

IN THE MATTER OF * **BEFORE THE MARYLAND**
JOHN SCHLOSBERG, P. D. * **STATE BOARD OF PHARMACY**
LICENSE NO. 15210 *

* * * * *

CONSENT ORDER OF REINSTATEMENT

Background

On July 12, 1999, John Schlosberg, License No. 15210 (the "Respondent"), voluntarily surrendered his pharmacist's license to the Maryland Board of Pharmacy (the "Board") (see Letter of Surrender attached as Exhibit A and incorporated herein). On January 31, 2000, his therapist, John E. Davis, Ph.D. submitted a petition for reinstatement of the Respondent's pharmacist license. This petition was supported by the Pharmacist's Education and Assistance Committee ("PEAC"). The Respondent appeared before the Board on June 21, 2000. Also in attendance were Randy Delker, PEAC representative, and Roberta Gill, Assistant Attorney General and Administrative Prosecutor. Ms. Gill opposed reinstatement. The Board decided to refer the Respondent for an independent psychiatric evaluation and required that the Respondent then personally submit a petition of reinstatement. Ellen McDaniel, M.D., evaluated the Respondent and concluded that with continuation of treatment the Respondent could safely return to the practice of pharmacy. The Respondent then personally filed a petition for reinstatement on July 17, 2000. The Respondent and the Board subsequently agreed to the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. On July 12, 1999, the Respondent signed a Letter of Surrender in which he acknowledged his substance abuse problem and agreed to seek treatment and abide by the agreement he signed with PEAC.

2. The Respondent has met all the conditions set forth in the Letter of Surrender that permitted him to petition for reinstatement of his license. He has abided by all recommendations made by PEAC, which has endorsed his reinstatement. Both his therapist and his employer endorsed his reinstatement as required by the Letter of Surrender.

3. Ellen McDaniel, M.D. has concluded that the Respondent may safely return to pharmacy practice and has recommended continuation of therapy.

CONCLUSIONS OF LAW

The Respondent has met all the prerequisite conditions for reinstatement and may practice pharmacy under conditions of probation set forth in the Consent Order of Reinstatement.

ORDER

With the agreement of the Respondent, it is this day of *August 16*, 2000, by a majority of a quorum of the Board, hereby

ORDERED that the Respondent's license be reinstated and placed on **PROBATION** for an indefinite period, subject to the following conditions:

1. The Respondent shall remain in therapy under Dr. Davis' care or another therapist who is a licensed mental health professional and shall follow all treatment recommendations until termination of therapy is recommended by the therapist.

2. The Respondent shall assure that his therapist submits quarterly reports to the Board regarding his progress in therapy.

3. The Respondent's progress shall continue to be monitored by PEAC and he shall abide by all recommendations made by PEAC.

4. The Respondent may not have an ownership interest in a pharmacy.

5. The Respondent shall work under the indirect supervision of a licensed pharmacist.

6. The Respondent may not work more than forty hours per week, may not work between the hours of 10:00 P.M. and 7:00 A.M., and may not work more than 12 hours within a 24-hour period.

7. The Respondent shall notify his employer that his license is on probation and that the employer must provide the Board with quarterly reports detailing his work habits and any complaints or incidents. The Respondent is solely responsible to insure that the employer submits these reports to the Board in a timely fashion. The Respondent shall provide the employer with a copy of this Consent Order of Reinstatement and shall insure that the employer notifies the Board that the Consent Order has been received by the employer, and that the employer agrees to abide by the Consent Order's probationary conditions regarding the supervision of the Respondent and the submission of quarterly reports to the Board.

8. The Respondent shall immediately notify the Board of any change in his mailing address.

ORDERED that in the event that the Board finds for any good faith reason that the Respondent has violated any of the foregoing conditions of probation herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may charge the Respondent with violating this Consent Order, and following a hearing held in accordance with the Maryland Pharmacy Act, Health Occ. Art., Section 12-315 and the Maryland Administrative Procedure Act, State Gov't Art., Sections 10-201 *et seq.*, may reprimand, suspend, revoke, or fine the Respondent, or place additional conditions of probation on his license. And be it further

ORDERED that at the end of one year following the date this Consent Order has been executed by the Board, the Respondent may petition the Board for modification of the probationary condition set forth in this Consent Order and/or release from all probationary conditions, which

petition shall be accompanied by written recommendations from PEAC, the Respondent's therapist, and the Respondent's employer. The Board may grant or deny the petition, or set other conditions of probation at its sole discretion. And be it further

ORDERED that this is a final order of the State Board of Pharmacy and as such is a public document pursuant to State Gov't Art., Section 10-617(h).

8/16/00
Date


Stanton G. Ades, P.D.
President, State Board of Pharmacy

CONSENT

By signing this Consent, I hereby admit to the truth of the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order of Reinstatement and its conditions. I acknowledge the validity of the Order as if made after a hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf and to all other substantive and procedural protections provided by law. I understand that by signing this Consent I waive my right to appeal any adverse ruling that might have followed such a hearing.

I, John Schlosberg, have read this Consent Order of Reinstatement in its entirety. I have been given the opportunity to consult an attorney of my choosing to review each and every part of this Consent Order. I understand this Consent Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

8-25-00
Date

John Schlosberg
John Schlosberg, P.D.

VERIFICATION

STATE OF MARYLAND

COUNTY/CITY OF Baltimore City

I hereby certify that on this 25th day of 2000, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared John Schlosberg, P.D., and made oath in due form that the forgoing Consent was his voluntary act and deed.

My commission expires: 9/1/00

MaDee Collins
Notary Public