

IN THE MATTER OF
DUNDALK PHARMACY
PERMIT NO. P00439

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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"), while conducting an annual inspection of Dundalk Pharmacy (the "Pharmacy") on September 27, 2013, discovered deficiencies relating to controlled drug substances inventory management and training documentation of pharmacy personnel. Similar deficiencies were found at the Pharmacy in its prior annual inspection which resulted in the issuance of a Consent Order, dated August 2, 2013.

In lieu of issuing Charges against the Pharmacy for violations of 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 permit holder on February 12, 2014. As a result, Dundalk Pharmacy and the Board have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

FINDINGS OF FACT

1. On September 27, 2013, the Board conducted an annual inspection of the Pharmacy to ensure compliance with laws and regulations regarding pharmacy operations, and to ensure compliance with the terms of the Pharmacy's prior Consent Order with the Board, dated August 2, 2013.
2. The Board's inspector found that the Pharmacy was unable to provide documentation of pharmacy staff training and that the only sink in the prescription area was inoperable.

3. During the inspection, the Board's inspector also performed a CDS audit and noted a significant shortage in the Pharmacy's inventory for Oxycodone 15 mg of 8.974 tablets. The Pharmacy was instructed to submit documented reconciliation of the discrepancy to the Board. The Pharmacy submitted a reconciliation of Oxycodone 15 mg, but was still unable to account for 695 tablets.
4. Subsequent to the Board's inspection, the Pharmacy had the sink in the prescription area fixed.
5. Subsequent to the Board's inspection, the Pharmacy installed a motion sensor camera on the narcotics cabinet.
6. Subsequent to the Board's inspection, on January 31, 2014, close of business, the Pharmacy conducted an inventory of its controlled dangerous substances stock.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Dundalk Pharmacy is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-403(b)(1), (11) and (12) and COMAR 10.34.26.03.

ORDER

Based on an affirmative vote of the Board, it is this 1st day of April, 2014, hereby:

ORDERED that Dundalk Pharmacy shall pay a FINE of \$1,500, payable to the Maryland Board of Pharmacy within ninety (90) days of the date of this Order; and be it further,

ORDERED that, within ninety (90) days of this Order, Dundalk Pharmacy shall conduct a reconciliation of its controlled dangerous substances inventory between the date of its last

biennial inventory of May 1, 2013, and January 31, 2014, close of business; and be it further,

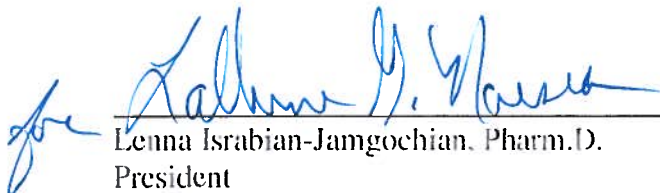
ORDERED that, within thirty (30) days of this Order, Dundalk Pharmacy shall submit to the Board documentation of staff training regarding their roles and responsibilities in preventing of medication errors; and be it further,

ORDERED that, the Board shall re-inspect Dundalk Pharmacy to ensure compliance with laws regarding pharmacy operations, and specifically to ensure that the deficiencies cited herein have been addressed and corrected; 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).

Date

4/1/14



Lenna Israbian-Jamgochian, Pharm.D.
President
Maryland Board of Pharmacy

CONSENT

1. Dundalk Pharmacy consents to the foregoing 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 in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf and to all other substantive and procedural protections provided by law.
2. Dundalk Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. Dundalk Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. Dundalk Pharmacy executes this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

MARCH 7, 2014
Date

William Windham, Jr.
William Windham, Jr.
Owner, Dundalk Pharmacy

STATE OF MARYLAND :
COUNTY/CITY OF BALTIMORE :

I hereby certify that on this 7TH day of MARCH, 2014, before me, a Notary Public of the State and County/City aforesaid, personally appeared William Windham, Jr., on behalf of Dundalk Pharmacy, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

[Signature]
Notary Public
My commission expires: 5/12/17