent be placed on **PROBATION** effective beginning with the date of execution of this consent order;

ORDERED that Respondent's license be immediately subject to the following probationary conditions:

1. Respondent shall comply with the terms of his PEAC contract;
2. Respondent shall continue to attend weekly group and individual therapy;
3. Respondent shall continue to attend other meetings as required under his PEAC contract;
4. Respondent shall submit to a psychological examination as approved by the Board Respondent's expense. Respondent shall provide a copies of this Consent Order, the February

1998 Consent Order, and the 1998 Summary Suspension Order to the individual conducting the psychological evaluation;

5 Respondent shall consent to the release of the results and recommendations of the psychological examination to the PEAC and the Board;

6. Respondent shall abstain from self-prescribing prescription medications;

7. Respondent shall have his PEAC sponsor make quarterly written reports to the Board;

8. Respondent shall immediately notify the Board in writing of any change in his residential and business address.

ORDERED that at the end of six (6) months from the date of this Order the Respondent may petition the Board for re-instatement of his pharmacist license. At that time the Board may impose additional conditions of probation.

ORDERED that in the event the Board finds for any reason in good faith the Respondent has substantially violated any provision of Title 12 of the Health Occupations Article, Maryland Annotated Code or the regulations thereunder, or if the Respondent violated any of the foregoing conditions of Probation, the Board, *after notification to the Respondent, and an opportunity to be heard*, may take immediate action or impose any lawful disciplinary sanction it deems appropriate, including but not limited to revocation or suspension of Respondent's license to practice pharmacy; and be it further

ORDERED that the conditions of the Consent Order be, and the same hereby are, effective as of the date of this Order; and be it further

ORDERED that for purposes of public disclosure, as permitted by §10-617 (h), State Government Article, Maryland Code Annotated, this document constitutes the Board's Findings

of Fact, Conclusions of Law, and Order, resulting from formal disciplinary proceedings.

8/19/98
Date

David Russo
David Russo, P. D.
Board President

CONSENT of John F. Riley, P.D.

I, John F. Riley, by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney, but am aware that I have the right to have had an attorney.
2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited, except pursuant to the provisions of §12-315 of the Act and §10-201 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.
3. I am aware that I am entitled to a formal evidentiary hearing before the Board or an Administrative Law Judge.
4. I understand that by agreeing to enter into this Consent Order I cannot challenge the Findings of Fact and Conclusions of Law in any future hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and §10-201 et seq. of the Administrative Procedure Act except in connection with any alleged violation of this Order. I acknowledge that by failing to abide by the conditions set forth in this

Order, I may, after an opportunity to be heard, suffer disciplinary action, including revocation of my license to practice pharmacy in the State of Maryland.

7/27/98
DATE

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

STATE OF MARYLAND
CITY/COUNTY OF:

I HEREBY CERTIFY that on this 27th day of July, 1998, a Notary of the State of Maryland and (City/County), Hartford, personally appeared John F RILEY, P.D. License No. 09173, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and notarial seal.

[Signature]
Notary Public

My commission expires: 7/23/02

IN THE MATTER OF * BEFORE THE MARYLAND STATE
JOHN RILEY, P.D. * BOARD OF PHARMACY
Respondent *
License No. 09173 *

* * * * *

CONSENT ORDER OF REINSTATEMENT

Pursuant to a Consent Order dated August 19, 1998 (copy attached and incorporated by reference herein), issued by the Maryland State Board of Pharmacy ("Board") regarding John Riley ("Respondent"), License number 09173, the Board indefinitely suspended Respondent's license and imposed certain probationary conditions that had to be met prior to allowing him to petition the Board for reinstatement of his pharmacist's license. Having met those conditions, Respondent petitioned the Board for reinstatement and appeared before the Board at a reinstatement hearing on June 1, 1999. Based on his compliance with the conditions for reinstatement set forth in the Letter of Surrender, the Board hereby ORDERS the reinstatement of Respondent's license subject to the following probationary conditions:

1. Respondent shall continue to attend NA/AA meetings on a weekly basis.



2. Respondent shall continue to attend weekly group and individual therapy.

3. Respondent shall submit to random urinalysis testing once per week.

4. Respondent shall extend the terms of his current contract with the Pharmacy Education and Assistance Committee ("PEAC") to June 30, 2001, and shall abide by all terms of that contract and all recommendations made by PEAC.

