April 10, 2012

CERTIFIED MAIL # 7009 2820 0003 5989 3964
Return Receipt Requested

Darrick Glidden
1 Fuller Road
Augusta, ME 04330-4910

Re: Complaint #2010 PHA 6550 License # PR 5463

Dear Mr. Glidden:

Enclosed is a copy of the decision and order issued by the Board of Pharmacy in this matter. Please see the notice of appeal rights at the end of the decision and order.

Please include the complaint number that appears above in any correspondence about this matter. Please be aware that any correspondence with this office does not extend your time to appeal.

Sincerely,

Kelly L. McLaughlin, Sr. Consumer Assistant Specialist
(email:kelly.l.mclaughlin@maine.gov)

cc: Jim Smith, Hearing Officer
Carrie Carney, Assistant Attorney General
Geraldine L. Betts, Board Administrator
Thomas Avery, Chief Field Investigator and Complainant
Jeffrey Frankel, Staff Attorney
William B. Cote, Licensee’s Attorney

Enc.
MAINE BOARD OF PHARMACY

IN RE: DARRICK GLIDDEN

) DECISION AND ORDER- REINSTATEMENT

I. PROCEDURAL HISTORY

Pursuant to the authority found in 32 M.R.S. Secs. 13743(2) and 10 M.R.S. Sec. 8003.5-A, the Maine Board of Pharmacy (Board) met in public session on March 1, 2012 at 9:00 a.m. at the offices of the Department of Professional and Financial Regulation (Department) in Gardiner, Maine. The purpose of the meeting was to conduct an adjudicatory hearing in accordance with the provisions of 5 M.R.S. Sec. 9051, et seq. to determine whether to grant Darrick Glidden’s application for reinstatement of his pharmacist’s license. A quorum of the Board was in attendance during all stages of the proceeding. Participating and voting Board members were President Joseph Bruno, R. Ph., Paul Chace, R. Ph., William Sandstead, Esq., public member, Shane Savage, R. Ph., Joseph Pietroski, public member and Donald M. Watson, R. Ph. Carrie Carney, Assistant Attorney General, presented the State’s case. Mr. Glidden was present and represented by William Cote, Esq. James E. Smith, Esq., served as Presiding Officer. The parties agreed with the Board that there were no conflicts of interest or bias to prevent any Board member from participating in this matter.

State’s Exhibits 1-14 and Petitioner’s Exhibit 1 were entered into evidence. Subsequent to the parties’ opening statements, taking of testimony, submission of the exhibits, and the closing arguments, the Board deliberated and made the following findings of fact and conclusions of law by a preponderance of the evidence regarding the application.

II. FINDINGS OF FACT

1. Darrick Glidden, 31 years old and a resident of Augusta, Maine, was initially licensed as a pharmacist in Maine on January 12, 2007 after which he worked as a staff pharmacist at the Shaw’s
Osco Pharmacy #7552 ("Osco") located in Augusta, Maine, which is licensed as a drug outlet, license no. PH 50001263.

2. On or about July 7, 2010, the Board received information from Osco that Mr. Glidden had been terminated from his employment at Osco for allegedly diverting the controlled substance hydrocodone from the pharmacy, which the Board docketed as Complaint No. 2010-PHA-6550.

3. The termination occurred after a staff pharmacist at Osco reported suspicious activity related to the possible diversion of hydrocodone at the pharmacy.

4. In response, Osco conducted an internal investigation that included monitoring and reviewing the security video from the pharmacy. One of these reviews revealed that on or about July 1, 2010, Mr. Glidden filled a prescription bottle with hydrocodone, did not label the bottle, and placed the bottle in his smock pocket. Mr. Glidden did not have a valid prescription for hydrocodone on this date.

5. Loss prevention personnel at Osco questioned Mr. Glidden regarding his suspicious practices. Mr. Glidden admitted to diverting approximately ninety units of hydrocodone every five weeks and ingesting about fifteen units of hydrocodone per week for the past eighteen months.

6. On or about July 7, 2010, Mr. Glidden met with Tom Avery, investigator for the Board. At that time, Mr. Glidden again admitted to the conduct described in paragraph 4. Mr. Glidden also told Mr. Avery that he had diverted Alprazolam, Ambien, Zolpidem, Tylenol 3 and Tylenol 4 from the pharmacy for his own use and that this activity had been occurring since the year 2008. Mr. Glidden told Mr. Avery that he would take between four and eight units of hydrocodone per day. One reason for the diversion was to cope with the stress of a new store manager who made Mr. Glidden's job related responsibilities more difficult.

7. On August 5, 2010, following a presentation of the complaint, the Board found that licensure of Mr. Glidden as a pharmacist placed the health and physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board summarily suspended the license of Mr. Glidden.

8. The suspension evolved into a Consent Agreement with the Board effective September 1, 2010. Pursuant to the Consent Agreement, Mr. Glidden admitted to the allegations contained in the complaint and also that such conduct constituted violations of Board Rules Chapter 30 §§ 12 and 17 and 10 M.R.S. § 8003(5-A)(A)(5).
9. As discipline for committing these violations, Mr. Glidden agreed to a Reprimand and the immediate Revocation of his license.

10. Mr. Glidden enrolled in the Maine Medical Professional’s Health Program (MMPHP) within seven days of the suspension of his license. He signed a 5 year contract with MMPHP on August 23, 2010 following a psychological evaluation. The contract requires Darrick Glidden, among other things, to abstain from alcohol and drugs and be subjected to random drug testing.

