

IN THE MATTER OF
SETH DEPASQUALE
LICENSE NO. 26283

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BEFORE THE
MARYLAND STATE
BOARD OF PHARMACY
Case No. 21-072

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board") received a self-report from Seth DePasquale (the "Respondent") notifying the Board that he was formally disciplined by the Kentucky Board of Pharmacy on July 31, 2020, based on deficient sterile compounding practices. The Board then opened an investigation into the matter which revealed that the Respondent was placed on probation by the Kentucky Board based on dispensing of sterile and non-sterile products that failed to adhere to USP 797 and 795, respectively.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and the Respondent have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The Respondent currently resides in Lexington, Kentucky, and obtained a Maryland License 26283 on or about January 2, 2019. The Respondent's license is active.
2. At all relevant times, the Respondent practiced as the pharmacist-in-charge (PIC) at a pharmacy in Kentucky that held a non-resident pharmacy permit in Maryland

("Pharmacy A"). Pharmacy A dispensed compounded sterile and non-sterile products pursuant to patient-specific prescriptions.

3. On or about July 31, 2020, the Kentucky Board of Pharmacy and the Respondent entered into an Agreed Order of Probation.
4. The Kentucky Board found that the Respondent, among other things, engaged in unprofessional and unethical conduct by failing to compound sterile preparations pursuant to USP 797 and non-sterile preparations pursuant to USP 795, failed to maintain complete and accurate compounding records, and failed to conduct appropriate drug utilization review before dispensing compounded non-sterile products.
5. The Kentucky Board fined the Respondent in the amount of \$7,500.00 and placed the Respondent's license on probation for a period of five (5) years with the requirement that the Respondent complete six (6) continuing education hours in compounding.
6. The Board's investigation revealed that the Respondent dispensed approximately six (6) compounded products into Maryland that were included in the affected lots determined by the Kentucky Board to not have met USP 797 and 795 standards.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent, License Number 26283, is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-313(b)(24) and (25) and COMAR 10.34.19.06-07.

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-409, it is this 18th day of August, 2021, hereby,

ORDERED that the Respondent, License No. 26283, shall pay a FINE in the amount of ONE THOUSAND DOLLARS (\$1,000.00) within sixty (60) days, in the form of a check made payable to the Maryland Board of Pharmacy, and sent to:

Wells Fargo Bank
c/o State of Maryland – Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, Maryland 21046
(Please include the Case No. 21-072 to ensure proper assignment.)

and be it further;

ORDERED that the Respondent shall successfully complete six (6) continuing education credits in compounding within ninety (90) days of the date of this Order; and be it further,

ORDERED that the Respondent shall fully comply with the terms and conditions of the Kentucky Board of Pharmacy Agreed Order of Probation, dated July 31, 2020; and be it further,

ORDERED that the Respondent shall immediately notify the Board in writing in the event that the Respondent is alleged by the Kentucky Board to be in violation of the July 31, 2020, Agreed Order of Probation; and be it further,

ORDERED that the Respondent shall comply with laws and regulations governing the dispensing of drugs into the State of Maryland, to include Maryland laws governing sterile compounding; and be it further,

ORDERED that if the Respondent violates any of the terms and conditions of this Pre-Charge Consent Order, the Board, in its discretion and after notice and an opportunity for a hearing, may impose any sanction which the Board may have imposed in this case, including a reprimand, probation, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that this is a formal order and as such is a public document pursuant to the Maryland Public Information Act, Md. Code Ann., General Provisions Article § 4-101, *et seq.*

8-18-21

Date



Deena Speights-Napata, M.A.

Executive Director for:

Jennifer L. Hardesty, Pharm.D.
Board President

CONSENT

1. I, Seth DePasquale, acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

2. I, Seth DePasquale, acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

3. I, Seth DePasquale, acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. I, Seth DePasquale, sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

8/2/21
Date

Seth DePasquale
Name: SETH DEPASQUALE
Title: PHARMACIST

STATE OF Kentucky
COUNTY/CITY OF Fayette:

I hereby certify that on this 2nd day of August, 2021, before me, a Notary Public of the State of Kentucky and County/City aforesaid, personally appeared Seth DePasquale, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Leigh Alcorn
Notary Public
My commission expires: 11-26-2023