

IN THE MATTER OF

Mortar & Pestle
Pharmacy

License No. 994 (Iowa)

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BEFORE THE

MARYLAND BOARD

OF PHARMACY

CONSENT ORDER

BACKGROUND

Mortar & Pestle Pharmacy, (the "Pharmacy") licensed and located in the State of Iowa, applied for a Maryland pharmacy permit, said application received at the Maryland Board of Pharmacy (the "Board") October 21, 1997. The Pharmacy is operating under a Consent Order (the "Iowa Order") executed by the Pharmacy's Pharmacist in charge and accepted by the Iowa Board of Pharmacy Examiners on June 10, 1997.

FINDINGS OF FACT

1. The Pharmacy is operating under a Consent Order (the "Iowa Order") executed by the Pharmacy's Pharmacist in charge and accepted by the Iowa Board of Pharmacy Examiners on June 10, 1997.

2. The Pharmacy's Iowa General Pharmacy license is on Probation for a period of two years from the date of the Iowa Order.

CONCLUSIONS OF LAW

The Board finds that because of the danger to the public health and safety that would result from an unrestricted license to practice pharmacy, the Pharmacy should meet certain conditions in order to continue to dispense drugs.

ORDER

Based on agreement of the parties, it is this 15 day of December 1997, by a majority of a quorum of the Board, hereby

ORDERED that the Pharmacy be placed on **PROBATION**, subject to the following

conditions:

1. Respondent shall continue and complete the two year probation imposed by Iowa Order.

2. Respondent shall be responsible for notifying the Board of any changes in the Iowa Order or any subsequent action in Iowa; and be it further,

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event the Maryland Board of Pharmacy finds for any good faith reason that the Respondent has violated any of Title 12 of the Health Occupations Article or regulations promulgated thereunder, or has violated any of the conditions of probation herein cited under the Iowa Order, the Board may take immediate action, including, but not limited to, revocation or suspension of the Pharmacy's pharmacy permit, prior to giving an opportunity for a hearing. However, the Pharmacy shall have a right to a hearing in accordance with the Administrative Procedure Act, State Government Article, §10-210 et seq., within thirty days after the Pharmacy notifies the Board in writing of the desire for such a hearing. The Board may, in its discretion, fail to entertain such notice if received more than ninety days after its action; and be it further

ORDERED that this is an Order of the State Board of Pharmacy and as such is a Public Document pursuant to Maryland Annotated Code, State Gov't Article §10-617(h).

CONSENT

By signing this Consent, I hereby admit the truth of the Findings of Fact, and agree to be bound by the foregoing Order and its conditions. I acknowledge the validity of the Order as if made after a 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 understand that by signing this Consent I waive my right to appeal any adverse ruling that might have followed such a hearing.

I have read this Order in its entirety. I have been given the opportunity to consult

with an attorney and to review each and every part of this Order with the counsel of my choice. I understand this Order and voluntarily and without reservation agree to sign it with full comprehension of its meaning and effect.

12/15/97

Date

Miri C. Russell

Signed

Pharmacist in Chg

Title, Representative for
Mortar and Pestle Pharmacy

STATE OF IA COUNTY/CITY OF WEST DES MOINES

Subscribed and sworn to before me on this 15th day of Dec 1997,
before me, a Notary Public for the State and County/City aforesaid.

9-29-99
My Commission Expires

Paul Wintz
Notary Public