

B & C Health Services, LLC  
c/o Mr. and Mrs. Prince Dennis  
10905 Fort Washington Road  
Suite 106  
Fort Washington, Maryland 20744

July 17<sup>th</sup>, 2013  
Date

Michael N. Souranis, P.D., President  
Board of Pharmacy  
4201 Patterson Avenue  
Baltimore, Maryland 21215

Re: Surrender of Pharmacy Permit  
Permit Number: PW0271  
Case Numbers: PT-12-190/12-490  
PI-12-041

Dear Mr. Sournais and Members of the Board:

Please be advised that we have decided to surrender our permit to operate a pharmacy in the State of Maryland, Permit Number PW0271. We understand that we may not give pharmacy advice or treatment to any individual, with or without supervision and/or compensation, cannot dispense any medication or durable medical equipment which requires a pharmacy permit or otherwise engage in the practice of operating a pharmacy as it is defined in the Pharmacy Act (the "Act"), Md. Health Occ. ("H.O.") Code Ann. § 12-101, *et seq.*, (2009 Repl. Vol. and 2012 Supp.). In other words, as of July 17, 2013 the effective date of this Letter of Surrender, we understand that the surrender of our permit means that the pharmacy is in the same position as an unlicensed entity.

We understand that this Letter of Surrender is a **PUBLIC** document.

Our decision to surrender our permit to operate a pharmacy in Maryland has been prompted by an investigation of our permit by the Maryland Board of Pharmacy (the "Board").

Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 2

The Board's investigation resulted in charges under the Act. Specifically, the Board charged the Pharmacy with the commission of prohibited acts under H.O. § 12-409 Suspensions and revocations—Grounds.:

Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (1) Is conducted so as to endanger the public health or safety;
- (2) Violates any of the standards specified in § 12-403 of this subtitle;  
or
- (3) Otherwise is not conducted in accordance with the law.

§ 12-403 Required standards.

- (b) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:
  - (1) Shall be operated in compliance with the law and with the rules and regulations of the Board;
  - (3) Shall ensure that a licensed pharmacist be immediately available on the premises to provide pharmacy services at all times the pharmacy is in operation;
  - (4) Shall be supervised by a licensed pharmacist who is responsible for the operations of the pharmacy at all times the pharmacy is in operation;
  - (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title;

§ 12-313. Denials, reprimands, suspensions, and revocations—Grounds.

- (a) 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

Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 3

applicant or licensee:

- (1) Fraudulently or deceptively uses a license;
- (2) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist;
- (5) Violates any rule or regulation adopted by the Board;

§ 12-101. Definitions.

- (a) In general. -- In this title the following words have the meanings indicated.

§ 12-301. License required; exception

(i) Distribute. -

- (1) "Distribute" means the process resulting in the provision of a prescription or nonprescription drug or device to a separate, intervening individual, licensed and practicing under this article, prior to administration of the provided drug or device to the patient pursuant to a prescription issued by an authorized prescriber.
- (2) "Distribute" does not include the operations of a person who holds a permit issued under § 12-6C-03 of this title.
  - (s) Pharmacy technician trainee. -- "Pharmacy technician trainee" means an individual engaged in a Board approved pharmacy technician training program.
  - (t) "Practice pharmacy" means to engage in any of the following activities:
    - (i) Providing pharmaceutical care;
    - (ii) Compounding, dispensing, or distributing prescription drugs or devices;
    - (iii) Compounding or dispensing nonprescription drugs or devices;

Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 4

- (iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;
- (v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;
- (u) Registered pharmacy technician. -- "Registered pharmacy technician" means an individual who is registered with the Board to perform delegated pharmacy acts.
- (v) Registration. -- "Registration" means, unless the context requires otherwise, a registration issued by the Board to perform delegated pharmacy acts under the supervision of a licensed pharmacist.
  - (a) In general. -- Except as otherwise provided in this title, an individual shall be licensed by the Board before the individual may practice pharmacy in this State.

§ 12-6B-01. Registration required; scope

- (a) Registration required. -- Except as otherwise provided in this title, on or after January 1, 2007, an individual shall be registered and approved by the Board as a pharmacy technician before the individual may perform delegated pharmacy acts.

The Board also charged the Respondent-Pharmacy with a violation of its subtitle 6c.

§ 12-6C-01. Definitions Wholesale Distributor Permitting and Prescription Drug Entity Act:

- (b) Authorized distributor of record. -- "Authorized distributor of record" means a wholesale distributor with whom a manufacturer has established an ongoing relationship to distribute the manufacturer's prescription drug.
- (f) Designated representative. -- "Designated representative" means an individual who:

Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 5

- (1) Is designated by a wholesale distributor;
  - (2) Serves as the primary contact of the wholesale distributor with the Board; and
  - (3) Is actively involved in and aware of the daily operation of the wholesale distributor.
- (o) Pharmacy warehouse. -- "Pharmacy warehouse" means a physical location for storage and prescription drugs that
- (1) Serves as a central warehouse; and
  - (2) Performs intracompany sales or transfers of the prescription drugs to a group of pharmacies that are under common ownership and control with the pharmacy warehouse.
- (v) Wholesale distributor. --
- (1) "Wholesale distributor" means a person that is engaged in the wholesale distribution of prescription drugs or prescription devices.
  - (2) "Wholesale distributor" includes:
    - (i) A manufacturer;
    - (ii) A repackager;
    - (iii) An own-label distributor;
    - (iv) A private-label distributor;
    - (v) A jobber;
    - (vi) A broker;

§ 12-6C-03. Permit required.

