IN THE MATTER OF	*	**BEFORE THE**
ADEKUNLE ONALAJA, R. PH.	*	**MARYLAND BOARD**
License No: 18593	*	**OF PHARMACY**
Respondent	*	**Case No.: 20-134**

* * * * * * * * * * * * *

CONSENT ORDER

On February 15, 2023, the Maryland Board of Pharmacy ("the Board") charged **ADEKUNLE ONALAJA, R. PH.** ("the Respondent"), License No.: **18593**, with violations of the Maryland Pharmacy Act, (the "Act") Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol.). The pertinent provisions of the Act provide as follows:

> **§ 12-313. Denials, reprimands, suspensions, and revocations —Grounds**
>
> . . . .
>
> (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 . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the licensee:
>
> . . . .
>
> (25) Violates any rule or regulation adopted by the Board[.]

The pertinent provisions of COMAR provide as follows:

> **COMAR 10.19.03.07. Prescriptions.**
>
> . . . .
>
> C. Purpose of Issue of Prescription (21 CFR §1306.04).
>
> (1) A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of the

individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Maryland Controlled Dangerous Substances Act Criminal Law Article, §§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

COMAR 10.34.10.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03;

(2) Verify the accuracy of the prescription before dispensing the drug or device if the pharmacist has reason to believe that the prescription contains an error[.]

. . . .

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or

(3) Engage in unprofessional conduct.

COMAR 10.34.20.02. Requirements for Prescription Validity.

A. A valid prescription shall be:

(1) Valid in the professional judgment of the pharmacist responsible for filling the prescription[.]

COMAR 10.34.20.04. Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

COMAR 10.34.10.08 Refusing to Dispense a Controlled Substance.

A. If, based on generally accepted professional standards for the practice of pharmacy, a pharmacist has reason to believe, or should have reason to believe, that a prescription for a controlled dangerous substance was not issued for a legitimate medical purpose in the usual course of the prescriber's practice, the pharmacist may not dispense the controlled dangerous substance until the pharmacist:

(1) Consults with the prescriber; and

(2) Verifies the medical legitimacy of the prescription.

On May 10, 2023, the Respondent attended a Case Resolution Conference ("CRC") with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. As a result of the CRC, the Respondent agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice pharmacy in Maryland on or about November 27, 2007. The Respondent's license expires on December 31, 2024.

2. At all times relevant hereto, the Respondent owned and managed a pharmacy in Maryland (the "Respondent-Pharmacy").

3. On October 22, 2019, an inspector for the Board (the "Board Inspector") conducted an annual inspection of the Respondent-Pharmacy.[1] During the inspection, the Board Inspector noted concerns including, but not limited to, multiple red flags during the review of the controlled dangerous substance ("CDS") prescriptions.

4. On February 23, 2022, the Board issued a subpoena to the prescription drug monitoring program ("PDMP") requesting dispensing information for all CDS dispensed by the Respondent-Pharmacy for the time period of August 1, 2019 to February 5, 2022. The PDMP provided the Board a report (the "PDMP Report").

5. On March 21, 2022, the Board issued a subpoena to PDMP/CRISP[2] requesting the audit log of the CDS dispensed by the Respondent-Pharmacy for the time

[1] The inspection was conducted pursuant to § 12-413 which permits the Board or agents of the Board to enter any permit holder's pharmacy and inspect for compliance with federal and State laws and regulations.
[2] CRISP is the State designated health information exchange for Maryland which facilitates the electronic transfer of clinical information, including patient dispensing history, between health information systems in the region.

period of August 1, 2019 to August 31, 2020 (the "Audit Log").

6. On May 9, 2022, the Board issued a subpoena to the Respondent-Pharmacy for complete copies of any, and all, Schedule II – Schedule V CDS dispensed/filled by the Respondent-Pharmacy for the time period of August 1, 2019 to August 31, 2020.

7. A review of the Audit Log revealed that out of 611 immediate-release opioid prescriptions (the "IR Opioid Prescriptions") reported on the PDMP, only 1% of the prescriptions show up on the audit log which indicates the Respondent rarely checks PDMP/CRISP prior to dispensing the IR Opioid Prescriptions with red flags.

