

IN THE MATTER OF	*	BEFORE THE
PEOPLES CARE PHARMACY	*	STATE BOARD OF
RESPONDENT-PHARMACY	*	PHARMACY
PERMIT NO.: P06393	*	CASE NO.: PI-18-001
* * * * *	*	* * * * *

CONSENT ORDER

The State Board of Pharmacy (“the Board”) charged Peoples Care Pharmacy (the “Respondent-Pharmacy”), permit number: P06393, with violating certain provisions of the Maryland Pharmacy Act, (“the Act”) Md. Code Ann., Health Occ. (“H. O.”) §§12-101 *et seq.* (2014 Repl. Vol. & 2017 Supp.). The pertinent provisions state:

H.O. §12—409. Suspension and revocations- Grounds

- (a) *In general.* - Subject to the hearing provisions of § 12–411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:
 - (1) Is conducted so as to endanger the public health or safety;
 - (2) Violates any of the standards specified in § 12–403 of this subtitle; or
 - (3) Otherwise is not conducted in accordance with the law.

H.O. §12–403. Required Standards.

- (c) *In general.* - Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:
 - (1) Shall be operated in compliance with the law and with the rules and regulations of the Board;
 - (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12–313 of this title, a registered pharmacy technician under § 12–6B–09 of this title, or a registered pharmacy intern under § 12–6D–11 of this title;
 - (11) (i) Shall maintain at all times the minimum professional and technical equipment and sanitary appliances that are necessary in a pharmacy:
 - 1. To prepare and dispense prescriptions properly; and

2. To otherwise operate a pharmacy; and
(ii) Shall:
 2. Be kept in a clean and orderly manner;
- (12) Shall store all prescription or nonprescription drugs or devices properly and safely subject to the rules and regulations adopted by the Board;

H.O. §12–313. Denials, reprimands, suspensions, and revocations – Grounds.

- (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:
- (4) Delegates pharmacy acts to an unauthorized individual; [and]
 - (25) Violates any rule or regulation adopted by the Board[.]

Code Md. Regs. 10.34.05

.02 Prescription Area.

A. The pharmacy permit holder shall:

- (2) Provide a means of securing the prescription area;
 - (3) Prevent an individual from being in the prescription area unless a pharmacist is immediately available on the premises to provide pharmacy services;
 - (5) Prevent unauthorized entry when the prescription area is closed during a period that the rest of the establishment is open.
- (12) Shall store all prescription or nonprescription drugs or devices properly and safely subject to the rules and regulations adopted by the Board;

FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent-Pharmacy was issued a permit to operate as a pharmacy in the State of Maryland, on or about May 1, 2014. The Respondent-Pharmacy’s permit expires on May 31, 2020.

2. On or about March 4, 2016, the Office of Controlled Substances Administration (“OCSA”) conducted an inspection of the Respondent-Pharmacy.

3. During the March 4, 2016 inspection, the OCSA inspector noticed numerous prescription vials filled with medication sitting on the pharmacy counter. These prescription vials contained labels that had the name and telephone number of another pharmacy, (“Pharmacy A”)¹ printed on them.

4. During the March 4, 2016, inspection, the OCSA inspector requested that the pharmacist (“Pharmacist A”), who was present during the inspection to reprint a label for a controlled substance prescription that was recently filled at the Respondent-Pharmacy. The label that Pharmacist A reprinted and gave to the OCSA inspector contained Pharmacy A’s name, telephone number and other information.

5. On or about June 30, 2017 the OCSA conducted another inspection of the Respondent-Pharmacy.

6. Upon entering the Respondent-Pharmacy, the OCSA inspector approached an employee (“Employee A”) of the Respondent-Pharmacy. The employee was standing in the pharmacy area.

7. The OCSA inspector asked Employee A if the pharmacist was available. Employee A informed the OCSA inspector that she was a cashier and no pharmacist was present at the Respondent-Pharmacy.

8. While at the Respondent-Pharmacy, the OCSA inspector noticed that the pharmacy area was not locked and separated from the remaining areas of the Respondent-Pharmacy.

¹The names of Pharmacy A, Pharmacist A and B, and Employee A have been omitted for privacy purposes.

9. Employee A informed the OCSA inspector that she had keys to the Respondent-Pharmacy and had opened the establishment that morning. The OCSA inspector ordered Employee A to close the Respondent-Pharmacy until a pharmacist was present. The Respondent-Pharmacy had been opened approximately forty minutes without a pharmacist.

10. The OCSA inspector continued the inspection of Respondent-Pharmacy after the arrival of Pharmacist A. A few minutes after Pharmacist A's arrival, the permit-holder ("Pharmacist B") arrived at the Respondent-Pharmacy.

11. The OCSA inspector noticed that the pharmacy area of the Respondent-Pharmacy was messy. The OCSA inspector also noticed numerous filled prescriptions in various locations throughout the pharmacy area. Some of the filled prescriptions were in the Respondent-Pharmacy bags and some were in Pharmacy A bags.

12. The OCSA inspector observed a large trash bag filled with Pharmacy A pharmacy labels. Pharmacist B told the OSCA inspector that Pharmacy A labels were used by Respondent-Pharmacy to fill and dispense Pharmacy A prescriptions when Pharmacy A did not have the medication.

