

IN THE MATTER OF * BEFORE THE MARYLAND STATE
David Robert Cailler, P.D. * BOARD OF PHARMACY
LICENSE NO.: 9753 *

* * * * *

FINAL CONSENT ORDER

In cooperation with the recommendations made by the State Board of Pharmacy (the "Board"), Robert Cailler, P.D. voluntarily surrendered his license to practice pharmacy in Maryland on July 23, 1993. On July 23, 1993 Ralph Small, Secretary of the Board of Pharmacy accepted the voluntary surrender of Dr. Cailler's license to practice pharmacy in Maryland. By Order dated September 15, 1993, the Board accepted the surrender as per the acceptance signed by Ralph Small, P.D. and the voluntary surrender signed by Robert Cailler, P.D.

FINDINGS OF FACT

The Board finds that it is appropriate to reinstate Respondent's license to practice pharmacy under certain conditions of probation.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes as a matter of law, that it is appropriate to reinstate Respondent's license to practice pharmacy under certain conditions of probation.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 14 day of July, 1994 1994, by a majority of a quorum of the Board, it is hereby

ORDERED that the license of Respondent to practice Pharmacy be REINSTATED; and be it further ordered that the license of Respondent to practice pharmacy be SUSPENDED; and be it further ordered that said suspension shall be immediately STAYED and the Respondent be placed on PROBATION under the following conditions:

1. Respondent shall arrange for his contract with the Pharmacists' Rehabilitation Committee of the Maryland Pharmacists Association (the "Rehabilitation Committee") to be extended for a term of at least two years and continue for at least as long as Respondent is on probation. The contract shall include the conditions for return of his license to practice pharmacy specified in the June 6, 1994 letter from Tony Tommasello, President, Pharmacists' Rehabilitation Committee to the Board. Within fifteen (15) days of the signing of this Order, Respondent shall provide the Board with a copy of the modified contract.

2. The Respondent shall continue to participate in the addictions therapy with a therapist approved by the Board and comply with all recommendations made to him and in the time limit suggested by his therapist(s), for the remainder of his two year commitment to treatment which started on July 29, 1993. If discharge occurs, Respondent shall arrange for prompt submission

by the therapist(s) of a written discharge report to the Board and the Rehabilitation Committee.

3. If, in violation, of paragraph 2, Respondent fails to continue with his therapist without having been discharged or ordered by the Board to change or cease therapy, Respondent shall immediately notify the Board and the Rehabilitation Committee in writing and have his therapist(s) notify the aforementioned entities.

4. Respondent may not begin employment as a pharmacist until he has provided to the Board a job description for that particular position, including the maximum amount of hours worked each week, with a request that the position be approved as a location of employment for him and he has received approval of that request from the Board. Respondent will not be approved to work any schedule greater than 40 hours a week. Respondent can not work as a floater.

5. Respondent shall be responsible for arranging for random observed urine screens at least two per month, in a manner acceptable to the Board. Respondent shall arrange for the results of all screening to be reported directly to his therapist. His therapist shall advise the Board of the results of all negative screenings by incorporating the results into the quarterly reports. His therapist shall report the results of all positive screenings immediately to the Board and to the Pharmacists Rehabilitation Committee. If any urine screenings are positive or Respondent does not provide urine for a screening

as required, Respondent's license shall be immediately suspended. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action

6. In the event that the Respondent's therapist(s) or the Pharmacists Rehabilitation Committee reports to the Board that the Respondent is incapable of practicing pharmacy safely, or that his previous problems are interfering with his ability to practice pharmacy, the Respondent shall, within 24 hours of being informed by the Board of that report, voluntarily discontinue the practice of pharmacy. The Respondent shall not resume the practice of pharmacy until the Board determines that Respondent is capable of resuming the practice of pharmacy or gives him permission to resume the practice of pharmacy.

7. The Respondent will agree to and follow through with any changes in his treatment program determined to be necessary by the Board, based upon the recommendations of his therapists or the Pharmacists Rehabilitation Committee.

8. In addition to the number of continuing education hours needed for license renewal set by the Board for the renewal period of 1995, Respondent shall obtain 15 additional hours in substance abuse and provide proof of the completion of these

courses to the Board;

9. If Respondent obtains employment, he must provide a copy of this Order to his employer prior to beginning employment. Within 10 days of Respondent's employment, he must arrange for his employer to acknowledge in writing to the Board that the employer has received a copy of the Order prior to Respondent beginning employment and that the employer has agreed to comply with the conditions pertaining to the employer.

10. Respondent shall submit quarterly reports and shall arrange for his therapist, his employer, and the Rehabilitation Committee to submit written quarterly reports to the Board that report on Respondent's progress and compliance with this Order. His therapist shall advise the Board of the results of all the urine screenings by incorporating the results into his quarterly reports. The reports shall be due on June 1, September 1, December 1, and March 1 of each year until the Respondent has been terminated from probation. Respondent shall include in his quarterly report a description of the progress he has made, the status of his employment, and his compliance with this Order; and be it further

ORDERED, that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has violated any conditions of probation or any provision of Title 12 of the Health Occupations Article, Article 21 or Article 27 or

regulations thereunder, the Board may take immediate action, including, but not limited to revocation or suspension of the Respondent's license to practice pharmacy prior to giving the Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-201 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED, that in the event Respondent moves, he shall promptly notify the Board in writing of the change of address and of any change in his home and work telephone number; and be it further

ORDERED, that the Respondent shall refrain from engaging in the conduct which led to his suspension from the practice of pharmacy and shall practice in accordance with the Maryland Pharmacy Act and in a competent manner; and be it further

ORDERED, that the Respondent will agree to follow through with any change in his program determined to be necessary by the Board, based upon the recommendations of his therapist or the Rehabilitation Committee; and be it further

ORDERED, that the Conditions of this Consent Order be effective as of the date of this Order; and be it further

ORDERED, that two years from the date of this Order, the

Board shall entertain a petition for reinstatement of Respondent's license to practice pharmacy and termination of his probationary status. At that time the Board will consider recommendations as to the appropriateness or inappropriateness of this change in the Respondent's status. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation or maintain the Order as previously written. However, if Respondent fails to make any such petition, then his probationary status as shall continue indefinitely, subject to the conditions set forth in this Order.

ORDERED that this Order is a public document, pursuant to State Government Article, Md. Ann. Code, section 10-611 et seq., (1984), and that the Board will specifically send this Order to the National Association of Boards of Pharmacy Clearinghouse.



Steven S. Cohen, P.D.
President

CONSENT OF David R. Cailler

I, David R. Cailler, by affixing my signature hereto, acknowledge that:

1. I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order.

2. I acknowledge that by failure to abide by the conditions set forth in this Order, I may suffer disciplinary action, possibly including revocation, against my license to practice Pharmacy in the State of Maryland.

7/9/94

Date

David R. Cailler

David R. Cailler, P.D.

STATE OF MARYLAND

CITY/COUNTY OF: Montgomery

I HEREBY CERTIFY that on this 9th day of July, 1994, a Notary Public of the State of Maryland and (City/County), Montgomery, personally appeared David R. Cailler, License #9783, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Amy T. Kreeger

Notary Public

My commission expires:

AMY T. KREEGER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires March 13, 1995