

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

* * * * *

FINAL CONSENT ORDER

The State Board of Pharmacy (“the Board”) charged Charles Chigozie Mbachu (the “Respondent”), registration number: T20290, with violating certain provisions of the Maryland Pharmacy Act, (“the Act”) Md. Code Ann., Health Occ. (“Health. Occ.”) §§12-101 *et seq.* (2014 Repl. Vol. & 2018 Supp.). The pertinent provisions of the Act 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 charges 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.

FINDINGS OF FACT

The Board finds that:

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 expires on January 31, 2019.
4. At all times relevant hereto, Pharmacy A employees notified the Board that the Respondent worked as a pharmacy technician at a pharmacy ("Pharmacy A"), a national retail chain, located in Maryland.¹
5. In or around April 12, 2017, Pharmacy A notified the Board that the Respondent was terminated from Pharmacy A after an investigation conducted by Pharmacy A employees.
6. The investigation conducted by Pharmacy A's investigation revealed that the Respondent stole controlled substances and other medications while he was employed at Pharmacy A.

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

7. An investigation conducted by Pharmacy A staff revealed that Vyvanse tablets, a controlled substance was pilfered from the pharmacy.

8. The Respondent cooperated with Pharmacy's A's investigation and returned the medication to the pharmacy.

9. 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) 313 (27); and/or Code of Md. Regs 10.34.10 .01B (3).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 12-6B- 09 (3) and (27), H.O § 12-313(b) (25), and Code Md. Regs.10.34.10.01B (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 7th day of June 2019, a majority of the quorum of the Board, hereby

ORDERED that the Respondent's registration to practice as a pharmacy technician in the State of Maryland is hereby **SUSPENDED** for a period of one (1) year; and it is further

ORDERED that during the period of the Respondent's suspension, the Respondent shall be evaluated by the Board's rehabilitation program at the University of Maryland, and follow any recommendations may by the evaluators; and it is further

ORDERED that Respondent shall return to the Board all Maryland pharmacy all technician registrations within ten (10) days of the date of this Order; and it is further.

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

ORDERED that this Order is final and a public document pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol and 2018 Supp.).

ORDERED that this document constitutes a formal disciplinary action of the Board of Pharmacy and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol and 2018 Supp.).

6-7-19

Date



Deena Speights-Napata
Executive Director, for
Kevin M. Morgan, Pharm.D.
President
State Board of Pharmacy

CONSENT OF CHARLES CHIGOZIE MBACHU

I, Charles Chigozie Mbachu by affixing my signature hereto, acknowledge that:

1. I have chosen not to be represented by Chike A. Ijeabunwu, esquire.

2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Code Ann., Health Occ §12-315 (2014 Repl. Vol. & 2018 Supp.) and Md. Code Ann., State Govt. §§ 10-201 *et seq.* (2014 Repl. Vol. & 2018 Supp.).

3. I acknowledge the validity and enforceability 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. I am waiving those procedural and substantive protections.

4. I voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.

5. I waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Code Ann, Health Occ. § 12-316 (Rep. Vol. 2014 & 2018 Supp.) and Md. Code Ann., State Govt. §§ 10-201 *et seq.* (2014 Rep. Vol. & 2018 Supp.).

6. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, I may be subject

to disciplinary action.

7. 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.

4/01/2019
Date

Charles Chigozie Mbachu
Charles Chigozie Mbachu

NOTARY

STATE OF MD

CITY/COUNTY OF Anne Arundel

I hereby certify that on this 1st day of April, 2019, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Charles Chigozie Mbachu 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.

Jose Blanco Sarmoval
Notary Public

My Commission Expires: 09/07/2022

