

IN THE MATTER OF  
CEPHAS H. SLOAN, JR.

\*  
\*  
\*  
\*  
\*  
\*

BEFORE THE MARYLAND  
STATE BOARD OF PHARMACY

\*\*\*\*\*

CONSENT AGREEMENT

On the basis of certain information having come to the attention of the Maryland State Board of Pharmacy (the "Board"), the Board on September 19, 1990, voted to charge the respondent, Cephas H. Sloan, Jr., P.D., with violating the Pharmacy Act, Health Occupations, Section 12-311, Annotated Code of Maryland (the "Act") as follows:

- (4) Provides professional services while:
  - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;
  
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
  
- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;
  
- (23) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

Appropriate notice of the charges and the grounds upon which they were based was given to respondent by letter dated January 17, 1991.

### Findings of Fact

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

1. At all times pertinent to this charge, the Respondent was a pharmacist licensed to practice pharmacy in Maryland;
2. During his employment with Scottie Pharmacies in Doran, Virginia and Richlands, Virginia, from August 3, 1989, to May 21, 1990, Mr. Sloan diverted large quantities of controlled substances for his own unauthorized use including, by his own admission, approximately 1000 capsules of phentermine and unknown quantities of glutethimide 0.25 gm, glutethimide 0.5 gm, Tylenol #3, Tylenol #4, Fiorinal #3 and Dexedrine.
3. Said diversion was accomplished in part by removing controlled substances from their containers and replacing the seal on the containers with glue in an attempt to conceal the diversion.
4. By his own admission to an investigator with the Department of Health Professions of the State of Virginia on June 28, 1990, Mr. Sloan ingested varying quantities of the controlled substances described in paragraph two above in various combinations while on duty as a pharmacist.
5. By his own admission, Mr. Sloan altered figures originally recorded in the controlled substances biennial inventory of June 29, 1989, at Scottie

Pharmacy in an attempt to conceal the diversion described in paragraph two above.

6. On June 11, 1990, Mr. Sloan was admitted to the Perspectives Health Program, Hampton, Virginia, with a diagnosis of polydrug dependence for an estimated length of stay of twelve weeks. Mr. Sloan left the program on July 14, 1990, approximately seven weeks before he was scheduled to complete the program.
7. On August 29, 1990 respondent's license to practice pharmacy in the State of Virginia was summarily suspended by the Virginia Board of Pharmacy.
8. On November 14, 1990, respondent's license to practice pharmacy in the State of Virginia was suspended indefinitely by the Virginia Board of Pharmacy.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law that the respondent violated Sections 12-311 of the Act and adjudicated respondent guilty of each charge as follows:

- (4) Provides professional services while:
  - (ii) Using any narcotic or controlled dangerous substance, as defined in Article 27 of the Code, or other drug that is in excess of therapeutic amounts or without valid medical indication;

- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;
- (23) Is disciplined by a licensing or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

**ORDER**

**ORDERED** that Respondent's license is hereby **SUSPENDED** and it be further **ORDERED** that the Board will entertain a petition for reinstatement of RESPONDENT's license to practice pharmacy in Maryland after Respondent's license to practice pharmacy in Virginia has been reinstated by the Virginia Board of Pharmacy. **ORDERED** that upon petition for reinstatement, if the Board determines that termination of suspension of Respondent's license and complete reinstatement would not be appropriate at the time Respondent petitions, the Board may refuse to reinstate Respondent's license or place Respondent on probation and impose any conditions on his license that the Board deems appropriate.

*June 12, 1991*  
Date

*Steven S. Cohen, P.D.*  
Steven S. Cohen, 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 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 in the State of Maryland.

5-29-91  
Date

Cephas H. Sloan, Jr.  
Cephas H. Sloan, Jr., P.D.

STATE OF Tennessee  
CITY OF Kingsport

I HEREBY CERTIFY that on this 29<sup>th</sup> day of May, 1991, before me, a

Notary Public of the Sate and City aforesaid, personally appeared

Cephas H. Sloan, Jr., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Regina C. Brumit

My Commission expires: Jan 31, 1994