

IN THE MATTER OF * BEFORE THE
CLIFFORD A. ZAROW, P.D. * MARYLAND STATE BOARD
* OF PHARMACY
* * *

FINDINGS OF FACT
CONCLUSIONS OF LAW AND ORDER

Upon certain information coming to the attention of the Maryland State Board of Pharmacy (the "Board") the Board directed an investigation of the pharmacy practice of Clifford A. Zarow, P.D., (the "Respondent"). Following the investigation and after considering various reports the Board determined to charge Respondent pursuant to §12-311(b)(21) of the Health Occupations Article (the "Act").

Appropriate notice of the charges and the grounds upon which they were based was given to Respondent by letter dated April 11, 1984. A hearing on the charges was scheduled for July 18, 1984. A prehearing conference on the charges was scheduled for June 11, 1984.

The prehearing conference was held on June 11, 1984, and was attended by Respondent, Respondent's attorney, Harold I. Glasser, Esquire and Sandra C. Rothstein, Esquire, Bernard B. Lachman, P.D., President of the Board, Roslyn Scheer, Executive Director of the Board, Ronald S. Gass, Assistant Attorney General, counsel to the Board, and Barbara Hull Foster, Assistant Attorney General, and the Administrative Prosecutor. At the prehearing conference Mr. Glaser and Ms. Foster presented their

suggestions for settlement of the case to Dr. Lachman, a representative of the Board. Respondent, after consultation with his counsel, agreed to enter into the following Consent Order.

FINDINGS OF FACT

Based upon the information known and available to it the Board finds that:

1. At all times pertinent to the charge, Respondent was a pharmacist licensed and practicing in Maryland and was and is subject to the jurisdiction of the Board;

2. On October 27, 1983 Respondent pled guilty to one count of Medicaid fraud in State v. Zarow, Circuit Court for Baltimore City, Criminal Information No. 28327122;

3. Respondent was convicted and sentenced to three (3) years imprisonment said sentence being suspended; Respondent was placed on two (2) years supervised probation, ordered to pay a fine of \$1,000.00, Court costs of \$95.00, make restitution of \$298.65 to the Department of Health and Mental Hygiene and perform 500 hours of community service; and

4. The conduct that led to Respondent's conviction was a crime of moral turpitude.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact the Board hereby concludes as a matter of law that Respondent violated §12-311(b)(21) of the Act:

(21) Pleads guilty . . . to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law it is this 8th day of August 1984, by unanimous vote of those members of the Board considering this case:

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

ORDERED that said **SUSPENSION** is **IMMEDIATELY STAYED** and Respondent is placed on **PROBATION** subject to the following conditions:

1. In the event Respondent resumes the practice of pharmacy Respondent shall inform the Board where he is employed and describe his duties and responsibilities;
2. In the event Respondent is employed as a pharmacist Respondent shall immediately notify any and all of his pharmacy employers that he has been placed on probation by the Board and inform the employers of the conditions of his probation. Within thirty (30) days of being hired as a pharmacist Respondent shall submit written proof to the Board that he has notified his employer of the conditions of probation contained in this Order;
3. In the event Respondent owns his pharmacy the Division of Drug Control of Department of Health and Mental Hygiene will conduct quarterly review and submit a written report

to the Board as to its evaluation.

4. Respondent shall arrange for any and all of his pharmacy employers to submit to the Board written quarterly reports evaluating his job performance and describing the nature and duties of his position. The first report shall be due a month after Respondent assumes a position as a pharmacist and shall continue until all conditions are removed from Respondent's license;

5. In the event that Respondent changes jobs as a pharmacist, or decides not to practice pharmacy, Respondent shall immediately notify the Board, in writing, identifying his new employer by name, address, telephone number and describing his new position;

6. Commencing thirty (30) days from the date of this Order, Respondent shall send written quarterly reports to the Board describing the progress he feels he is making, what problems he presently faces and how he is coping with these problems;