11. Mr. Glidden also enrolled in Mid-Coast Hospital’s Addiction Resource Center’s day program on July 15, 2010 which he completed on February 22, 2011.

12. Mr. Glidden began therapy sessions with John L. Giguere, LCPC, CRC, LADC, CC on February 16, 2011. He continues to treat with this provider 2 times each month for one hour per session. Counselor Giguere described Darrick as “dedicated to re-establishing his reputation as a professional in the field of pharmacy.”

13. On March 15, 2011, Mr. Glidden entered a guilty plea to the charge of Class D Theft in the Kennebec County Superior Court. The conviction was based on his diversion of drugs while employed at Osco. Mr. Glidden was sentenced to serve 90 days in jail commencing on April 1, 2011, and was released after 40 days due primarily for good behavior.

14. Mr. Glidden also received positive feedback in a letter dated November 9, 2011 from John Murray, R. Ph., CADC, Mr. Glidden’s MMPHP’s case manager. Mr. Murray wrote, in part, that Darrick Glidden has continued to have negative urine screens and “at this time we have no concerns regarding Darrick’s fitness for duty and believe he will be a valuable asset to his profession upon his return to work.” Mr. Murray gave similar testimony at this hearing.

15. Two other individuals, a PA-C and Mr. Glidden’s AA sponsor, also sent the Board letters in support of the petitioner.

16. The Board received Darrick Glidden’s relicensure application on August 25, 2011.

17. At this hearing, the petitioner admitted in the past having been addicted to and diverting drugs. He testified that the addiction began after he was accidently injured by a paint ball which struck him in his groin. He was prescribed Vicodin to ease the pain but apparently became addicted.

18. The petitioner has not had any drugs or alcohol since early July 2010 and attends AA and Caduceus meetings at least three days a week in addition to his therapy.
19. Importantly, Mr. Glidden appeared to the Board as sincerely regretting his addiction and his determination to remain sober was evident.

III. CONCLUSIONS OF LAW AND CONDITIONS

The Board, by a vote of 6-0, concluded that Darrick Glidden has been rehabilitated to the extent that he has earned the public’s trust, and reinstating his license to practice pharmacy would not pose a threat of harm to the public if the following conditions are complied with. Therefore, the Board grants Darrick Glidden’s application for relicensure as a pharmacist subject to the following conditions.

1. Darrick Glidden shall completely abstain from the ingestion of alcohol and poppy seeds until further order from this Board.
2. Darrick Glidden shall completely abstain forever from the use of drugs without a prescription by a physician with the exception of over the counter medications.
3. Darrick Glidden shall comply with the terms of the August 23, 2010 contract with the Maine Medical Professional Health Program. He shall immediately report to the Board any amendments to that contract and any positive screening results including any ingestion of alcohol or illegal possession or consumption of those drugs governed by paragraphs one and two above.
4. Darrick Glidden shall within 30 days provide the Board with a copy of the most recent MMPHP contract.
5. Darrick Glidden shall meet with the Board within three months prior to the expiration or termination of the MMPHP contract, but in no event shall his license be renewed until such meeting.
6. Darrick Glidden shall immediately inform Kelly McLaughlin, Staff Development Specialist IV, of any employment as a pharmacist during the duration of the MMPHP contract. His employment is restricted to one location. If working at a retail pharmacy, Mr. Glidden will work no more than 80 hours in a 2 week period and will not take on overtime shifts. After one year, Mr. Glidden may petition the Board to change these conditions.
7. Darrick Glidden shall ensure that MMPHP submits one progress report each month to the Board.
8. Darrick Glidden shall not be eligible to act as a pharmacist in charge or pharmacy manager until permission is granted by this Board.
9. Darrick Glidden shall provide a copy of this decision and order to all employers who, in turn, shall send a letter to the Board verifying that they received and read the decision and order.

10. Darrick Glidden shall submit the name of a monitor for Board pre-approval to directly supervise him at his place of employment if such place is a retail pharmacy and/or has prescription drugs for sale or distribution. The monitor/supervisor shall submit to the Board monthly progress reports regarding Mr. Glidden’s job performance and abstinence from the prohibited substances. The monitor/supervisor needs to be located within the building but does not have to work directly with Mr. Glidden. The mentor will monitor Mr. Glidden for 1,000 hours (approx. 6 months). If Mr. Glidden retains a new mentor during that time, the 1,000 hours won’t start over.

11. This Decision and Order is effective as of March 1, 2012.

SO ORDERED
Dated: April 5, 2012

Joseph Bruno, R. Ph., President
Maine Board of Pharmacy

IV. APPEAL RIGHTS

Pursuant to the provisions of 5 M.R.S. Sec. 11001 and 10 M.R.S. Sec. 8003, any party that decides to appeal this Decision and Order must file a Petition for Review within 30 days of the date of receipt of this Order with the Superior Court having jurisdiction. The petition shall specify the person seeking review, the manner in which they are aggrieved and the final agency action which they wish reviewed. It shall also contain a concise statement as to the nature of the action or inaction to be reviewed, the grounds upon which relief is sought and a demand for relief. Copies of the Petition for Review shall be served by Certified Mail, Return Receipt Requested upon the Maine State Board of Pharmacy, all parties to the agency proceedings, and the Maine Attorney General.