

IN THE MATTER OF	*	BEFORE THE STATE
CHARLES CHIGOZIE MBACHU	*	BOARD OF
RESPONDENT	*	PHARMACY
REGISTRATION NO.: T20290	*	CASE NO: 18-275

* * * * *

FINAL CONSENT ORDER

On or about April 17, 2020, the Maryland Board of Pharmacy (“the Board”) notified Charles Chigozie Mbachu (the “Respondent”), Registration Number: T20290, of the Board’s intent to revoke his registration to practice as a pharmacy technician under the Maryland Pharmacy Act (the “Act”), Md Code Ann., Health Occ. (“Health Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.). The pertinent provisions of the Act and COMAR state:

Health. Occ. §12–6B–09.

Subject to the hearing provision of § 12–315 of this title, the Board may deny a pharmacy technician’s registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician’s registration on probation, or suspend or revoke a pharmacy technician’s registration if the applicant or pharmacy technician registrant:

- (25) Violates any regulation adopted by the Board;
- (27) Participates in any activity that is grounds for Board action under § 12–313 or § 12–409 of this title[.]

Health. Occ. §12–313.

(b) 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 for a pharmacist’s license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(27) Violates any regulation adopted by the Board[.]

The Board also charged the Respondent with violating:

Code of Md. Regs 10.34.10

.01 Patient Safety and Welfare.

B. A pharmacist may not:

(3) Engage in unprofessional conduct.

On July 12, 2020, a case resolution conference (“CRC”) was held between the parties. In attendance at the CRC was a Panel of the Board, the Respondent, Board Counsel and the Administrative Prosecutor. Following the CRC, the full Board approved the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland.
2. The Respondent was originally registered to practice as a pharmacy technician in Maryland on or about November 7, 2017.
3. The Respondent’s registration expired on January 31, 2019.

4. At all times relevant hereto, the Respondent worked as a pharmacy technician at a pharmacy (“Pharmacy A”), a national retail chain, located in Maryland.¹

5. The Respondent entered into a prior Consent Order with the Board dated June 7, 2019, that required that he engage with the Board’s rehabilitation committee, Pharmacists Rehabilitation Services (“PRS”).

6. Pursuant to the Board’s order, the Respondent was to submit to an evaluation by PRS and follow any recommendations made by the evaluator.

7. On or about September 30, 2019, the Program submitted a monthly monitoring report to the Board. The Program reported to the Board that the Respondent was not in compliance with the Program’s recommendations. The Program reported that the Respondent failed to respond to numerous attempts made by Program staff to contact him.

8. On or about October 31, 2019, the Program submitted a monthly monitoring report to the Board. The Program reported to the board that the Respondent had failed to contact Program staff.

9. The Respondent asserts that he did not contact the Program because he was experiencing problems with his cell phone carrier and could not retrieve and/or make phone calls during the time that the Program attempted to contact him.

10. The Respondent’s conduct as set forth above is a violation of Health Occ. §12-6B-09(25) and (27); Health Occ. §12-313(b)(27); and/or COMAR 10.34.10 .01B (3).

¹ Pharmacy A and the Program are not identified in this document for privacy reasons, but this information will be provided to the Respondent upon request.

11. The Respondent's conduct as set forth above this a violation of the 2019 Consent Order.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §12-6B-09(25), and (27); Health Occ. §12-313(b)(27); and COMAR 10.34.10.01B(3). The Board also concludes that the Respondent is in violation of the 2019 Consent Order.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 6th day of April, 2021, a majority of a quorum of the Board hereby:

ORDERED that the Respondent shall apply for reinstatement of his registration and comply with all reinstatement requirements, including application, fee, and continuing education requirements; and it is further

ORDERED that upon reinstatement of the Respondent's registration, the Respondent's registration shall be **IMMEDIATELY SUSPENDED for a period of six (6) months**; and it is further

ORDERED that upon reinstatement and during the period of suspension, the Respondent shall immediately contact the Board's PRS. The Respondent shall fully comply will with all directives, recommendations, and conditions made by PRS; and it is further

ORDERED that after the conclusion of the suspension period, the Respondent may submit a written petition to the Board requesting termination of the suspension. After consideration of the petition, the Board may grant the termination of the suspension and place the Respondent's registration on probation, if the Respondent has fully and satisfactorily complied with all terms and conditions set forth in this Final Consent Order and there are no pending complaints; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Final Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing, before the Board otherwise, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further


ORDERED that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of and this Final Consent Order; and it is further

ORDERED that the effective date of this Final Consent Order is the date that it is signed by the Board; and it is further

ORDERED that this Final Consent Order is reportable to the National Practitioner Bank; and it further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Final Consent Order is final and is a public document for purposes of

public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* & § 4-333 (2014 Repl. Vol and 2020 Supp.).


Deena Speights-Napata, M.A.
for
Kevin Morgan, Pharm.D., President

CONSENT OF CHARLES CHIGOZIE MBACHU

I, **CHARLES CHIGOZIE MBACHU** acknowledge that I have chosen not to be represented by an attorney before entering into this Consent Order. By this Consent Order and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I waive any rights I may have to contest the Findings of Fact and the Conclusions of Law. I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 the law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing. I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

3/30/21
Date

Charles Chigozie Mbachu
Charles Chigozie Mbachu

NOTARY

I hereby certify that on this 30th day of March, 2021, before me, a Notary Public for the State of ^{MD} and the City/County PG aforesaid, personally appeared Charles Chigozie Mbachu, Registration Number: T20290 and made oath in due form of law that the foregoing Consent Order was his voluntary act and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.



Notary Public

My Commission Expires: NOV. 19, 2023

