

IN THE MATTER OF

* BEFORE THE MARYLAND

HENRY SUGARMAN

* BOARD OF PHARMACY

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND ORDER

Certain information having come to its attention, the Maryland Board of Pharmacy (the "Board") determined to charge Henry Sugarman (the "Respondent"), a person licensed to practice pharmacy in the State of Maryland, with violation of Article 43, §266A(c)(xiv) of the Annotated Code of Maryland. The particular charge is:

- (xiv) Wilful making or filing of any false report or record in his practice as a pharmacist.

Appropriate written notice of the charge was given to the Respondent and a hearing was convened before the Board on June 17, 1981, at which time the Respondent was present with his attorney, J. Allan Cohen, Esquire. A quorum of the Board was present. The case against the Respondent was presented by Nancy E. Gregor, Assistant Attorney General.

Ms. Gregor introduced an Agreed Statement of Facts as Exhibit #1, then rested the case on behalf of the Board.

Mr. Cohen then presented the case on behalf of the Respondent. Testimony was heard from Mr. Sam Gelblum and Mr. Sugarman. The following documentary evidence was introduced:

Respondent's Exhibit #1 -- Letter from Carol L. Evans,
Parole/Probation Agent.

Respondent's Exhibit #2 -- Letters of reference

Respondent's Exhibit #3 -- Letter from Mrs. Myrtle Strong

Respondent's Exhibit #4 -- Memo from Leone Marks

After closing arguments, the hearing was concluded.

FINDINGS OF FACT

The Board finds:

1. That the Respondent submitted to the Medical Assistance Program of the Department of Health and Mental Hygiene of the State of Maryland certain invoices for reimbursement for the following prescriptions:

No. 404-402 - Ornade caps for Louis G. Roemer, dispensed on March 6, 1980.

No. 405-40 - Hygroton for Louis G. Roemer, dispensed on March 6, 1980.

No. 405-153 - Lomotil for Veronica Montgomery, dispensed on February 26, 1980.

No. 405-754 - Antivert for Veronica Montgomery, dispensed on February 26, 1980.

No. 405-407 - Actifed tabs for Carol Hill, dispensed on March 6, 1980.

2. That the claims for reimbursement submitted by the Respondent were for brand name drugs although the Respondent knew that generic drugs had been dispensed.

3. That on August 12, 1980 the Respondent was indicted by the Grand Jury for Baltimore City on sixteen (16) counts of Theft, Attempted Theft, and Medicaid Fraud.

4. That the Respondent pled guilty in the Criminal Court of Baltimore City on November 12, 1980 to Counts 4, 7, 10, and 16 of the Indictment, all for Medicaid Fraud.

5. That the Court stayed judgment under Article 27, §641 of the Annotated Code of Maryland and placed the Respondent on probation prior to judgment.

6. That the Court further ordered the Respondent to perform six hundred (600) hours of unpaid community service and to pay \$90 in Court costs.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board unanimously concludes that the Respondent wilfully made and filed false reports or records in his practice as a pharmacist. Accordingly, the Board adjudicates the Respondent GUILTY of violating Article 43, §266A(c)(xiv) of the Annotated Code of Maryland.

ORDER

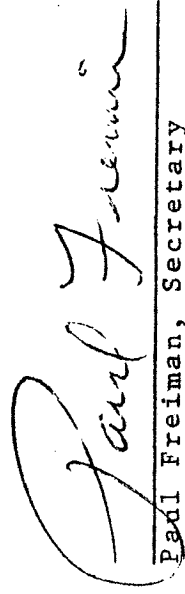
Upon the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of June, 1981, by the unanimous vote of the Maryland Board of Pharmacy

ORDERED that the license to practice pharmacy in Maryland heretofore issued by the Board to the Respondent is hereby SUSPENDED for a period of one (1) year from the date of this Order, or until such time as he completes his unpaid community service, whichever is later; and be it further

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

1. That the Respondent shall complete six hundred (600) hours of unpaid community service as ordered by the Criminal Court of Baltimore City.
2. That the Respondent shall practice in accordance with the laws governing the practice of pharmacy in the State of Maryland; and be it further

ORDERED that if the Respondent fails to complete the six hundred (600) hours of unpaid community service as ordered by the Court; or if the Respondent fails to practice in accordance with the laws governing the practice of pharmacy in Maryland, the Board, after notification and a hearing may withdraw the stay of the aforesaid suspension or may impose any other disciplinary sanction it deems appropriate.



Paul Freiman, Secretary
Maryland Board of Pharmacy