

IN THE MATTER OF \* BEFORE THE  
HREMT PHARMACY \* STATE BOARD  
PERMIT No.: P02010 \* OF PHARMACY  
Respondent-Pharmacy \*

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. § 10-226 (c) (1999 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the permit to operate as a pharmacy in Maryland issued to Hremt Pharmacy, (the "Respondent-Pharmacy"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2000 Repl. Vol.).

This Order is based on the following investigative findings, which the Board has reason to believe are true:

**BACKGROUND**

1. At all times relevant hereto, the Respondent-Pharmacy was permitted to operate as a pharmacy in Maryland. The Respondent-Pharmacy was first issued a permit on November 20, 1996. The Respondent-Pharmacy's permit expires on December 31, 2003.

2. The Respondent-Pharmacy is located at 5644 Silver Hill Road in District Heights, Maryland, in Prince George's County.

3. The Respondent-Pharmacy is 90% owned by Emmanuel Thad Ereme, a licensed pharmacist, who works at the Respondent-Pharmacy on a full-time basis. Janice Ereme, Emmanuel's wife, owns the other 10% interest in the Respondent-Pharmacy.

Janice Ereme, also a licensed pharmacist, works at the Respondent-Pharmacy on a part-time basis.

4. On Thursday, March 6, 2003, Emmanuel Ereme was served with a five count (Superseding) Indictment by the United States District Court for the District of Maryland. Mr. Ereme was charged with narcotics conspiracy, distribution of controlled dangerous substances, aiding and abetting, and forfeiture was requested, up to \$500,000, under the criminal code of the United States of America. A copy of the Superseding Indictment is attached hereto and made a part hereof.<sup>1</sup>

5. Mr. Ereme is alleged to have been in conspiracy with Beverly Wheatley, a dentist whose license is expired, and two other persons, a brother and sister, to fill prescriptions from Wheatley for herself and others for non-legitimate medical purposes.

6. The Superseding Indictment further alleges that the brother and sister would present false, fraudulent, unauthorized or stolen prescriptions to Mr. Ereme at the Respondent-Pharmacy for the purpose of unlawfully obtaining controlled dangerous substances. Those substances were Oxycodone (commonly referred to as Percocet or Roxicet), Hydromorphone (commonly referred to as Dilaudid) and Dolophine (commonly referred to as Methadone).

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<sup>1</sup> Because two of the co-conspirators named in the Indictment have not yet been arrested, the portions of the Indictment pertaining to them have been redacted.

## FINDINGS OF FACT

1. As set forth above, the Respondent-Pharmacy's practice of filling/dispensing false, fraudulent, unauthorized or stolen prescriptions for non-legitimate medical purpose is a threat to the public health, welfare or safety.

2. The above actions also constitute violations of the Pharmacy Act, Md. Health Occ. Code Ann. § 12-101, *et seq.*, (2000 Repl. Vol.). Specifically, the Respondent-Pharmacy violated the following provisions of § 12-409:

(a) Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (1) Is conducted so as to endanger the public health or safety;
- (2) Violates any of the standards specified in § 12-403 of this subtitle; or
- (3) Otherwise is not conducted in accordance with the law.

### **§ 12-403 Required standards**

(b) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

- (1) Shall be operated in compliance with the law and with the rules and regulations of the Board;
- (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title;

### **§ 12-313 of the Act:**

- (2) Fraudulently or deceptively uses a license;
- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispensed any drug for which a prescription is required;

(20) Is professionally, physically, or mentally incompetent;

(24) Violates any rule or regulation adopted by the Board [;].

The Board further charges Respondent-Pharmacies with violating the Code of Md. Regs. tit. 10 § 34.10 (November 12, 2001), Pharmacist Code of Conduct--promulgated by the Board:

01. Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy . . . including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21, and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Article 27, 276-304, Annotated Code of Maryland, and COMAR 10.19.03[;].

#### **CONCLUSIONS OF LAW**

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Govt. Code Ann. 10-226(c) (2) (1999 Repl. Vol.).

