

IN THE MATTER OF
GANIYU MUMUNEY, P.D.
LICENSE NO.: 11046

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* Case No.: 2011-032

Respondent

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. § 12-101, et seq., (2009 Repl. Vol. and 2011 Supp.) (the "Act"), the Board charged Ganiyu Mumuney, (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § of §12-313:

§ 12-313. Denials, reprimands, suspensions, and revocations Grounds.

- (a) *"Convicted" defined.* - In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.
- (b) *In general.* 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:
 - (22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
 - (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[;].

The Respondent was given notice of the issues underlying the Board's charges by a letter dated September 21, 2012. Accordingly, a Case Resolution Conference was held on October 26, 2012 and was attended by David Chason, P.D. and Mayer Handelman, P.D., Board members, Linda Bethman, Counsel to the Board, and Steven Kreindler, Board staff.. Also in attendance were the Respondent and his attorney, Howard Schulman, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed in Maryland on May 13, 1987. The Respondent's license expires on October 31, 2012.

2. At all times relevant hereto, the Respondent was employed at a pharmacy at a National chain store in Peachtree, Georgia when he was caught on surveillance camera forging prescriptions for narcotics, which drugs he stole from his employer for his own use. The Respondent admitted that he had been creating false prescriptions for the last five years and was subsequently arrested and charged with multiple counts of prescription fraud and narcotics possession.

3. On or about August 18, 2009, the Respondent pleaded guilty to and was found guilty of improper labeling of prescriptions and was sentenced to confinement for 12

months, which confinement was replaced with supervised Probation. The Respondent was also ordered to make restitution of \$2500 to his former employer, and to pay \$100 court costs.

4. In or about October 2010, the Respondent filed a renewal application with the Board and answered "yes" to "Question 5", which asked: "Have you pled guilty, nolo contendere (*sic*), or been convicted of, or received probation before judgment of any criminal act (excluding traffic violations)?" In response, the Respondent wrote: "On August 18th, 2009, I entered a guilty plea to 5 misdemeanor counts regarding proper labeling of a prescription. I was sentenced to 12 months probation on each count and paid a fine of \$2500. I also paid court costs and probation costs."

5. As set forth above, the Respondent violated the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-313 (a), (b) (22) and (24).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 18th day of July, 2012, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice pharmacy is hereby **SUSPENDED** for one year, with all but 90 days stayed, subject the following conditions:

1. The 90-day active day suspension period shall commence on a date

certain determined by the Respondent, but shall be served within one year of the date of the Order;

2. The Respondent shall notify the Board in writing of the date on which he shall begin serving his 90-day suspension and submit his pharmacist's license to the Board before the commencement of the suspension period;

3. Upon satisfactory completion of the 90-day suspension period, the Respondent's license shall be placed on Probation until August 13, 2013 during which the Respondent shall:

- A. Submit to random, weekly, observed, Board-directed urinalysis, and comply with all standard conditions relating to the submission and monitoring of urine screenings;
- B. Participate in NA/AA or other similar support group on at least a weekly basis;
- C. Engage in individual psychotherapy at a frequency and duration established by the psychotherapist;
- D. Ensure that the psychotherapist submits quarterly progress reports to the Board;
- E. Continue medically supervised treatment for chronic pain conditions;
- F. Ensure that his Pharmacist-Supervisor submits quarterly progress reports to the Board;
- G. Within one year, satisfactorily complete a Board-pre-approved ethics course.

ORDERED that the Respondent may petition the Board to modify the probationary terms after one year, provided that he has been fully compliant and has no pending complaints against him;

ORDERED that the Respondent shall consent to the release of any and all medical records, substance abuse treatment records and psychological/psychiatric records pertaining to the Respondent to the Board in complying with the terms and conditions of the Order. Further, the Respondent shall consent to the release by the Board of any information or data produced in relation to the Order to any treatment provider;

ORDERED that the Respondent comply with all licensure renewal requirements, to include maintaining up-to-date continuing education credits;

ORDERED that the Respondent shall fully comply with the Board in its monitoring of the terms of the Order;

ORDERED that the Respondent shall bear the costs of complying with the terms of the Consent Order.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

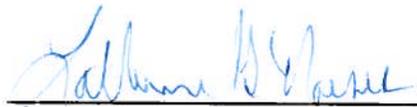
ORDERED that, should the Board receive a report that the Respondent's practice has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation/Suspension shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and

regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009 and 2011 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Michael N. Souranis, P.D., President
State Board of Pharmacy

CONSENT OF GANIYU MUMUNEY, P.D.

I, **Ganiyu Mumuney, P.D.**, acknowledge that I am represented by counsel, Howard Schulman, Esquire, and have consulted with counsel before entering into this Consent Order. By this Consent 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 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 agree to forego my opportunity to challenge these allegations. 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 after 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.

7-10-2012
Date

Ganiyu Mumuney
Ganiyu Mumuney, P.D.

STATE OF Maryland :

CITY/COUNTY OF Wicomico :

I HEREBY CERTIFY that on this 14th day of July, 2012, before me, LeVita Marie Bragdon, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared **Ganiyu Mumuney, P.D., License No. 11046**, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: 08-06-2013