

IN THE MATTER OF
COSMOS NELO GEORGE II
LICENSE NO. 15096

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BEFORE THE
STATE BOARD
OF PHARMACY
Case Number: 05-031

Respondent

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FINAL CONSENT ORDER

The Maryland Board of Pharmacy (the "Board") hereby charged **Cosmos Nelo George II** (the "Respondent"), **D.O.B. 06/02/1974, License Number 15096**, under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 et seq. (2000 Repl. Vol. and 2004 Supp.). Specifically, the Board charged the Respondent with violating the following:

**H.O. § 12-313. Denials, reprimands, suspensions, and revocations-
Grounds.**

(b) In general. – Subject to the hearing provisions of § 12-315 of this subtitle, the Board on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (1) Fraudulently or deceptively obtains or attempt to obtain a license for the applicant of licensee or for another;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;

- (23) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes.

FINDINGS OF FACT

The charges are based on the following facts, which the Board has reason to believe are true:

1. The Respondent is, and at all times relevant to these charges, was licensed to practice pharmacy in the State of Maryland. The Respondent was initially issued a license to practice pharmacy in the State of Maryland on August 19, 1998.

2. At all times relevant hereto, the Respondent was and is licensed to practice pharmacy in the State of Michigan.¹

3. On or about June 30, 2004, the Respondent submitted an application for renewal of his Maryland pharmacy license.

4. On his application for the 2004 renewal period, the Respondent marked "Yes" to the following question:

2 (a) Has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation?

5. On his 2004 renewal application, the Respondent marked "No" to the following:

8. Have the conditions of your employment been affected by any termination of employment, suspension, or probation for any reason related to your practice?

¹ The Respondent currently resides in Michigan.

6. A subsequent investigation by the Board revealed the following:

7. On or about November 25, 2003, an Administrative Complaint was issued by the Michigan Board of Pharmacy charging the Respondent with violating the Public Health Code, Mich. Comp. Law Ann. 333 §§ 16221 (a), (b)(i), b(vi), (c)(iii) 17751(1), and 17763 (A copy of the Administrative Complaint is attached hereto and incorporated herein as Exhibit A).

8. On or about February 4, 2004, the Respondent entered into a Consent Order and Stipulation Agreement with the Michigan Board of Pharmacy (A copy of the Consent Order and Stipulation is attached hereto and incorporated herein as Exhibit B).

9. The Michigan Board found that the allegations of fact set forth in the Administrative Complaint to be true and that the Respondent had violated Public Health Code, Mich. Comp. Law Ann. 333 §§ 16221 b (vi) and 17763².

² The pertinent provisions of 333 § 16621 state:

The department may investigate activities related to the practice of a health profession by a licensee, a registrant, or an applicant for licensure or registration. The department may hold hearings, administer oaths, and order relevant testimony to be taken and shall report its findings to the appropriate disciplinary subcommittee. The disciplinary subcommittee shall proceed under section 16226 if it finds that 1 or more of the following grounds exist:

(b) Personal disqualifications, consisting of 1 or more of the following:
(vi) Lack of good moral character.

The pertinent provisions of 333 § 17763 state:

In addition to the grounds set forth in part 161, the disciplinary subcommittee may fine, reprimand, or place a pharmacist licensee on probation, or deny, limit, suspend, or revoke the license of a pharmacist or order restitution or community service for a violation or abetting in a violation of this part or rules promulgated under this part, or for 1 or more of the following grounds:

- (a) Employing the mail to sell, distribute, or deliver a drug that requires a prescription when the prescription for the drug is received by mail.
- (b) Adulterating, misbranding, or substituting a drug or device knowing or intending that the drug or device shall be used.
- (c) Permitting the dispensing of prescriptions by an individual who is not a pharmacist, pharmacist intern, or dispensing prescriber.
- (d) Permitting the dispensing of prescriptions by a pharmacist intern, except in the presence and under the personal charge of a pharmacist.

10. On or about March 14, 2003, the Respondent was terminated from employment at CVS Pharmacy # 8270 located in Detroit, Michigan, for self prescribing medication, as set forth in Exhibits A and B.

11. The Respondent's conduct, as determined by the Michigan Board of Pharmacy constitutes willfully makes or files a false report or record as part of practicing pharmacy and constitute grounds for disciplinary action in the State of Maryland pursuant to H.O. § 12-313(b) (6).