7. Respondent shall notify the Board, in writing, of his current address and place of employment. In the event that Respondent moves or changes his employment he shall promptly notify the Board in writing of the change of address and any change in his telephone number;

8. Respondent shall arrange for his probation officer to send a written report to the Board, thirty (30) days from the

date of this Order, informing the Board of the conditions of Respondent's probation, and whether Respondent has complied with these conditions. Upon termination of Respondent's court probation Respondent shall arrange for his probation officer to send a termination report to the Board;

9. Respondent shall perform two hundred (200) hours of Board approved community service. Respondent shall attempt to fulfill his community service obligation by working as a pharmacist in an area hospital, prison or nursing home. In the event that Respondent is unable to find such a position he shall document to the Board the attempts made to secure such a position. After the Board approves Respondent's community service arrangement Respondent shall inform the Board of the identify of the individual who will supervise his community service;

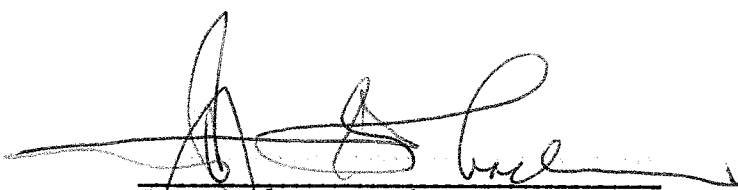
10. Respondent shall arrange for his supervisor of his community service to submit written reports to the Board after Respondent completes each quarter of his community service requirement, i.e. after 50 hours, 100 hours, 150 hours and 200 hours, evaluating Respondent's performance and describing the nature of Respondent's contribution tot he organization or institution;

11. Respondent shall refrain from engaging in the conduct which led to his conviction and violation of the Maryland Pharmacy Act; and

12. Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED, that if Respondent violates any of the foregoing conditions of probation or fails to practice in accordance with the laws governing the practice of pharmacy in Maryland or if the Board receives an unsatisfactory report from his probation officer or from the Division of Drug Control, the Board may, after notification and hearing, and a determination of violation, withdraw Respondent's probationary status and may impose such disciplinary action as provided by law; and be it further

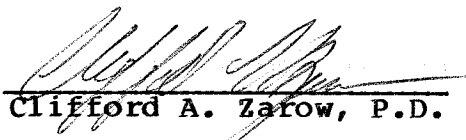
ORDERED that two (2) years from the date of this Order the Board shall entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice pharmacy without any conditions or restrictions as to the scope of practice provided that Respondent has completely complied with all conditions of probation. If the Board determines that the termination of probation and complete reinstatement would not be appropriate at the time the Board 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

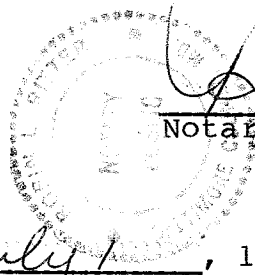
By this consent, knowingly and voluntarily executed by me, I hereby consent and submit to the foregoing Order and its conditions. I do not admit the truth of the charges but acknowledge the validity of the Order as if made after a hearing at which I would have had the right to counsel, to confront witnesses, to give testimony and to call witnesses on my behalf and to all other substantive and procedural protections provided by law. I also recognize that I am waiving my rights to appeal any adverse ruling of the Maryland State Board of Pharmacy that might have followed such a hearing. By this Consent, I waive all such rights. I acknowledge that if I fail to abide by the conditions set forth in the Order, I may suffer disciplinary action against my license to practice pharmacy in the State of Maryland.


Clifford A. Zarow, P.D.

STATE OF MARYLAND)
COUNTY OF BALTIMORE) ss:

I HEREBY CERTIFY that on this 25th day of July, 1984 before me, a Notary Public of the State and City aforesaid, personally appeared **Clifford A. Zarow, P.D.** and he made oath in due form of law that the foregoing Consent was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

 Julia A. Bitter
Notary Public

My commission expires July 1, 1986