

IN THE MATTER OF * BEFORE THE
HARRISON HEALTHCARE * MARYLAND STATE
PERMIT NO. PW0268 * BOARD OF PHARMACY
* Case No. 21-089

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received credible information indicating that Harrison Healthcare (the “Pharmacy”) was operating an off-site warehouse for storage of certain pharmacy inventory that was never disclosed to the Board. The Board subsequently confirmed the existence of the warehouse and obtained a copy of the Pharmacy’s inventory that was stored in the warehouse. The warehouse inventory contained primarily over-the-counter drugs and medical supplies but also included certain prescription drugs. The Board’s investigation also revealed that the Pharmacy was distributing products to unauthorized entities.

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

FINDINGS OF FACT

1. The Pharmacy is located in Baltimore, Maryland, and was issued a waiver pharmacy permit, PW0268 on or about December 22, 2005. The Pharmacy’s permit is active and will expire on May 31, 2022.
2. The Pharmacy’s waiver permit limits the Pharmacy to providing specialty

pharmaceutical services to assisted living care facilities.

3. On or about August 2020, the Board was provided credible information indicating that the Pharmacy was operating an off-site warehouse approximately ten (10) miles from the Pharmacy that was not disclosed to the Board as part of its pharmacy operations, and thus, had never been inspected by the Board. The warehouse was not otherwise licensed by the Board or the Department of Health in any other capacity.
4. Board inspectors subsequently drove by the warehouse location and confirmed that its signage stated "Harrison Healthcare." The Board also obtained a copy of inventory stored at the warehouse which primarily included over-the-counter drugs and medical supplies. However, certain prescription drugs were also found in the warehouse, such as Propofol, Piperacillin, and Azithromycin.
5. The Pharmacy asserts that the warehouse was used to store and distribute non-prescription drugs and medical supplies. ^{Some} All products stored at and distributed ^{Item} from the warehouse location were purchased with the Pharmacy's permit.
6. The Pharmacy asserts that the prescription drugs in the warehouse were products being returned by the Pharmacy to the original distributor.
7. The Board obtained copies of the Pharmacy's client list and purchase invoices. The client list indicated that the Pharmacy distributed drugs to unauthorized entities, including a non-profit organization and senior center.
8. The Pharmacy asserts that it previously held a wholesale distributor permit from the Board but let it lapse based on information received by an inspector advising that a permit was not required to distribute non-prescription drugs or devices.
9. The Pharmacy was previously issued a Letter of Admonishment by the Board in 2020 based on unrelated issues.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Harrison Healthcare, Permit Number PW0268, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-403(b)(1) and (12), 12-406(b), and 12-604, and COMAR 10.34.30.05 and 10.34.37.02.

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-409, it is this 19th day of July, 2022, hereby,

ORDERED that the waiver pharmacy permit held by Harrison Healthcare, Permit No. PW0268, shall be placed on immediate PROBATION for a period of at least THREE (3) YEARS, during which time, the Pharmacy shall:

1. Within 90 days, disclose to the Board in writing any and all locations, including off-site locations, used to store, distribute or dispense prescription drugs, non-prescription drugs, or durable medical supplies purchased with the Pharmacy permit, and subject such locations to appropriate licensure and inspection by the Board;
2. Immediately cease distribution of prescription drugs to any person other than another pharmacy, in accordance with Health Occ. Art., Sec. 12-406 and COMAR 10.34.37.02;
3. Shall submit to the Board on a quarterly basis copies of all distribution invoices issued by the Pharmacy;

4. Shall not distribute prescription drugs or devices in excess of 5% of the Pharmacy's total annual sales in accordance with Health Occ. Art., Sec. 12-406 and COMAR 10.34.37.02; and
5. Be subject to random Board inspections of the Pharmacy premises and any off-site locations associated with the Pharmacy to ensure compliance with this Order.

ORDERED that Harrison Healthcare shall comply with all laws and regulations governing the operation of a pharmacy in the State of Maryland, to include Maryland laws governing storage of pharmacy inventory and wholesale distribution by a pharmacy; and be it further,


ORDERED that Harrison Healthcare shall fully cooperate with the Board in its monitoring of the terms of this Order; and be it further,

ORDERED that after three (3) years of documented full compliance of all terms of probation, Harrison Healthcare may petition the Board for termination of probation provided that there are no pending complaints against the Pharmacy; and be it further,

ORDERED that in the event that Harrison Healthcare violates any of the terms above, or violates any provision of the Maryland Pharmacy Act, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose any disciplinary sanction it deems appropriate, including suspension, revocation, and fines, said violation being proven by a preponderance of the evidence; and be it 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.*

7-19-2022
Date


Deena Speights-Napata, M.A.
Executive Director for:

Jennifer Hardesty, Pharm.D.
Board President

CONSENT


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

2. Harrison Healthcare acknowledges that, by entering into this Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

3. Harrison Healthcare acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. Harrison Healthcare signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Harrison Healthcare fully understands the language, meaning, and effect of this Consent Order.

03-30-2022
Date


Name: HARRISON EGGEN
Title: President

STATE OF MARYLAND
COUNTY/CITY OF BALTIMORE :

I hereby certify that on this 30th day of MARCH, 2022, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared HARRISON EGBIREMOLEN, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of HARRISON HEALTHCARE.

Shelly Pevchin
NOTARY PUBLIC
BALTIMORE CITY
MARYLAND
MY COMMISSION EXPIRES 8/25/2025



Notary Public

My commission expires: 8/25/2025

STATE OF MARYLAND
COUNTY/CITY OF BALTIMORE :

I hereby certify that on this 14th day of July, 2022, before me, a Notary Public of the State of Maryland and the County/City aforesaid, personally appeared HARRISON EGBIREMOLEN, requested one change be made to the Pre-Charge Consent Order on Page 2, ¶ 5, and provided his hand-written initials next to the change, and made an oath in due form that the foregoing Consent and change was his voluntary act and deed on behalf of HARRISON HEALTHCARE.


Shelly Pevchin
NOTARY PUBLIC
BALTIMORE CITY
MARYLAND
MY COMMISSION EXPIRES 8/25/2025

Notary Public

My commission expires: 8/25/2025