

IN THE MATTER OF
JOEL SMITH, PHARM. D.
License No. 16811
Respondent

*** BEFORE THE**
*** STATE BOARD**
*** OF**
*** PHARMACY**
*** Case No. 16-024**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Gov't (SG) Code Ann. §10-226 (c) (2) (2014 Repl. Vol. II), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to **JOEL SMITH, Pharm. D.**, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.* (2014 Repl. Vol. II.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed in Maryland on September 18, 2003. The Respondent's license expires on October 31, 2017.
2. At all times relevant hereto, the Respondent worked as a pharmacist within a National grocery chain pharmacy, Pharmacy A¹, located in Carroll County, Maryland.

¹To ensure confidentiality, the names of individuals or institutions involved in this case, other than the Respondent, are not disclosed in this document. The Respondent may obtain the identity of the referenced names in this document by contacting the Administrative Prosecutor.

3. On or about August 17, 2015, the Board received information that the Respondent had been suspended from Pharmacy A for taking Controlled Dangerous Substances (CDS) for his personal use from November 2014 to August 2015.

4. On or about October 29, 2015, Pharmacy A filed a "Drug Enforcement Administration (DEA) Report of Theft or Loss of Controlled Substances" listing the loss as follows, *inter alia*:

A. The purchase value of the loss to Pharmacy A was listed as \$1873;

B. The cause of the loss was "Employee Theft;"

C. The CDS stolen were listed as follows:

- | | | |
|-----|--|--------------|
| (1) | Hydrocodone/APAP 10-300 mg | 135 tablets; |
| (2) | Hydrocodone/APAP 10-325 ² mg | 60 tablets; |
| (3) | Hydrocodone/APAP 7.5/325 ³ mg | 20 tablets; |
| (4) | Oxycodone 30 mg | 288 tablets; |
| (5) | Oxycodone 15 mg | 170 tablets; |
| (6) | Oxycodone 10 mg | 440 tablets; |
| (7) | Oxycodone/APAP 10-325 mg | 60 tablets; |
| (8) | Endocet 10-325 mg | 36 tablets; |
| (9) | Zubsolv 5.7-1.4 ⁴ | 30 tablets. |

D. The total loss was 1239 pills.

5. A pharmacist who steals addictive narcotics from his employer and uses them to self-medicate is in violation of the law is a danger to the public health, safety or welfare.

² This combination has 10 mg of Hydrocodone and 300 mg of aspirin.

³ This combination has 7.5 mg of Hydrocodone and 325 mg of aspirin.

⁴ This is a sub-lingual tablet used to treat drug dependence.

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) (2014 Repl. Vol. II).

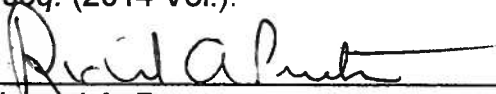
ORDER

Based on the foregoing, it is therefore this 15th day of January, 2016, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by SG. §10-226 (c) (2), the license held by the Respondent to practice as a pharmacist in Maryland, License No. 16811 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 as a pharmacist 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 registration to practice as a pharmacist 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. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).



Richard A. Proctor
Interim Acting Executive Director
Board of Pharmacy

NOTICE OF HEARING

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