

IN THE MATTER OF * BEFORE THE MARYLAND
KEITH H. WALTERS, P.D. * STATE BOARD OF
* PHARMACY
* * * *

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the State Board of Pharmacy (the "Board"), the Board requested that the Department of Health and Mental Hygiene investigate the pharmacy practice of Keith H. Walters, P.D. (the "Respondent"). After considering the various reports, the Board determined to charge Respondent pursuant to Health Occupations Article §12-311(b)(4), (7) and (14).

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated July 14, 1983 and a hearing on the charges was scheduled for August 17, 1983. A prehearing conference was scheduled for Monday, July 25, 1983 at 9:00 a.m.

The prehearing conference was attended by Respondent, Respondent's attorney, Michael R. Aronson, Esquire, John Davis, Ph.D., Respondent's therapist, Bernard B. Lachman, President of the Board, Ronald S. Gass, Assistant Attorney General, counsel for the Board, Roslyn Scheer, Executive Director of the Board and Barbara Hull Foster, Assistant Attorney General, administrative prosecutor. At the prehearing conference, Mr. Aronson and Ms. Foster discussed this case and presented their suggestions for settlement to Dr. Lachman, a representative of the Board. Respondent, by his attorney, after negotiation, agreed to enter into the following Consent Order.

FINDINGS OF FACT

The Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed to practice in Maryland and subject to the jurisdiction of the Board.
2. At all times pertinent to the charge, Respondent was employed by Lutheran Hospital in Baltimore City, Maryland.
3. On or about August, 1982, Respondent admitted to two fellow employees and his superior at Lutheran that he had a problem with drugs;
4. On or about August, 1982, Respondent admitted to a co-employee that he had on one occasion taken cocaine from Lutheran;
5. On or about August, 1982, Respondent voluntarily consulted Dr. John Davis, a member of the University of Maryland Alcohol and Drug Abuse Program;
6. On the recommendation of Dr. Davis, Respondent voluntarily admitted himself into the inpatient comprehensive drug abuse program at Sheppard Pratt in Baltimore, Maryland;
7. Respondent successfully completed the drug abuse program and was discharged from this program on February 9, 1983;
8. On the advice of Dr. Davis, Respondent attended Narcotics Anonymous meetings in his community and has continued to do so until the time of the prehearing;
9. Upon Dr. Davis' advice, Respondent voluntarily entered Seneca Treatment Program as an inpatient soon after his discharge from Sheppard Pratt where he remained for four weeks;
10. Respondent was discharged after successfully completing the program at Seneca;
11. Respondent and his wife voluntarily started couples therapy at the University of Maryland in September of 1982 and have continued in treatment;

12. Respondent has been randomly monitored for drug use since August, 1982;
13. Respondent has been drug free from August, 1982;
14. Respondent has refrained from seeking employment as a pharmacist at the suggestion of Dr. Lachman and until his therapist recommended he was able to return to work; and
15. Respondent has had a drug abuse problem.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board hereby concludes, as a matter of law, that Respondent has violated §12-311 (b)(4) and (7) and (14) of the Health Occupations Article.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 2/5 day of August, 1983, by a unanimous vote of those members of the Board considering this case;

ORDERED that Respondent's license is hereby SUSPENDED and be it further

ORDERED that the said suspension is immediately STAYED and Respondent placed on PROBATION commencing from the date of this Order subject to the following terms and conditions of probation:

1. Within thirty (30) days from the date of this Order, Respondent shall arrange to be re-evaluated by the University of Maryland, Alcohol and Drug Abuse Program, directed by Charles Whitfield, M.D. (University of Maryland). Respondent shall bear the cost for this re-evaluation;
2. Respondent shall immediately give a copy of the Findings of Fact, Conclusions of Law and Order to his therapist;
3. Within thirty days from the re-evaluation by the

therapist, the Respondent shall arrange for the therapist to submit the re-evaluation report to the Board. The report shall include the therapist's recommendations, if any, for treatment of Respondent's drug abuse problem and the therapist's evaluation of whether Respondent is capable of returning to the practice of pharmacy without endangering himself and/or others;

