

IN THE MATTER OF \* BEFORE THE  
MAARTEN CALON, P.D. \* STATE BOARD  
License No. 08359 \* OF PHARMACY  
Respondent \* CASE NUMBER: 05-021

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. '10-226 (c)(2004 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Maarten Calon, P.D., (the "Respondent"), under the Maryland Pharmacists Act (the "Act"), Md. Health Occ. Code Ann. §12-101, et seq., (2000 Repl. Vol. and 2004 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**BACKGROUND**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 22, 1976. The Respondent's license expired on May 31, 2005.
2. At all times relevant hereto, the Respondent was a dispensing pharmacist with the Veterans Hospital in Baltimore, Maryland, an agency of the Federal government.
3. On April 14, 2004, the Respondent was arrested by the Veterans Affairs Police Service and issued two Federal violation notices for willful removal of government property and unauthorized use on Federal property. The charges listed the Respondent as

having stolen from the mail room at the V.A. hospital packages of medications that were to be mailed to patients, as follows:

Drug Name	Amount Missing
Oxycodone	90 Tablets 5mg
Oxycodone	10 Tablets 5mg
Morphine	180 Tablets 30mg
Methadone	360 Tablets 10mg

4. On August 9, 2004, the Board received a complaint from DEA Agent Grush regarding the above events. However, because the incident occurred on government property and involved a government employee, the Board was not able to get further information to substantiate the complaint.

5. On February 24, 2005, the Respondent pled to and was found guilty of the willful removal of government property, a misdemeanor.

6. Six months later, the Board obtained the information confirming the above events. In addition, on May 4, the Respondent filed a renewal application on which he checked "yes" for question 5, which asks "[h]ave you pled guilty, nolo contendere (*sic*), or been convicted of, or received probation before judgment of any criminal act (excluding traffic violations)?"

7. As an attachment of a "detailed explanation" of any yes boxes checked off, the Respondent wrote "[p]led guilty on 22 February 2005 to one Federal misdemeanor charge of Theft of Destruction of Government Property. Case is closed."

8. Contrary to the Respondent's statement that the "case is closed," the Respondent was placed on 24 months' supervised probation with the United States Probation Office and has to comply with a number of conditions of supervision, including

performing 40 hours of community service and participating in a treatment program approved by the probation officer relating to substance and/or alcohol abuse.

### **FINDINGS OF FACT**

1. As set forth above, a pharmacist who takes medication meant for patients is a threat to the public health, safety or welfare.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provision ' of §12-313:

(a) "Convicted" defined--In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.

(b) Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[;].

### **CONCLUSIONS OF LAW**

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. ' 10-226(c) (2) (2004 Repl. Vol.).

### **ORDER**

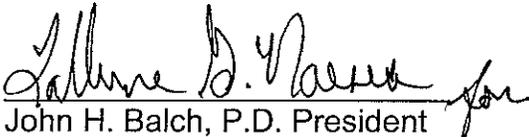
Based on the foregoing, it is therefore this 7<sup>th</sup> day of June, 2005, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md.

St. Govt. Code Ann. ' 10-226(c) (2) (2004 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 08359, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED**, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within thirty days of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be lifted/terminated, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

**ORDERED**, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

**ORDERED**, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. ' 10-617(h) (2004 Repl. Vol.).

  
John H. Balch, P.D. President  
Board of Pharmacy

### **NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.