13. The OSCA inspector noticed that Scheduled II, Controlled Dangerous Substances ("CDS") were kept in an unlocked cabinet. The key for the CDS cabinet was hanging from the cabinet.

14. The OSCA inspector also noticed that the Respondent-Pharmacy did not record purchases on the DEA 222 form.

15. The conduct of Respondent-Pharmacy, as described above, is a violation of H.O. § 12- 403(c)(1), (5), (9), (11), (12), (13), (19), and (21); § 12- 409 (a) (1), (2), and (3);

§ 12- 313(b) (4) and (25).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Pharmacy violated H.O. § 12- 403(c)(1), (5), (9), (11), (12), (13), (19), and (21); § 12- 409 (a) (1), (2), and (3); § 12- 313(b) (4) and (25).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15 day of August, 2018 by a majority of the quorum of the Board, hereby

ORDERED that the Respondent-Pharmacy shall be **REPRIMANDED**; and it is further

ORDERED that the Respondent-Pharmacy shall be placed on **PROBATION** for **one (1) year**; and it is further

ORDERED the permit-holder of the Respondent-Pharmacy shall meet with a Board-approved mentor in pharmacy operation for a minimum of four (4) hours. The permit-holder shall ensure that the Board -approved mentor provides the Board with a written report that includes what was discussed during the meeting; and it is further

ORDERED that Respondent-Pharmacy shall pay fine in the amount of one thousand dollars (\$1,000), payable to the Maryland Board of Pharmacy, no later than one hundred eighty (180) days from the date that this Order is signed by the Board; and it is further

ORDERED that the Respondent-Pharmacy shall operate in accordance with the Maryland Pharmacy Act and all applicable laws and regulations; and it is further

ORDERED that if the Respondent-Pharmacy violates any of the terms of this Order, the Board, after notice and a show cause hearing, and a determination of violation, may impose any other disciplinary sanctions it deems appropriate, said violation being proved by a preponderance of evidence; and it is further

ORDERED that Respondent-Pharmacy shall be responsible for all costs incurred under this Order; and it is further

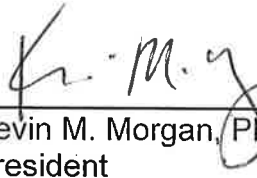
ORDERED that for purposes of public disclosure and as permitted by Md. General Provisions §§ 4-101 *et seq.* (2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it 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. General Provisions §§ 4-104 *et seq.* (2014).

8/15/2018

Date



Kevin M. Morgan, Pharm.D.
President
State Board of Pharmacy

CONSENT OF PEOPLE'S CARE PHARMACY
STEVEN ADEKOYA, OWNER

I, Steven Adekoya, owner of People's Care Pharmacy, by affixing my signature hereto, acknowledge that:

- People's Care Pharmacy is represented by John M. Kerney, Esquire.

- I am aware that People's Care Pharmacy entitled to a formal evidentiary hearing before the Board, pursuant to Md. Code Ann., Health Occ. § 12-315 (2014 Repl. Vol. & 2017 Supp.) and Md. Code Ann., State Gov.t §§ 10-201 *et seq.* (2014 Repl. Vol. & 2017 Suppl).

- I, Steven Adekoya, owner of People's Care Pharmacy acknowledges the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which People's Care Pharmacy 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. As owner of People's Care Pharmacy, I am waiving those procedural and substantive protections.

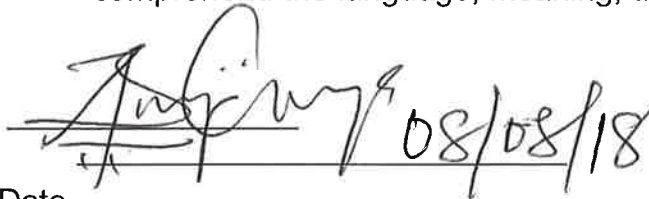
- I, as owner voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.

- I, as owner waive People's Care Pharmacy 's right to contest

the findings of fact and conclusions of law, and I waive People's Care Pharmacy's right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Code Ann., Health Occ. § 12-315 (2014 Rep. Vol & 2017 Supp.) and Md. Code Ann., State Govt. §§ 10-201 *et seq.* (2014 Rep. Vol. & 2017 Supp.).

- I as owner acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, People's Care Pharmacy may be subject to disciplinary action.

- I as owner accept 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.

 08/08/18

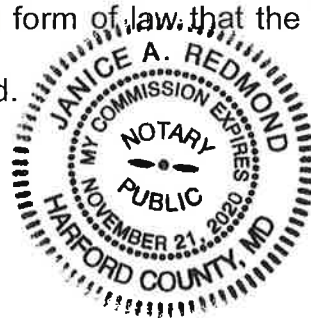
Date

Steven Adekoya
Owner
People's Care Pharmacy

STATE OF Maryland
CITY/COUNTY OF Harford

I hereby certify that on this 8 day of August, 2018, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared and made an oath in due form of law, that the foregoing Final Consent Order was a voluntary act and deed.

AS WITNESS my hand and Notarial Seal.



Jenice Edmond
Notary Public

My Commission Expires: 11/21/20