## ORDER

Based on the foregoing, it is therefore this 14<sup>th</sup> day of **March 2003**, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Govt. Code Ann. § 10-226(c) (2) (1999 Repl. Vol.), the permit held by the Respondent-Pharmacy to operate as a pharmacy in Maryland, License No. 11100, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that that Summary Suspension shall be immediately **STAYED** for a period fourteen (14) calendar days from the date of this Order to satisfy the following conditions:


1. Pharmacy customers may pick up existing, filled prescriptions;
2. The Respondent-Pharmacy shall transfer previously written contractual obligations to a pharmacy provider pre-approved by the Board;
3. Owner/Pharmacist Emmanuel Thad Ereme is not permitted in the pharmacy;
4. The Respondent-Pharmacy shall not accept or dispense new prescriptions, except for patients being serviced through previously established written, contractual agreements, or unless otherwise approved by the Board;
5. The Respondent-Pharmacy shall obtain Board approval prior to the final transaction and/or disposition of drugs and prescription records;
6. The Board may inspect any and all transaction records concerning the sale and transfer of drugs and prescriptions;
7. The Respondent-Pharmacy shall comply with the Closure of Pharmacy regulations, Code of Md. Regs. tit. 10 § 34.14 (April 16, 2001); and,

8. The Respondent-Pharmacy shall provide written notification of the closure of the pharmacy to those with whom it has contractual obligations and shall provide the Board, within fourteen (14) calendar days, documented proof of such notification.

**ORDERED**, that upon the Board's receipt of a written request from the Respondent-Pharmacy, a Show Cause Hearing shall be scheduled within thirty days of said request, at which the Respondent-Pharmacy will be given an opportunity to be heard as to whether the Summary Suspension should be lifted/terminated, regarding the Respondent-Pharmacy's fitness to operate as a pharmacy and the danger to the public; and be it further

**ORDERED**, that the Respondent-Pharmacy shall, at the end of the fourteen (14) calendar day period, turn over to the Board its wall certificate issued by the Board; and be it further

**ORDERED**, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. 10-617(h) (1999 Repl. Vol.).

  
Stanton G. Ades, P.D., President  
Board of Pharmacy

## **NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent-Pharmacy for same.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

V.

BEVERLY WHEATLEY  
a/k/a BEVERLY CROCKETT  
EMMANUEL THAD EREME



Defendants

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CRIMINAL NO. PJM-02-0478  
(Narcotics Conspiracy, 21 U.S.C. § 846;  
Distribution of Controlled Dangerous  
Substances, 21 U.S.C. § 841(a)(1);  
Aiding and Abetting, 18 U.S.C. § 2;  
Forfeiture, 21 U.S.C. § 853).

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SUPERSEDING INDICTMENT

A. Introduction

At all times material to this Superseding Indictment,

1. EMMANUEL THAD EREME was a licensed pharmacist in the State of Maryland. EREME owned and operated a pharmacy trading as Hremt Pharmacy, located at 5644 Silver Hill Road, District Heights, Maryland. As a licensed pharmacist, EMMANUEL THAD EREME was entitled to fill prescriptions for controlled substances only if issued in accordance with the governing laws and regulations.

2. To be effective, a prescription for a controlled substance must be issued for a legitimate medical purpose by an individual medical practitioner acting in the usual course of his or her professional practice. Medical practitioners were responsible for properly prescribing controlled substances, but the pharmacist who filled the prescription bore a corresponding responsibility to properly dispense controlled substances. An order purporting to be a prescription but issued outside the usual course of professional treatment or legitimate and



authorized research is not a prescription within the meaning and intent of the law that otherwise permits the issuance and filling of prescriptions. Medical practitioners and pharmacists were trained to understand that it is improper to issue or fill a prescription that is issued outside the normal course of medical treatment or authorized research.

3. A prescription for a controlled substance could be issued only by an individual medical practitioner who was licensed to practice his or her profession and was either registered or exempted from registration with the Drug Enforcement Administration (DEA) pursuant to 21 C.F.R. §§ 1301.22(c) and 1301.23.


4. **BEVERLY WHEATLEY** was a dentist doing business as Ray-Dex Dental Associates, PC. Her practice was located at 5889 Allentown Road, Camp Springs, Maryland through sometime in July 2001, and, as of December 2001, was located at 6049 Old Central Avenue, Capitol Heights, Maryland. **BEVERLY WHEATLEY's** DEA registration expired as of May 31, 2001. **BEVERLY WHEATLEY** was not licensed to practice dentistry in the State of Maryland as of June 30, 1994. Her license to practice dentistry in the District of Columbia expired December 31, 2001.

B. **The Conspiracy**

The Grand Jury for the State and District of Maryland charges that:

5. From in or about 1999 and continuously thereafter up to and including in or about April 2002, in the State and District of Maryland, and elsewhere,

**BEVERLY WHEATLEY a/k/a BEVERLY CROCKETT  
EMMANUEL THAD EREME**



the defendants herein, together with others known and unknown to the Grand Jury, did knowingly, intentionally and unlawfully combine, conspire and agree together to distribute and possess with intent to distribute the following Schedule II controlled substance(s): Oxycodone (commonly referred to as Percocet or Roxicet), Hydromorphone (commonly referred to as Dilaudid) and Dolophine (commonly referred to as Methadone).

