

IN THE MATTER OF	*	BEFORE THE
CARE ONE PHARMACY, LLC	*	STATE BOARD OF
RESPONDENT-PHARMACY	*	PHARMACY
PERMIT NUMBER: P05027	*	CASE NO.: PI 10-020

* * * * *

FINAL CONSENT ORDER

The State Board of Pharmacy ("the Board") charged Care One Pharmacy, LLC, permit number: P05027 ("Respondent-Pharmacy"), with violating certain provisions of the Maryland Pharmacy Act, ("the Act") Md. Health Occ. Code Ann., ("H. O.") §§ 12-101 *et seq.* (2009 Repl. Vol.). The pertinent provisions state:

H.O. § 12-409. Suspension and Revocation - Grounds.

(a) In general - 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 title; or
- (3) Is otherwise not conducted in accordance with the law.

H.O. § 12-403. Required Standards.

(b) In general – 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.

The Board also charged the Respondent-Pharmacy with violating the following:

**Code Md. Regs. tit. 10 § 34.05:
.02 Prescription Area.**

- (A) The pharmacy permit holder shall:
 - (3) Prevent an individual from being in the prescription area unless a pharmacist is immediately available on the premises to provide pharmacy services;
 - (4) Prevent unauthorized entry when the prescription area is closed during a period that the rest of the establishment is open.

**Code Md. Regs. tit. 10 § 34.05:
.03 Pharmacy Operation.**

- (A) A pharmacist shall be immediately available on the premises to provide pharmacy services at all times the pharmacy is in operation.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant herein, Respondent-Pharmacy was originally issued a permit to operate a pharmacy, in the State of Maryland, on or about May 19, 2009. Respondent-Pharmacy's permit is due to expire on December 31, 2011.
2. Respondent-Pharmacy is located at 1835 Pennsylvania Avenue, Baltimore, Maryland.
3. Peter Okojie ("Okojie"), a pharmacist licensed by the Board, under license number: 15719, is an owner of Respondent-Pharmacy.
4. On April 19, 2010, the Maryland Division of Drug Control ("Drug Control") conducted a routine inspection of Respondent-Pharmacy.
5. The Drug Control Inspector arrived at Respondent-Pharmacy at approximately 10:50 a.m.

6. When the Drug Control Inspector arrived at Respondent-Pharmacy, Respondent-Pharmacy was opened for business, but there was not a licensed pharmacist in the pharmacy prescription area.

7. The Inspector spoke with two Respondent-Pharmacy employees, who were present. Both employees were in the prescription area when the Inspector arrived.

8. One of the employees, ZB, was in possession of the keys to Respondent-Pharmacy and Respondent-Pharmacy's prescription area.

9. The Inspector had ZB close Respondent-Pharmacy until a pharmacist arrived at Respondent-Pharmacy.

10. The conduct, as described above, is a violation of H.O. § 12-403 (b) (1), (2), and (3); H.O. § 12-409 (a) (1), (3), and (4); Code Md. Regs. tit. 10 § 34.05.02 (A) (3) and (5); and Code Md. Regs. tit. 10 § 34.05.03 (A).

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes that Respondent-Pharmacy violated H.O. § 12-403 (b) (1), (2), and (3); H.O. § 12-409 (a) (1), (3), and (4); Code Md. Regs. tit. 10 § 34.05.02 (A) (3) and (5); and Code Md. Regs. tit. 10 § 34.05.03 (A).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of January 2010, that a majority of the Board hereby:

ORDERED that Respondent-Pharmacy permit shall be **SUSPENDED** for a period of ten (10) days. The suspension of Respondent-Pharmacy permit shall be immediately stayed;

and it is further ordered

ORDERED that Respondent-Pharmacy permit shall be placed on **PROBATION** for a period of one (1) year subject to the following conditions:

1. The owner of Respondent-Pharmacy shall take and pass the Maryland law examination;
2. The owner of Respondent-Pharmacy shall pay a fine in the amount of \$1,500 within ninety days of the effective date of this Order; and it is further

ORDERED that at the end of Respondent-Pharmacy's probationary period, the owner of Respondent-Pharmacy shall file a written petition to the Board for termination of the probationary status and the removal of any conditions or restrictions that resulted from this disciplinary action, provided that Respondent-Pharmacy has fulfilled all the terms and conditions set forth herein, is not in violation of this Order, and there are no outstanding complaints against the Respondent-Pharmacy; and it is further

ORDERED that if the owner of Respondent-Pharmacy fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and it is further

ORDERED that if the Board determines that the terms or conditions of this Order have not been successfully completed, the Board may modify the terms and conditions of Respondent-Pharmacy's probation, upon notice to the owner of Respondent-Pharmacy; and it is further

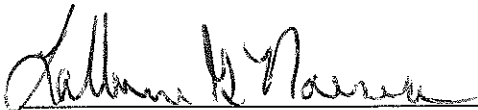
ORDERED that if Respondent-Pharmacy violates any of the terms of this Order, the Board, after notice and a hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and it is further

ORDERED that Respondent-Pharmacy shall be responsible for all costs incurred under this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this Order is a public document pursuant to Md. State Govt. Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. & 2010 Supp.).

1/13/11
Date

for 
Michael N. Souranis, P.D.
President
State Board of Pharmacy

CONSENT OF CARE ONE PHARMACY, LLC PERMIT # PO5027

I, Peter Okojie, P.D., on behalf of Care One Pharmacy, LLC, permit number: PO05027, by affixing my signature hereto, acknowledge that:

1. Care One Pharmacy and I are represented by George A. Beschi, Esquire.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-411 (Repl. Vol. 2009 & 2010 Supp.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2009 & 2010 Supp.).
3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive

and procedural protections provided by law. I am waiving those procedural and substantive protections.


4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth herein, as a resolution of the Board's case, based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Final Consent Order as set forth in Md. Health Occ. Code Ann. § 12-412 (Rep. Vol. 2009 & 2010 Supp) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Rep. Vol. 2009 & 2010 Supp.).

6. I acknowledge that by failing to abide by the terms and conditions set forth in this Final Consent Order, and, following proper procedures, Care One Pharmacy may be subject to disciplinary action, which may include revocation of the pharmacy permit operate in the State of Maryland.

7. I sign this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Final Consent Order.

1/4/2011
Date


Peter Okojie, P.D.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I hereby certify that on this 4th day of January, 2011, before me, a Notary

Public for the State of Maryland and the Baltimore City/County aforesaid, personally appeared Peter Okojie and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal



Beverly J. Kaufman
Notary Public

My Commission Expires: 3/30/2011