

IN THE MATTER OF
BOYD AND FULFORD
DRUGS
Permit No. P00047

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BEFORE THE
MARYLAND BOARD
OF PHARMACY

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board") conducted an annual inspection of Boyd and Fulford Drugs, Permit No. P00047 (the "Pharmacy") on April 29, 2010. The Board's review of the inspection noted that the Pharmacy had large amounts of expired medications on its shelves. Based on the inspection findings, the Board issued a notice of deficiencies and recommended monetary penalty in the amount of \$500, which was timely paid by the Pharmacy. The Board performed a follow-up inspection of the Pharmacy on October 27, 2010, which again indicated that the Pharmacy had large amounts of expired drugs on its shelves.

In lieu of instituting formal proceedings against the Pharmacy, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Pharmacy and its counsel on February 16, 2011. As a result, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Pharmacy possessed a Maryland pharmacy permit, Permit No. P00047, and operated on the premises located at 23 S. Main Street, Bel Air, Maryland.
2. On April 29, 2010, the Board performed an annual inspection of the Pharmacy in accordance with Md. Code Ann., Health Occ. § 12-604(b).
3. The April 28, 2010, inspection noted that the Pharmacy had approximately 100 expired medications on its shelves.
4. On October 19, 2010, the Board issued a Notice of Deficiencies and recommended a civil monetary penalty of \$500. The Pharmacy timely paid the monetary penalty.
5. On October 27, 2010, the Board performed a follow-up inspection of the Pharmacy to insure that the issue of expired medications had been appropriately addressed.
6. The October 27, 2010, inspection indicated that the Pharmacy had approximately 62 expired medications on its shelves.
7. The Pharmacy has implemented a new policy to insure the timely removal of expired medications.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-403(b)(1) and (12), and COMAR 10.34.12.01.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 15TH day of JUNE, 2011, hereby:


ORDERED that BOYD AND FULFORD DRUGS, Permit No. P00047, shall pay a fine in the amount of \$1,000.00, payable to the Maryland Board of Pharmacy within thirty (30) days of the date of this Order; and be it further,

ORDERED that the Pharmacy shall submit to the Board its policies and procedures for removal of expired medications, to include timelines, within thirty (30) days of the date of this Order; and be it further,

ORDERED that failure to pay in full the above fine or submit the above-mentioned policies and procedures within thirty (30) days of the date of this Order shall be considered a violation of this Order, and after notice and opportunity for a show cause hearing shall subject the Pharmacy to further discipline such as suspension, revocation or further fines based on the violations cited in this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617 (h).

6-15-2011
Date


Michael Souranis, P.D.
President

CONSENT

1. By signing this Consent, the Pharmacy submits to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy the right to a full evidentiary hearing. The Pharmacy consents and submits to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on the Pharmacy's behalf and to all other substantive and procedural protections provided by law.
2. By signing this Consent, the Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
4. The Pharmacy signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.


BOYD AND FULFORD DRUGS
Permit No. P00047

5/4/11
Date

Mechem E. Streett P N E S
Mechem E. Streett, R.Ph.
Title: _____

STATE OF MARYLAND
COUNTY/CITY OF Harford :

I hereby certify that on this 6th day of May, 2011,
before me, a Notary Public of the State of Maryland and County/city aforesaid, personally
appeared MECHEM E. STRETT, on behalf of BOYD AND FULFORD DRUGS, and
made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public
My commission expires: 1-1-15

TIMOTHY R. STREETT
Notary Public - State of Maryland
My Commission Expires January 1, 2015