4. Respondent shall comply with any and all recommendations made by the therapist in the time suggested by the therapist;

5. The Respondent shall arrange for the therapist to submit written quarterly reports indicating that Respondent is making satisfactory progress in drug therapy and in dealing with his problem of abuse of controlled dangerous substances. The first report shall be submitted to the Board by November 1, 1983. With the Board's approval, after the first year of Respondent's probation the Respondent shall arrange for the therapist to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;

6. Respondent shall continue in therapy until such time as he is discharged from treatment by his therapist. Upon discharge from treatment, Respondent shall arrange for his therapist to submit a written discharge report to the Board;

7. In the event that Respondent discontinues therapy prior to discharge by his therapist, the therapist shall immediately notify the Board in writing;

8. In the event that the therapist reports to the Board that Respondent is incapable of practicing pharmacy, safely, Respondent shall voluntarily discontinue the practice of pharmacy until such time as his therapist indicates that Respondent is capable of resuming his practice of pharmacy;

9. Respondent shall contact the Committee for the Impaired Pharmacists (the "Committee") and make arrangements to meet with this Committee within thirty (30) days of the Order;
10. Respondent shall comply with any and all recommendations made by the Committee in the time suggested by the Committee;
11. Respondent shall immediately provide the Board with a copy of any contract entered into by Respondent with the Committee;
12. Respondent shall arrange for the Committee to submit written quarterly reports indicating Respondent is making satisfactory progress in therapy in dealing with his problem of abuse of controlled dangerous substances. The first report shall be submitted to the Board by November 1, 1983;
13. After the first year of Respondent's probation, with the Board's approval, the Respondent shall arrange for the Committee to submit bi-annual written reports to the Board indicating that Respondent continues to make satisfactory progress;
14. Respondent shall continue with the Committee until such time he is discharged from treatment by the Committee. Upon discharge from treatment by the Committee, Respondent shall arrange for the Committee to submit a written discharge report;
15. In the event Respondent discontinues treatment with the Committee prior to his discharge by the Committee, the Committee shall immediately notify the Board in writing;
16. In the event the Committee reports to the Board that Respondent is incapable of practicing pharmacy safely, the Respondent shall voluntarily discontinue the practice of pharmacy until such time as the Committee indicates that Respondent is capable of resuming his practice of pharmacy;

17. Respondent shall immediately notify any and all of his pharmacy employers that he has been placed on probation by the Board and inform them about the conditions of his probation;

18. Within thirty (30) days of the date of this Order, Respondent shall submit to the Board written proof that he has notified any and all of his employers of the conditions of probation contained in this Order;

19. Respondent shall arrange for any and all of his employers to submit to the Board written quarterly reports evaluating his job performance and describing the nature and duties of his position. If Respondent is currently employed the first such report shall be due on November 1, 1983. Otherwise the first report shall be due sixty (60) days after the date his employment commences;

20. After the first year of the Respondent's probation, with the Board's approval, the Respondent shall arrange for the employer to submit bi-annual written reports to the Board;

21. In the event Respondent changes jobs Respondent shall immediately notify the Board, in writing, identifying his new employer by name, address, telephone number and describing the new position;

22. Respondent shall notify the Board in writing of his current address. In the event that Respondent moves he shall promptly notify the Board in writing of the change of address or change in telephone number;

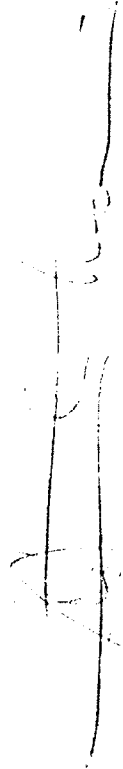
23. Starting on November 1, 1983, Respondent shall send written quarterly reports to the Board describing the progress he felt he has made, what problems he presently faces and how he is coping with those problems. With the Board's prior approval, from November 1, 1984 until the end of Respondent's

probation, Respondent may submit similar written reports bi-annually;

24. Respondent shall refrain from engaging in the conduct which led to his violation of the Maryland Pharmacy Act;
25. Respondent shall practice pharmacy in a competent manner and in accordance with the standards set forth in Health Occupations Article, §12-101 and following, and be it further;

ORDERED that if Respondent violates any of the foregoing conditions of probation, or if the Board received an unsatisfactory report from the Respondent's therapist or the Committee, the Board, after notification, a hearing and a determination of violation, may impose any disciplinary action it deems appropriate; and be it further

ORDERED that two years from the date of this Order the Board will entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any conditions or restrictions whatsoever. If the Board determines that termination of the suspension and complete reinstatement would not be appropriate at that time, it may modify one or more of the conditions upon which Respondent was placed on probation.