8. In furtherance of its investigation, the Board submitted the PDMP report, Audit Log, and hard copy prescriptions to the Office of Controlled Substances Administration Clinical Pharmacist Inspector ("OCSA Inspector") for review.

9. In a report provided to the Board and dated July 12, 2022, the OCSA Inspector noted the following:

a. The Respondent-Pharmacy reported a total of 5,290 CDS prescriptions to PDMP from August 1, 2019 to February 5, 2022.

b. Of the 5,290 CDS prescriptions dispensed, 1,131 (21%) were for immediate-release oxycodone in strengths of either 10mg, 15mg, 20mg or 30mg. Most of the 1,131 oxycodone prescriptions had a daily dosage that met or exceeded 90 morphine milligram equivalents ("MME").[3]

[3] The US Centers for Disease Control (CDC) recommends that daily opioid dosages should rarely meet or exceed 90 MME. This is due to a statistically increased risk of fatal overdose for patients on these doses compared to patients on lower doses.

c. Most patients who received these high dose immediate-release oxycodone prescriptions did not receive any long-acting opioids as part of their regimen.

d. The Respondent-Pharmacy dispensed high dose opioids to 17 patients who were 40 years old and younger on a chronic basis.

e. The pharmacy dispensed prescriptions written by prescribers who have histories of Board actions or restrictions involving their CDS prescribing.

f. Patients sharing the same address received the same or similar CDS prescriptions.

g. One patient received oxycodone, then Suboxone on a later date, and then oxycodone again.

h. Patients regularly received opioids combined with benzodiazepines.

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act:

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

. . . .

(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 . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the licensee:

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(25) Violates any rule or regulation adopted by the Board[.]

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. . . .

C. Purpose of Issue of Prescription (21 CFR §1306.04).

(1) A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of the individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Maryland Controlled Dangerous Substances Act Criminal Law Article, §§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

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(1) Consults with the prescriber; and

(2) Verifies the medical legitimacy of the prescription.

III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of June, 2023, by the affirmative vote of a majority of the members of the Board then serving:

ORDERED that the Respondent, Adekunle Onalaja's license to practice as a pharmacist is **REPRIMANDED**; and it is further

ORDERED that the Respondent's license shall be placed on **PROBATION** for a period of **ONE (1) YEAR** subject to the following terms and conditions:

1. During the probationary period, the Board, shall obtain quarterly reports from the prescription drug monitoring program (PDMP) for the Respondent;

2. Within the first twelve (12) months of the probationary period, the Respondent shall successfully complete twelve (12) continuing education credits in red flags and drugs of abuse. This requirement is in addition to the continuing education credits necessary for license renewal; and

3. After **ONE (1) YEAR** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation, provided that he has been fully compliant with this Consent Order and has no outstanding complaints filed against him.

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and it is further

ORDERED that the Respondent shall bear the cost(s) of complying with the Consent Order; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of his compliance with the terms and conditions of this Order; and it is further

ORDERED that failure to comply with the terms and conditions of the Consent Order constitutes a violation of the Consent Order and the Board, in its discretion, after

notice and an opportunity for a show cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further

ORDERED that this Consent Order shall be a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq*. (2022).

6.21.23
Date

Deena Speights-Napata, M.A.
Executive Director, for
Neil Leikach, R.Ph., M.Sc., President
State Board of Pharmacy

CONSENT

I, Adekunle Onalaja, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept, to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and 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 its behalf and to all other substantive and procedural protections as provided by law.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also 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 without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its meaning and effect.

06-09-23
Date


Adekunle Onalaja, Respondent

NOTARY

STATE OF Maryland

COUNTY/CITY OF: Baltimore

I hereby certify that on this 9th day of June, 2023, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared **Adekunle Onalaja**, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

Notary Public

My Commission Expires: May 18 2025

JASON WANCOWICZ
Notary Public - State of Maryland
Baltimore County
My Commission Expires May 18, 2025