

IN THE MATTER OF	*	BEFORE THE
PHARMACY SOLUTIONS, INC.	*	MARYLAND BOARD
RESPONDENT-PHARMACY	*	OF PHARMACY
Permit No. P06838	*	CASE NOS. PI-16-126 & PI-17-110
* * * * *	*	* * * * *

FINAL CONSENT ORDER

The Maryland Board of Pharmacy (the “Board”) charged Pharmacy Solutions, Inc., Permit No. P06838 (the “Respondent-Pharmacy”), with violating certain provisions of the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. (“H.O.”) §§ 12-101 *et seq.* The pertinent provisions of the Act state:

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:
 - (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;
- (e) A nonresident pharmacy shall:
 - (1) Hold a pharmacy permit issued by the Board[.]

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:
 - (2) Violates any of the standards specified in § 12–403 of this subtitle;

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:

- (25) Violates any rule or regulation adopted by the Board;

H.O. § 12–703. Operating a pharmacy without permit.

A person may not establish or operate a pharmacy in this State or a nonresident pharmacy unless the person holds a pharmacy permit issued by the Board.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent-Pharmacy operated as a pharmacy in a facility in Ann Arbor, Michigan. The Respondent-Pharmacy was issued a permit to operate as a non-resident pharmacy in the State of Maryland on or about December 15, 2015. The Respondent-Pharmacy's permit is currently active and expires on May 31, 2020.
2. In October 2016, the Respondent-Pharmacy reported disciplinary actions that were taken against it in other states to the Board and the Board initiated an investigation.
3. On or about February 6, 2017, the Board issued a *subpoena duces tecum* to the Respondent-Pharmacy, requesting dispensing reports for medications dispensed into Maryland between April 9, 2013, and December 15, 2015. Upon review of the records provided by the Respondent-Pharmacy, the Board issued a second *subpoena duces tecum* on or about March 22, 2017, requesting dispensing reports pertaining to Maryland residents between 2008 and April 8, 2013.
4. On or around April 7, 2017, the Respondent-Pharmacy provided dispensing reports in accordance with the second subpoena. The responses submitted by the Respondent-Pharmacy indicated that it shipped prescription drugs into Maryland before it had a permit; specifically, the Respondent-Pharmacy shipped at least six hundred and eighty-nine prescription drugs to patients in Maryland between January 2008 and December 2015.

5. A panel of the Board held a Case Resolution Conference (“CRC”) with the Respondent-Pharmacy on August 8, 2018. At the CRC, the Respondent-Pharmacy stated that it was ignorant on the specifics of Maryland state law when it first started shipping prescriptions to the state, immediately began the application process upon learning that it needed a non-resident permit, and cooperated fully in the Board’s investigation. The Respondent-Pharmacy also stated that it had never marketed, solicited, or otherwise attempted to obtain patients from Maryland, and that a number of Maryland patients it shipped prescriptions to without a permit were students from a nearby university home in Maryland over school breaks.
6. At the CRC, the Respondent-Pharmacy also stated that it now employs a compliance officer to ensure its compliance with state laws across the country and that it now utilizes a software program that will prevent similar incidents from occurring in the future.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Pharmacy violated H.O. §§ 12-403(c)(9), (e)(1); 12-409(a) (2); 12-313(b)(25); and 12-703.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 2nd day of October, 2020, hereby:

ORDERED that the Respondent-Pharmacy shall be **REPRIMANDED**; and it is further, **ORDERED** that the Respondent-Pharmacy shall pay a fine in the amount of \$1,500.00, 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 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 this Order is a formal disciplinary order of the Board and, as such, is a public document pursuant to Md. Code Ann., Gen. Provisions § 4-333(b).

10-2-2020
Date


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

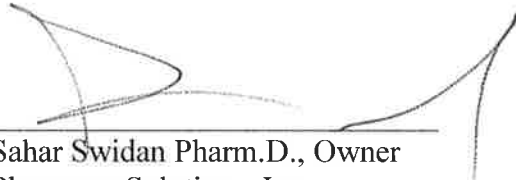
CONSENT OF PHARMACY SOLUTIONS
SAHAR SWIDAN, PHARM.D., OWNER

I, Sahar Swidan, owner of Pharmacy Solutions, Inc., by affixing my signature hereto, acknowledge that:

1. Pharmacy Solutions is represented by Kim J. Sveska, Esquire.
2. I am aware that Pharmacy Solutions is entitled to a formal evidentiary hearing before the Board, pursuant to Md. Code Ann., Health Occ. § 12-315 and Md. Code Ann., State Gov't §§ 10-201 *et seq.*
3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which Pharmacy Solutions would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf, and to all other substantive and procedural protections provided by law. As owner of Pharmacy Solutions, I am waiving those procedural and substantive protections.
4. I 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.
5. I waive Pharmacy Solutions' right to contest the findings of fact and conclusions of law, and I waive Pharmacy Solutions' 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 and Md. Code Ann., State Gov't. §§ 10-201 *et seq.*
6. I acknowledge that this order is a formal disciplinary order of the Maryland Board of Pharmacy and, as such, is a public document pursuant to Md. Code Ann., Gen. Provisions § 4-333(b).

7. I acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, Pharmacy Solutions may be subject to further disciplinary action.
8. I accept this consent order, without reservation, as my voluntary act and deed, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

9-17-2020
Date



Sahar Swidan Pharm.D., Owner
Pharmacy Solutions, Inc.

STATE OF Michigan
COUNTY/CITY OF Ann Arbor :

I hereby certify that on this 17 day of September, 2020, before me, a Notary Public of the State of Michigan and County/city aforesaid, personally appeared SAHAR SWIDAN and made an oath in due form of law that the foregoing Final Consent Order was her voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

MARLEYN A EDER
Notary Public, State of Michigan
County of Washtenaw
My Commission Expires 05-25-2021
Acting in the County of Washtenaw


Notary Public
My commission expires: 05-25-2021