Bernard B. Lachman, P.D.
President, Maryland Board of
Pharmacy

CONSENT

By this consent, knowingly and voluntarily executed by me solely for the purpose of settlement of these administrative proceedings without admission of any of the Findings of Fact, Conclusions of Law and Order contained herein, I hereby accept

and submit to the Foregoing Findings of Fact and Conclusions of Law and Order.

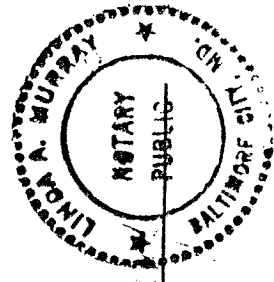
I acknowledge the validity of the Order as if made after a hearing at which I would have the right to counsel, to confront witnesses against me, to give testimony and call witnesses on my own behalf and to all other substantive and procedural protection provided by law. I also recognize that, by this Consent, I am waiving my right to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such hearing. In addition to waiving all such rights, I acknowledge that I may suffer further disciplinary action against my license to practice pharmacy in the State of Maryland should I fail to fully meet and discharge the above conditions of my probation.

Keith H. Walters, P.D.
Keith H. Walters, P.D.

STATE OF MARYLAND)
CITY/COUNTY OF)

I HEREBY CERTIFY that on this 16th day of September, 1983, before me a subscriber, a Notary Public of the State of Maryland, personally appeared Keith H. Walters, P.D. and made oath in due form that the foregoing Consent is his voluntary act and deed.

As witness my hand and notarial seal.



Linda A. Murray
Notary Public

My Commission expires: July 1987

IN THE MATTER OF

BEFORE THE

KEITH H. WALTERS, P.D.

MARYLAND BOARD OF PHARMACY

* * * * *

ORDER TERMINATING PROBATION AND

REINSTATING PHARMACY LICENSE

By Order dated September 21, 1983 (the "1983 Order"), the Maryland Board of Pharmacy (the "Board") found Keith H. Walters, P.D. (the "Respondent") guilty of violating §12-311(b) (4), (7) and (14) of the Health Occupations Article. The Board suspended the Respondent's license to practice pharmacy, the suspension was immediately stayed and respondent was placed on probation subject to certain conditions (the "Conditions of Probation").

By letter dated October 2, 1985, Respondent petitioned the Board for reinstatement of his license to practice pharmacy in Maryland without any condition of restriction. At its meeting on October 16, 1985, the Board reviewed Respondent's petition for reinstatement. Based on its review of that petition and the reports submitted to the Board by the persons, monitoring respondent's progress pursuant to the Conditions of Probation, the Board determined that respondent had satisfactorily fulfilled all of the Conditions of Probation in the 1983 Order.

FINDING OF FACT

The Board finds that Respondent has satisfactorily complied with all the Conditions of Probation imposed by its 1983 Order.

CONCLUSION OF LAW

The Board concludes as a matter of law that it is appropriate to terminate Respondent's Conditions of Probation and to reinstate his pharmacy license without any condition or restriction.

UPON THE FOREGOING Finding of Fact and Conclusion of Law, it is this 2nd day of October, 1986, by a unanimous vote of a quorum of the Board

ORDERED that effective as of the date of this Order, the Conditions of Probation imposed on Respondent's practice of pharmacy by the Board's 1983 Order are hereby **TERMINATED** and of no force and effect; and be it further

ORDER that Respondent's license to practice pharmacy in the State be **REINSTATED** without any condition or restriction whatsoever.



Bernard B. Lachman, P.D.
President
Maryland Board of Pharmacy