6. Respondent shall not work at more than one pharmacy location unless the additional pharmacy location is owned by the same employer. Respondent must notify the Board immediately regarding any intention to change employment, which change of employment is subject to the prior approval of the Board.

7. Respondent may only work in a dispensing role under the direct supervision of a licensed pharmacist and must disclose a copy of this Consent Order of Reinstatement and attached Consent Order to his employer.

8. Respondent shall insure that quarterly reports are provided to the Board from both his employer and his therapists regarding his progress in treatment.

9. Respondent shall disclose this Consent Order of Reinstatement and the attached Consent Order to all pharmacy employers.

11. Respondent shall complete 37.5 continuing education credits by December 1, 1999. And it is further

ORDERED, that the Board finds that the public health can be adequately protected only by Respondent's practice of pharmacy performed in accordance with the above probationary conditions. By signing this Consent Order of Reinstatement, Respondent agrees that he shall practice pharmacy only in accordance with these probationary conditions. And be it further

ORDERED that one year following the effective date of this Consent Order of Reinstatement, Respondent may petition the Board to release him from probation or to modify the terms of probation. Any such petition must be endorsed by the PEAC and the therapist assessing the Respondent's progress in treatment, which petition may be accepted or rejected at the Board's sole discretion. And be it further

ORDERED that the terms of this Consent Order of Reinstatement do not preclude the Board from summarily suspending Respondent's license as warranted by facts or circumstances of which the Board is not presently aware. And be it further

ORDERED that this Consent Order of Reinstatement constitutes a final order of the Board and is a public document subject to inspection by members of the public upon request, which Consent Order of Reinstatement may be shared by the Board with other licensing boards and otherwise published or disseminated consistent with Board policy regarding the dissemination and publication of Board orders. And be it further

ORDERED, that if Respondent fails to abide by the terms of this Consent Order of Reinstatement and/or otherwise appears to be a danger to himself or to others, then the Board may, without prior notice and without an opportunity to be heard, summarily suspend the Respondent's license to practice pharmacy. And be it further

ORDERED, that if the Board summarily suspends the Respondent's license to practice pharmacy, the Board shall give the Respondent immediate notice of the summary suspension and an opportunity to be heard within forty-five (45) days of the Board's receipt of his written request for a hearing.

6/27/77
Date

W. Irving Latham, Jr.
~~Stanton Ades, P.D.~~
~~President, Board of Pharmacy~~
Secretary Board of Pharmacy

CONSENT

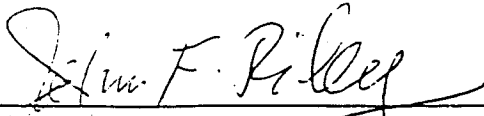
I, JOHN RILEY, P.D., have read this Consent Order of Reinstatement and acknowledge the following:

1. I understand and agree that this Consent Order of Reinstatement is a public document pursuant to §10-617(h) of the State Government Article, Annotated Code of Maryland.

2. I sign this Consent Order of Reinstatement after having an opportunity to consult with an attorney, whether or not I have done so, and without reservation, and I fully understand its meaning.

3. I further acknowledge that this Consent Order of Reinstatement provides that in the event the Board receives information that I am not complying with the conditions of this Consent Order of Reinstatement or that indicates that I appear to be a danger to myself or others, the Board may summarily suspend my license to practice pharmacy WITHOUT PRIOR NOTICE AND WITHOUT A PRIOR OPPORTUNITY TO BE HEARD. I acknowledge that should the Board take such action, I will then be given immediate notice of the summary suspension and an opportunity to be heard within forty-five (45) days of the Board's receipt of my written request for a hearing.

