

IN THE MATTER OF
MARIO BLOUNT, R. Ph.
Applicant

*** BEFORE THE**
*** STATE BOARD**
*** OF PHARMACY**
*** Case No. 18-306**

* * * * *

FINAL ORDER

On April 20, 2022, the State Board of Pharmacy (the “Board”) hereby notified **MARIO BLOUNT, R. Ph., Pharmacist** (the “**Applicant**”), of the Board’s intent to DENY his license to practice as a pharmacist in Maryland, pursuant to the Maryland Pharmacy Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol.).

The relevant provisions are as follows:

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

- (b) In general. - 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 for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:
 - (1) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;
 - (22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether any appeal or other proceeding is pending to have the conviction or plea set aside;
 - (24) Is disciplined by a licensing or disciplinary authority of any 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[.]¹

FINDINGS OF FACT

The Board based its charges on the following facts that the Board has cause to believe are true:

1. At none of the times relevant hereto was the Respondent ever licensed to practice pharmacy in Maryland. At some of the times relevant hereto, the Respondent was licensed to practice as a pharmacist in West Virginia.

2. On or about March 20, 2020, the Board received an initial application for licensure by reciprocity (1st Application) from the Applicant for a pharmacist licensure in Maryland. On the 1st Application, the Applicant answered “yes” to the following questions in the “Personal Attestation Questions” section:

- “Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, denied your application for a license, reinstatement or renewal, or taken any formal disciplinary action against any registration or license held by you? Such actions include, but are not limited to, reprimand, suspension, or revocation.”
- “Have you surrendered or failed to renew a healthcare registration or license in any state?”
- “Have you committed a criminal act for which you pled guilty or nolo contendere..., or for which you were convicted or received probation before judgment?”
- “Have you committed an offense involving alcohol or controlled substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?”

¹ Pursuant to § 12-313 (24), the grounds for disciplinary action are §§ 12-313 (1) and (22), as set forth above.

3. For any “yes” answers, the Applicant was required to provide an explanation. Accordingly, the Applicant submitted a letter dated March 16, 2020, which stated, *inter alia*, that the Applicant had “convictions and a voluntary surrender of his West Virginia license” and “experienced a severe lapse in judgment” over “six years ago.” The Applicant failed to provide documentation regarding his conviction, as required.

4. Records obtained by the Board disclose that, in the District Court of the United States for the Northern District of West Virginia, on September 12, 2014, the Applicant pled guilty to one count of conspiracy to possess with intent to distribute and to distribute Schedule II controlled substances, in violation of 21 U.S.C., §§ 841(b)(1)(c), 846 (Count One); one count of performing a false material omission, in violation of 21 U.S.C. § 8443 (a)(4)(A) (Count Two); and one count of distribution of oxymorphone outside the scope of his professional practice, in violation of 21 U.S.C. §§ 841 (a) (1) and (b) (1)(C) (Count Three), all felonies.

5. Records further disclosed that on February 3, 2015, the Court sentenced the Applicant to concurrent 36-month sentences of imprisonment on each count, followed by three years of supervised release on Counts One and Three and one year of supervised release on Count Two, also to run concurrently.

6. On June 18, 2020, the Board advised the Applicant that his 1st Application (for reciprocity) was denied, but he could apply for licensure by examination by submitting an application and taking/passing the “NAPLEX and MPJE examinations.”²

² North American Pharmacist Licensure Examination (NAPLEX) and the Multistate Pharmacy Jurisprudence

7. On August 28, 2018, the Board entered into a Consent Order with the Applicant which disclosed, *inter alia*, that the Applicant commenced his terms of court-ordered supervision on October 31, 2017, and the remaining terms are set to expire on October 30, 2020. The Applicant was also ordered to pay \$15,000 in forfeiture by the Federal Court. The Applicant was released after 28 months and—at the time of the Consent Order—was on supervised probation for three years. In addition, the Applicant agreed, as a condition of his guilty plea, to surrender his West Virginia pharmacist’s license and never to reapply for said license.

8. Under the terms of the aforesaid Consent Order, the Applicant’s 1st Application was once again denied; he was ordered to re-submit his application for a pharmacist’s license after he has fully satisfied all the terms of his criminal probation, and the Board will “review any resubmission with regard to the public health, safety and welfare.”

9. On August 24, 2021, the Board received a second application (2nd Application) from the Applicant, accompanied by proof that the Applicant had taken and passed the NAPLEX and the MPJE. In addition, the Applicant submitted documentation that he had completed and been released from his criminal probation.

10. Under the Personal Attestation Section of the 2nd Application, the Applicant answered “yes” to the following questions:

- “Have you surrendered or failed to renew a healthcare registration or license in any state?”

Examination (MPJE).

- “Have you committed an offense involving alcohol or controlled substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?”

11. On the 2nd Application, the Applicant signed the following statement on August 12, 2021:

“I affirm that the information I have given in answer to these questions is true and correct to the best of my knowledge, information and belief...”

12. However, the Respondent’s responses were not fully truthful in that he answered “no” to the following questions when he should have answered “yes”:

- “Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, denied your application for a license, reinstatement or renewal, or taken any formal disciplinary action against any registration or license held by you. Such actions include, but are not limited to, reprimand, suspension, or revocation.”
- “Has any state licensing or disciplinary board (including Maryland) or similar agency in the Armed Forces, filed any complaints or charges against you or investigated you for any reason?”
- “Have you committed a criminal act for which you pled guilty or nolo contendere..., or for which you were convicted or received probation before judgment?”

13. Based upon the aforesaid criminal convictions and licensure surrender in West Virginia, as well as his entering into a public Consent Order with the Maryland Board, the Applicant answered falsely or deceptively, in violation of § 12-313 (1).

14. As set forth above, by being convicted of drug-related criminal offenses, which led to the permanent surrender of his West Virginia license, the Board has authority to deny

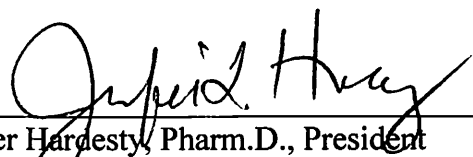
the Applicant's 2nd Application for licensure to practice pharmacy in Maryland, based on violations of §§ 12-313 (22) and (24), and in accordance with the Consent Order of August 28, 2018.

15. As set forth above, the 2nd Application should be denied based on violations of the Act.

ORDER

As set forth above, the Board hereby orders that the application for licensure to practice as a pharmacist in Maryland submitted by **MARIO BLOUNT, R. Ph., Applicant**, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2019 Repl. Vol. and 2021 Supp.).

7/20/22
Date



Jennifer Hardesty, Pharm.D., President
State Board of Pharmacy

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code. Ann., State Government §§10-201 *et seq.* (2021 Repl. Vol.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.