

IN THE MATTER OF

\* BEFORE THE MARYLAND BOARD

JEROME B. WARREN, P.D.

\* OF PHARMACY

\* \*

\*

\*

\*

\*

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER

Upon information coming to its attention through Blue Cross of Maryland, Inc. ("Blue Cross"), the Maryland Board of Pharmacy ("the Board") conducted an investigation of the pharmacy practice of Jerome B. Warren, P.D. ("Respondent"), and thereafter charged Respondent with violations of the Maryland Pharmacy Act, Health Occupations Article §12-311(b)(6), (20), Maryland Annotated Code, (formerly Article 43, §266A(c)(xiv), (xvi)), as follows:

(b) Subject to the hearing provisions of §12-312 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, may deny a license to any applicant, reprimand any licensee, 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;

(20) Is professionally...incompetent.

Respondent was notified of the charges by letter from the Board dated May 4, 1982; a hearing was scheduled for June 16, 1982. Prior to the hearing, negotiations were conducted among Respondent, represented by Gerard P. Martin, Esquire, Thomas J. Kwiatkowski, Jr., Assistant Attorney General and administrative prosecutor, and members of the Board. Bernard B. Lachman, P.D. recused himself and took no part in the consideration of this case. Respondent agreed to enter into a Consent Order as proposed by the Board.

FINDINGS OF FACT

Based upon its investigation, and the information known and available to it, the Board finds as follows:

1. That at all times relevant to the allegations underlying the above proceedings, Respondent was a licensed Maryland pharmacist, and is thus subject to the jurisdiction of the Board.
2. That during the period 1977-1981, Respondent, while practicing pharmacy at Osler Professional Pharmacy, Towson, Maryland, knowingly and willfully tendered for payment to Blue Cross 65 prescription invoices for quantities of drugs falsely exceeding those actually prescribed and filled.
3. That Respondent received from Blue Cross payments upon the aforesaid 65 prescription invoices which exceeded those to which he would have been entitled had he billed truly for drugs actually prescribed and filled.
4. That Respondent cooperated fully in all audits and investigations of his prescription billing practices by Blue Cross and this Board.
5. That Respondent previously made restitution satisfactory to Blue Cross for its excess payments upon the above false invoices, in the amount of \$4130.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board, by a unanimous vote of those members considering this case, concludes as a matter of law that Respondent violated Sections 12-311(b)(6) and (20) of the Health Occupations Article, Maryland Annotated Code, (formerly Article 43, \$266A(c)(xiv) and (xvi)).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 21 day of July, 1982, by a unanimous vote of those members of the Maryland Board of Pharmacy considering this case,

ORDERED that Respondent's license to practice pharmacy in Maryland is hereby SUSPENDED for a period of one (1) year; and be it further

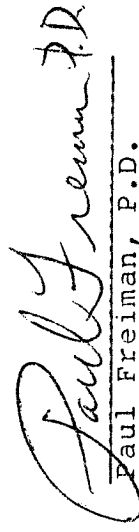
ORDERED that the aforesaid suspension shall be immediately STAYED and Respondent placed on PROBATION subject to the following terms and conditions:

1. That Respondent cease and desist any and all practice of false prescription billing to any payor, whether an individual, corporation, medical or pharmacy plan, or governmental agency or entity; and
2. That Respondent maintain on file, in a correlated, readily retrievable manner, copies of (a) all prescriptions filled by him or at Osler Professional Pharmacy and (b) all corresponding invoices or statements for filling such prescriptions; and
3. That Respondent permit any and all visits or audits by or on behalf of the Board, or by Blue Cross, whether announced or unannounced, for purposes of inspecting any prescriptions and corresponding invoices to determine the validity of Respondent's billing practices; and
4. That Respondent perform 100 hours of pro bono community service subject to the prior approval of the Board, and that he arrange for quarterly written reports to be forwarded by the sponsoring charitable organization to the Board evidencing his satisfactory performance of this requirement; and be it further

ORDERED that the aforesaid stay of suspension shall continue as long as Respondent fully complies with the above terms and conditions of probation; and be it further

ORDERED that one (1) year from the date of this Order, the Board will entertain a petition for termination of Respondent's probationary status and for reinstatement of his license to practice pharmacy without any condition or restriction whatsoever. At such time, if the Board determines that termination of probation and complete reinstatement would not be appropriate, the Board may alternatively consider a request to modify one or more of the conditions upon which Respondent was placed on probation; and be it further

ORDERED that if Respondent violates any of the terms of his probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland, the Board, after notification, a hearing and determination of violation, may withdraw the stay of the suspension of his license or may impose any other disciplinary sanction it deems appropriate.

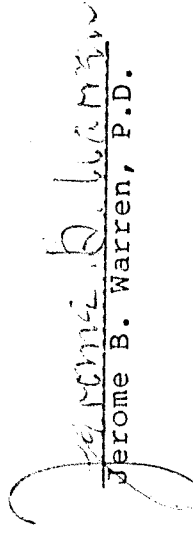
  
Paul Freiman, P.D.  
Secretary

CONSENT

By this Consent, knowingly and voluntarily executed by me upon advice of counsel, I hereby accept and submit to the foregoing Order and its conditions. I have read the Order, and the Findings of Fact and Conclusions of Law supporting it, and I acknowledge the validity of the Order, as if made after a hearing at which I would have the

right to counsel, to confront all witnesses against me, to give testimony and call witnesses in my own behalf, and to all other substantive and procedural protections provided by law.

By this Consent, I also recognize that I am waiving my rights to appeal any adverse rulings by the Maryland Board of Pharmacy that might have followed any such hearing. Further, I acknowledge that I may suffer further disciplinary action against my license to practice pharmacy in Maryland, should I fail to fully meet and satisfy the above conditions of my probation.

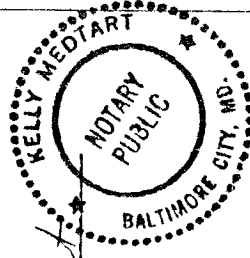
  
Jerome B. Warren, P.D.

STATE OF MARYLAND, CITY OF BALTIMORE, TO WIT:

I HEREBY CERTIFY that on this 17<sup>th</sup> day of August, 1986,

1982, Jerome B. Warren, P.D. personally appeared before me and made oath in due form of law that the making of the foregoing Consent was his voluntary act and deed.

  
Notary Public



My Commission expires: 7/1/86