7/13/99
Date



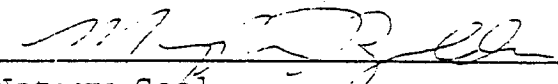
John Riley, P.D.

NOTARY

STATE OF MARYLAND
ANNE
ARUNDEL COUNTY

I HEREBY CERTIFY that on this 3rd day of July, 1999,
before me, a Notary Public of the State and City aforesaid,
personally appeared John Riley, P.D., and made oath in due form of
law that the execution of the foregoing Consent Order of
Reinstatement is his voluntary act and deed.

AS WITNESS my hand and notarial seal.



Notary Seal

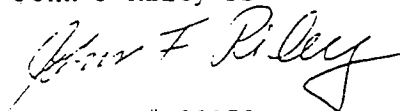
My Commission expires on 7/1/02.

Mary Beth Reynolds, Notary Public
Anne Arundel County
State of Maryland
My Commission Expires July 1, 2002

To whom it may concern,

I am requesting a resolution conference for John F. Riley license number 09173. I have continued to go to the Resource Group and Gerald Hunt (410 337 7772). I have done this for almost one year since leaving Neighborcare. I have consistently given negative urines, attended individual, and group therapy. I also have attended AA and NA meetings, have a sponsor, and maintained contact with Rick Peters and the rehab committee. During this time I have maintained a good quality of sobriety. I have been working at Frank's Nursery and Crafts. Working there I have been a sales associate, nursery manager, forklifter operator, assistant manager, grower consultant, and pesticide/herbicide consultant. Unfortunately I was making at the start \$6.00 per hour then increased to \$9.18 per hour. During this time up to just recently I have had no health insurance and have been paying \$600.00 per month at the Resource Group and \$100.00 per month at Friends Lab for urines. I will now begin paying child support retroactive to the beginning of the year. I am respectfully requesting that I be allowed to go back to work as a fulltime pharmacist. I have always been exceptionally capable pharmacist that many can witness to this fact. Thank you for your consideration.

John F Riley PD



License # 09173

IN THE MATTER OF

JOHN RILEY, P.D.

Respondent

License No. 09173

*
*
*
*

BEFORE THE MARYLAND

STATE BOARD OF PHARMACY

* * * * *

ORDER OF SUMMARY SUSPENSION OF PHARMACIST'S LICENSE

Background

On July 3, 1999, John Riley, P.D., License No. 09173 (the "Respondent"), and the Maryland State Board of Pharmacy (the "Board"), entered into a Consent Order of Reinstatement (the "Order") attached as Exhibit A and incorporated herein. In accordance with the terms of the Order, the Board reinstated the Respondent's license subject to the following probationary conditions:

1. The Respondent was required to continue attending NA/AA meetings on a weekly basis.
2. The Respondent was required to continue attending weekly group and individual therapy.
3. The Respondent was required to submit to random urinalysis testing once per week.
4. The Respondent was required to extend the terms of his contract with the Pharmacy Education and Assistance Committee ("PEAC") to June 30, 2001, and was required to abide by all terms of that contract and all recommendations made by PEAC.
5. The Respondent was prohibited from working at more than one pharmacy location unless the additional pharmacy location was owned by the same employer. The Respondent was



required to notify the Board immediately regarding any intention to change employment, which change of employment was to be subject to the prior approval of the Board.

6. The Respondent was required to only work in a dispensing role under the direct supervision of a licensed pharmacist and was required to disclose a copy of the Order and its attached Consent Order to his employer.

7. The Respondent was required to insure that quarterly reports would be provided to the Board from both his employer and his therapist regarding his progress in treatment.

