

IN THE MATTER OF  
DUNDALK PHARMACY  
PERMIT NO. P00439

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BEFORE THE  
MARYLAND BOARD  
OF PHARMACY

## PRE-CHARGE CONSENT ORDER

### Background

The Maryland Board of Pharmacy (the "Board"), while conducting an annual inspection of Dundalk Pharmacy (the "Pharmacy") on November 16, 2012, discovered numerous deficiencies relating to general pharmacy operations requirements.

In lieu of issuing Charges against the Pharmacy for violation 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 March 13, 2013. 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 November 16, 2012, the Board conducted an annual inspection of the Pharmacy to ensure compliance with laws and regulations regarding pharmacy operations.
2. The Board's inspector found that one of the employees at the Pharmacy was performing pharmacy technician duties without being duly registered with the Board. The Pharmacy was previously disciplined in March 2011 for employing unregistered pharmacy technicians.
3. The pharmacy technician subsequently obtained a registration from the Board on April 29, 2013.

4. During the inspection, the Board's inspector also performed a CDS audit and noted a significant discrepancy in the Pharmacy's inventory for Oxycodone 10 mg. The Pharmacy was instructed to submit documented reconciliation of the discrepancy to the Board. The Pharmacy failed to submit such documentation or perform the reconciliation as requested.
5. The Pharmacy conducted its biennial inventory four (4) months late.
6. The Board's inspector noted that the Pharmacy was cluttered and generally disorganized.
7. The Pharmacy did not have documented policies and procedures regarding training its staff in the prevention of medication errors.

### 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), (19), and 12-6B-01, and COMAR 10.34.26.03 and 10.19.03.05.

### ORDER

Based on an affirmative vote of the Board, it is this 2<sup>nd</sup> day of August, 2013, hereby:

**ORDERED** that Dundalk Pharmacy shall pay a FINE of \$1,500, payable to the Maryland Board of Pharmacy within sixty (60) days of the date of this Order; and be it further,

**ORDERED** that, within thirty (30) days of this Order, Dundalk Pharmacy shall reconcile the discrepancy in the Schedule II audit of Oxycodone 10mg, and submit documentation of the reconciliation to the Board; and be it further,

**ORDERED** that, within thirty (30) days of this Order, Dundalk Pharmacy shall clean and

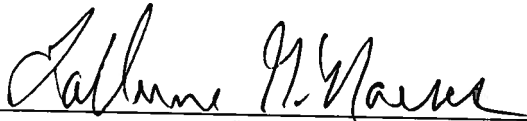
organize its pharmacy premises to enable safe pharmacy operations; and be it further,

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

**ORDERED** that, within sixty (60) days of this Order, the Board shall reinspect 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).

8/2/13  
Date

  
Michael Souranis, P.D.  
President  
Maryland Board of Pharmacy

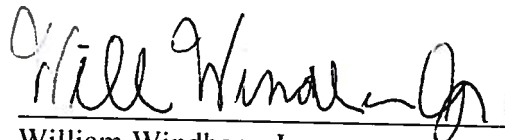
**CONSENT**

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.

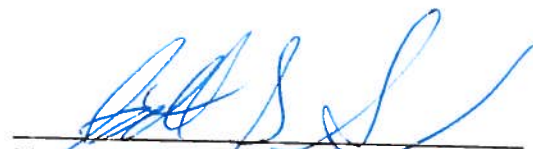
3. Dundalk Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. Dundalk Pharmacy executes this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

5-21-2013  
Date

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

STATE OF MD :  
COUNTY/CITY OF BALTIMORE :

I hereby certify that on this 21<sup>st</sup> day of MAY, 2013, 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.

  
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Notary Public  
My commission expires: MAY 12, 2017