**MANNER AND MEANS OF THE CONSPIRACY**

6. It was part of the conspiracy that **EMMANUEL THAD EREME** did dispense or cause others to dispense controlled substances pursuant to prescriptions that he knew were not authorized by a medical practitioner, prescriptions that were stolen from medical practitioners or otherwise fraudulent, and/or prescriptions that were not written by a medical practitioner for a legitimate medical purpose.

7. It was further part of the conspiracy that **BEVERLY WHEATLEY** wrote prescriptions to herself and others, including family members, that she knew were not for legitimate medical purposes.

8. It was further part of the conspiracy that **BEVERLY WHEATLEY** provided unlawful prescriptions to **EMMANUEL THAD EREME** and other employees of the Hremt Pharmacy for the purpose of unlawfully obtaining controlled substances for herself and for others.

9. It was further part of the conspiracy that [REDACTED] would present prescriptions that were false, fraudulent, unauthorized by a medical practitioner and/or stolen to **EMMANUEL THAD EREME** and other employees of Hremt Pharmacy for the purpose of unlawfully

obtaining controlled substances for himself and to resell, and that **EMMANUEL THAD EREME** would dispense controlled substances to [REDACTED]  
[REDACTED], knowing the prescriptions were false, fraudulent, unauthorized by a medical practitioner and/or stolen.

10. It was further part of the conspiracy that **EMMANUEL THAD EREME** failed to keep, or caused other employees of Hremt Pharmacy to fail to keep, proper records relating to dispensing controlled substances in order to hide, conceal and facilitate the illegal diversion of controlled substances.

21 U.S.C. § 846

**COUNT TWO**

The Grand Jury for the District of Maryland further charges that:

On or about March 21, 2000, in the State and District of Maryland,

**EMMANUEL THAD EREME**

the defendant herein, did knowingly, intentionally and unlawfully distribute a quantity of a mixture or substance containing a detectable amount of Oxycodone, commonly referred to as Percocet or Roxicet, a Schedule II Controlled Substance.

21 U.S.C. § 841(a)(1)

18 U.S.C. § 2

**COUNT THREE**

The Grand Jury for the District of Maryland further charges that:

On or about March 24, 2000, in the State and District of Maryland,

**EMMANUEL THAD EREME**

the defendant herein, did knowingly, intentionally and unlawfully distribute a quantity of a mixture or substance containing a detectable amount of Oxycodone, commonly referred to as Percocet or Roxicet, a Schedule II Controlled Substance.

21 U.S.C. § 841(a)(1)

18 U.S.C. § 2

**COUNT FOUR**

The Grand Jury for the District of Maryland further charges that:

On or about March 28, 2000, in the State and District of Maryland,

**EMMANUEL THAD EREME**

the defendant herein, did knowingly, intentionally and unlawfully distribute a quantity of a mixture or substance containing a detectable amount of Oxycodone, commonly referred to as Percocet or Roxicet, a Schedule II Controlled Substance.

21 U.S.C. § 841(a)(1)

18 U.S.C. § 2

**COUNT FIVE**

The Grand Jury for the District of Maryland further charges that:

On or about March 29, 2000, in the State and District of Maryland,

**EMMANUEL THAD EREME**

the defendant herein, did knowingly, intentionally and unlawfully distribute a quantity of a mixture or substance containing a detectable amount of Oxycodone, commonly referred to as Roxicet, a Schedule II Controlled Substance.

21 U.S.C. § 841(a)(1)

18 U.S.C. § 2

**FORFEITURE ALLEGATIONS**

1. As a result of the offenses alleged in Counts One through Five, **EMMANUEL THAD EREME** shall forfeit to the United States any and all property, real and personal, constituting or derived from any proceeds such persons obtained directly or indirectly as the result of the aforestated violations, and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the aforestated violations, including, but not limited to, approximately \$500,000.

2. If, as a result of any act or omission of **EMMANUEL THAD EREME**, any such property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property, including but not limited to:



The real property commonly known as 7701 Quaint Court, Bowie, Maryland 20720, together with its buildings, improvements, fixtures, attachments and easements, being further described in the land records of Prince George's County, Maryland.

21 U.S.C. § 853

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Thomas M. DiBiagio  
United States Attorney

A TRUE BILL:

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FOREPERSON

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DATE