8. The Respondent was required to disclose the Order and its attached Consent Order to all pharmacy employers.

9. The Respondent was required to complete 37.5 continuing education credits by December 1, 1999.

In the Order the Respondent agreed that should he fail to abide by the Order's probationary terms and/or otherwise appeared to be a danger to himself or others, then the Board was authorized to summarily suspend his pharmacist's license, **without prior notice and without a prior opportunity to be heard.**

FINDINGS OF FACT

1. On March 2, 2000, the Board received a quarterly report from PEAC for the period between December 1, 1999 to March 1, 2000. (Exhibit B). In that report, Patricia Tommasello, PEAC Coordinator, wrote that on January 17, 2000, the Respondent had relapsed with a positive urine screen for the drug xanax.¹ When confronted by his therapist regarding this test result, the Respondent first denied, but then acknowledged, that he had used xanax the day of his individual

¹ Xanax is a Schedule IV controlled dangerous substance.

and group therapy sessions. In response, the Respondent's therapist planned to reexamine the factors contributing to the Respondent's relapse and the steps he could take to avoid further relapses. To insure adequate communication between PEAC and the Respondent, a new PEAC monitor was assigned to the Respondent.

2. On May 17, 2000, Ms. Tommasello informed the Board by letter that the Respondent had again relapsed, this time with a positive urine screen for the drug propoxyphene² on May 5, 2000. (Exhibit C). She noted in her letter that the Respondent had been missing both group and individual therapy sessions and that he had not been giving urine samples on a random basis.

3. On June 1, 2000, the Board received a quarterly report from PEAC for the period between March 1, 2000, and June 1, 2000. (Exhibit D). In that report, Patricia Tommasello, wrote that the Respondent had refused to give urine samples on March 7, March 15, March 27, April 5, and April 24, 2000. PEAC reminded the Respondent that such refusals would be considered to constitute positive test results. The Respondent had also been missing individual and group therapy sessions. The Respondent was admitted to Father Martin Ashley for inpatient treatment for substance abuse beginning on May 5, 2000, and the Respondent was discharged on May 31, 2000. The Respondent was scheduled to enter a halfway house. In the meantime PEAC has been holding a copy of the Respondent's license.

4. Based on the foregoing information, the Board finds that the Respondent has failed to abide by the first four probationary conditions set forth in the Order, which failure warrants emergency action under the terms set forth in the Order. In addition, the Respondent's positive urine screens demonstrate his continued substance abuse, making his continued practice of

² Propoxyphene is a Schedule IV controlled dangerous substance.

pharmacy an imminent threat to the public health and safety.

CONCLUSIONS OF LAW

Based upon the Respondent's failure to abide by the terms of the Consent Order and the imminent danger created by his continued substance abuse which renders him mentally, physically, and professionally incompetent to practice pharmacy under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. Art., Section 12-313(20), the Board concludes that the summary suspension of the Respondent's license is required to protect the public health and safety pursuant to Md. Code Ann., State Gov't Art., Section 10-226(c).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is on this 9th day of June, 2000, by a majority of the Board,

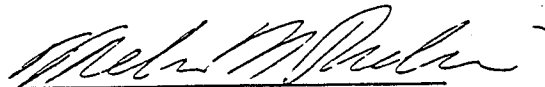
ORDERED that the pharmacist's license held by the Respondent be **SUMMARILY SUSPENDED** upon actual or constructive service of this Order for Summary Suspension of Pharmacist's License. And be it further

ORDERED that upon actual or constructive service of this Order for Summary Suspension, the Respondent shall return all certificates issued by the Board pertaining to License No. 09173, including his pocket license and wall display certificate. And be in further

ORDERED that this Order for Summary Suspension of Pharmacist's License is a final order and as such is a public document under Md. Code Ann., State Gov't Art., Sections 10-611,

et seq.

6/9/00
Date


Melvin N. Rubin, P.D.
Board Treasurer

NOTICE OF HEARING

In accordance with the Consent Order of Reinstatement, the Board will schedule a show cause hearing within forty-five (45) days after receiving the Respondent's written request for a hearing.