12. The Respondent's conduct as determined by the Michigan Board of Pharmacy constitutes dispensing any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber and constitute grounds for disciplinary action in the State of Maryland pursuant to H.O. § 12-313(b) (14).

13. The Respondent's failure to inform the Board on his 2004 renewal application that he had been terminated from his position as a pharmacist is a violation of H.O. § 12-313(b).

14. The allegations as set forth in paragraphs 4 through 13 constitute grounds for revocation of the Respondent's license to practice pharmacy in the State of Maryland.

(e) Selling at auction drugs in bulk or in open packages unless the sale has been approved in accordance with rules of the board.

(f) Promoting a prescription drug to the public in any manner.

(g) In addition to the prohibition contained in section 7405(1)(e), dispensing a prescription for a controlled substance as defined in section 7104 that is written and signed or transmitted by a physician prescriber in a state other than Michigan, unless the prescription is issued by a physician prescriber residing adjacent to the land border between this state and an adjoining state who is authorized under the laws of that state to practice medicine or osteopathic medicine and surgery and to prescribe controlled substances and whose practice may extend into this state, but who does not maintain an office or designate a place to meet patients or receive calls in this state.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated H.O. §§ 12-313 (b) (1), (6), (14), and (23).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of November 2005, the Board, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent's license to practice pharmacy is **SUSPENDED** for a period of **one (1) year** and said suspension shall be **STAYED**; and be it further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of **two (2) years** subject to the following conditions:

1. The Respondent shall pay a fine in the amount of three thousand dollars (\$3000), less the cost of the court reporter. The fine shall be paid within six (6) months of the date of this Order;
2. Irrespective of any other condition in this Order that set forth procedures for adjudicating violations of probationary conditions or any other violation of this Order, the Respondent shall be subject to immediate and automatic suspension, if he fails to pay the fine in the amount of three thousand dollars (\$3000) no later than six (6) months from the date that this Order is signed by the Board; and be it further

ORDERED that at the end of Respondent's probationary period, the Respondent may petition the Board for termination of the probationary status and reinstatement of his license without any conditions or restrictions, provided that he has fulfilled all the terms and conditions of probation set forth herein, is not in violation of this Consent Order and there are no outstanding complaints against the Respondent. If the Board determines that the terms of probation have not been successfully completed, then the Board may modify one or more condition upon which the Respondent was placed on

probation, upon notice to the Respondent. However, if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including probationary terms or conditions as set forth herein or any state or federal law governing the practice of pharmacy, then the Board, after a determination of violation and notice, and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further

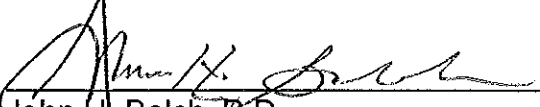
ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that for purposes of public disclosure and, as permitted by Md. State Govt. Code Ann. § 10-617(h) (2004 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose to any national reporting bank or other to whom the Board is mandated to report; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that this is a **FINAL ORDER** and, as such, is a public document pursuant to Md. State Govt. Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).

11/15/08
Date



John H. Balch, P.D.
President
State Board of Pharmacy

CONSENT OF COSMOS NELO GEORGE, II, P.D.

I, **Cosmos Nelo George, II, P.D., License Number 15096**, by affixing my signature hereto, acknowledge that:

1. I have consulted with my attorney, Carol Daisey, Esquire.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (2000 Repl. Vol. and 2004 Supp.) and Md. State Govt. Code Ann. §§10-201 et seq. (2004 Repl. Vol.).
3. I acknowledge the validity 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.
4. I voluntarily enter into and consent to the foregoing Findings of Fact, Conclusions of Law and Order, provided that the Board adopts the foregoing Consent Order in its entirety. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a fully evidentiary hearing, as set forth above, and any right to appeal this Consent Order or as set forth in § 12-316 of the Act and Md. State Govt. Code Ann. §§10-201 et seq. (2004 Rep. Vol.).
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action, which may include revocation of my license to practice pharmacy in the State of Maryland.

6. 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 Consent Order.

Nov 14th, 2005
Date

Cosmos Nelo George II
Cosmos Nelo George, II, P.D.

NOTARY

STATE OF Michigan
CITY/COUNTY OF Oakland

I HEREBY CERTIFY THAT on this 14th day of November, 2005, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared **Cosmos Nelo George II, P.D., License Number 15096**, 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.

Sylma R. Poole
Notary Public

My Commission Expires: 6-18-08

