

IN THE MATTER OF \* BEFORE THE  
NOVANT HEALTH PHARMACY \* MARYLAND STATE  
Non-Resident Pharmacy \* BOARD OF PHARMACY  
Permit No. P06896 \* Case No. PI-17-230

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

On or about March 7, 2017, the Maryland Board of Pharmacy (the "Board") received a letter from Novant Health Pharmacy (the "Pharmacy") notifying the Board that it was changing its pharmacist designated as responsible for providing pharmaceutical services to Maryland patients from a pharmacist no longer on staff ("Pharmacist A") to another pharmacist employed by the Pharmacy ("Pharmacist B"). Upon receipt of this notice, the Board reviewed its records, which indicated that Pharmacist A's license with the Board had expired and was non-renewed as of May 31, 2016. The Pharmacy provided the Board with information indicating that it dispensed 3 prescriptions into Maryland without designating a Maryland licensed pharmacist responsible for such activities between June 1, 2016, and March 7, 2017.

In lieu of instituting formal proceedings against the Pharmacy in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. On or about June 28, 2015, the Board issued a non-resident pharmacy permit, Permit No. P06896, to the Pharmacy. The Pharmacy's permit is active and is set

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to expire on May 31, 2020.

2. On or about March 7, 2017, the Board received a letter from the Pharmacy notifying the Board that it was changing its pharmacist designated as responsible for providing pharmaceutical services to Maryland patients from Pharmacist A to a pharmacist actively employed by the Pharmacy, Pharmacist B. Upon receiving this notification, the Board reviewed its licensing files, which indicated that Pharmacist A's license to practice as a pharmacist in Maryland expired on May 31, 2016, and was not renewed by Pharmacist A.

3. Between May 31, 2016, when Pharmacist A's license expired, and March 7, 2017, when it submitted the notification to the Board, the Pharmacy did not notify the Board of any change in the pharmacist designated as responsible for providing pharmaceutical services to Maryland patients.

4. The Pharmacy failed to designate another Maryland licensed pharmacist responsible for pharmaceutical services to Maryland patients within sixty (60) days of the loss of the current designated Maryland licensed pharmacist.

5. The Pharmacy dispensed approximately 3 prescriptions into Maryland between June 1, 2016, and March 7, 2017, without a designated Maryland-licensed pharmacist.

#### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that Novant Health Pharmacy is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-403(e)(2)(ii) and COMAR 10.34.37.04B(3).

**ORDER**

Based upon an affirmative vote of a majority of the Board under the authority of Md. Code Ann., Health Occ. § 12-410, it this 31<sup>st</sup> day of May, 2019, hereby,

**ORDERED** that Novant Health Pharmacy, Permit No. P06896, shall pay a FINE in the amount of ONE THOUSAND DOLLARS (\$1,000.00), payable to the Maryland Board of Pharmacy, within ninety (90) days of the date of this Order; and be it further,

**ORDERED** that the above FINE shall be submitted to:

Wells Fargo Bank  
Attn: State of MD – Board of Pharmacy  
Lockbox 2051  
7175 Columbia Gateway Drive  
Columbia, Maryland 20146  
*Reference: Case No. PI-17-230*


and be it further,

**ORDERED** that Novant Health Pharmacy shall comply with all relevant laws and regulations governing the practice of pharmacy in the State of Maryland, and specifically maintain a designated Maryland-licensed pharmacist responsible for providing pharmaceutical services to Maryland patients; and be it further,

**ORDERED** that in the event that Novant Health Pharmacy violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose any disciplinary sanction it deems appropriate, including suspension, revocation, and fines, said violation being proven by a preponderance of the evidence; and be it further,

**ORDERED** that this is a formal order of the Board and as such is a public document and order pursuant to Md. Code Ann., General Provisions Article § 4-333.

5-31-19  
Date

  
Deena Speights-Napata  
Executive Director  
for  
Kevin Morgan, Pharm.D.  
Board President

**CONSENT**

1. By signing this Consent, Novant Health Pharmacy submits to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.

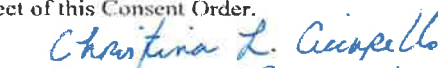
2. Novant Health Pharmacy acknowledges the validity of this Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

3. Novant Health Pharmacy acknowledges that, by entering into this Consent Order, Novant Health Pharmacy is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Novant Health Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order. Novant Health Pharmacy recognizes that this is a formal order of the Board and as such is a public document.

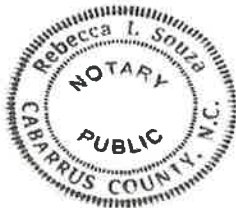
5. Novant Health Pharmacy signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Novant Health Pharmacy fully understands the language, meaning, and effect of this Consent Order.

11/9/18  
Date

  
Christina L. Ciccarello  
Name  
Vice President Pharmacy  
Title

STATE OF NORTH CAROLINA,  
COUNTY/CITY OF ~~Cabarrus~~: Cabarrus <sup>PLS</sup> 11/9/18

I hereby certify that on this 9 day of Nov, 2018, before me, a Notary Public of the State of North Carolina and County/City aforesaid, personally appeared 10150 Mallard Creek Rd and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Novant Health Pharmacy.



Rebecca L Souza  
Notary Public  
My commission expires: 15 July, 2023