- (a) Wholesale distributor. -- A wholesale distributor shall hold a permit issued by the Board before the wholesale distributor engages in wholesale distribution in the State.
- (b) Manufacturer. --

Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 6

- (1) A manufacturer engaged in wholesale distribution shall hold a wholesale distributor permit issued under this subtitle.

We affirm that we were served with a copy of the charging document and have otherwise been advised on the Board's actions through communications with representatives of the Office of the Attorney General and we were advised that we were entitled to legal counsel, but knowingly and voluntarily waived same.

We have decided to surrender our permit to operate a pharmacy in Maryland to avoid further prosecution of the aforementioned charges. The basis for the charges against us include the findings of the investigations described above, including failure to obtain a pharmacy technician registration before engaging in activities that are restricted to a licensed pharmacist or a registered pharmacy technician, and by virtue of this Letter of Surrender, we waive any right to contest those charges and findings. We wish to make it clear that we have voluntarily, knowingly and freely chosen to submit this Letter of Surrender. **We understand that by executing this Letter of Surrender, we are waiving any right to contest these findings in a formal evidentiary hearing at which we would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on our own behalf and to all other substantive and procedural protections provided by law, including the right to appeal.**

We hereby affirm that we have permanently terminated any practice that the pharmacy had in Maryland and have been subject to a closing inspection conducted by the Division of Drug Control. **That document is attached hereto.** We further assert that all drugs have been disposed of under the supervision of the Division of Drug Control in accordance with the law.

We acknowledge that, on or before the effective date of this Letter of Surrender, we shall present to the Board the Maryland pharmacy permit number PW0271, including any renewal certificates and wallet-sized renewal cards.

**We further acknowledge that, as part of the agreement reached with the Board, within six months of the effective date of this Letter, as a result of violating the Act, we will pay to the Board, as a monetary fine, the sum of \$5,000. Failure to pay same will result in a referral of the fine to the Collections Unit of the State.**

Michael N. Souranis, P.D., President, and Members of the Board

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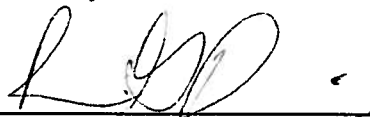
Page 7

We understand that the Board will advise any pertinent reporting agency of this Letter of Surrender, and, in any response to inquiry, that we have surrendered the pharmacy's permit in lieu of disciplinary action under the Act as resolution of the matters pending against us. We also understand that, in the event we would apply for licensure in any form in any other state or jurisdiction, this Letter of Surrender, and all underlying documents, may be released or published by the Board to the same extent as a final order that would result from disciplinary action pursuant to Md. State Gov't Code Ann §10-611, *et seq.*, (2009 Repl. Vol. and 2012 Supp.).

We further recognize and agree that, by agreeing to this Letter of Surrender, our permit will remain surrendered forever. In other words, we agree never to apply for reinstatement of our pharmacy permit in the State of Maryland.

We acknowledge that we may not rescind this Letter of Surrender, in part or in its entirety, for any reason whatsoever. Finally, we wish to make clear that we had the opportunity to consult with an attorney before signing this Letter of Surrender but voluntarily and knowingly waived that right. We understand both the nature of the Board's actions and this Letter of Surrender fully. We acknowledge that we understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. We make this decision knowingly and voluntarily.

Sincerely,



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Prince Dennis, 50% owner  
B&C Health Care Services, LLC



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Denise Dennis, 50% owner  
B&C Health Care Services, LLC

Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 8

**NOTARY**

STATE OF Maryland :

CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this 11<sup>th</sup> day of July, 2013,

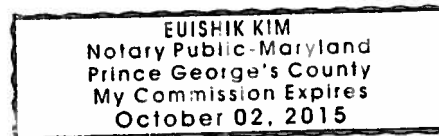
before me, Euishik Kim, a Notary Public of the State and City/Country  
(Print Name)

aforsaid, personally appeared **Prince Dennis**, and declared and affirmed under the penalties of perjury that signing the foregoing letter of surrender was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Euishik Kim  
Notary Public

My Commission expires: 10/02/2015





Michael N. Souranis, P.D., President, and Members of the Board

Re: Letter of Surrender

Permit Number: PW0271

Case Numbers: PI-12-041/PT-12-190/14-490

Page 9

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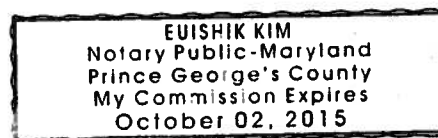
before me, Euishik Kim, a Notary Public of the State and City/Country  
(Print Name)

aforsaid, personally appeared **Denise Dennis**, and declared and affirmed under the penalties of perjury that signing the foregoing letter of surrender was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Euishik Kim  
Notary Public

My Commission expires: 10/02/2015



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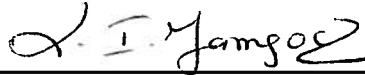
Case Numbers: PI-12-041/PT-12-190/14-490

Page 10

**ACCEPTANCE**

**ON BEHALF OF THE BOARD OF PHARMACY**, on this 17<sup>th</sup> day of

July, 2013, I accept B&C Health Services, LLC's public Letter of Surrender of its permit to operate as a pharmacy in the State of Maryland.



~~Michael N. Souranis, P.D., President~~  
Board of Pharmacy

Lenna ISRABIAN = Janyochian

cc: Roberta Gill, Assistant Attorney General  
John S. Nugent, Principal Counsel  
LaVerne G. Naesea, Executive Director  
Linda Bethman, AAG, Board Counsel  
Brett Felter, Staff Attorney, Board Counsel  
Vanessa Thomas-Gray, Compliance Investigator  
Courtney Jackson, Compliance Secretary  
Prince Dennis  
Denise Dennis