

IN THE MATTER OF

RUSSO'S PHARMACY

Permit No.: P00898

Respondent

* BEFORE THE MARYLAND

* STATE BOARD

* OF PHARMACY

* Case No. PI-11-030

* * * * *

INTERIM CONSENT ORDER IN LIEU OF SUMMARY SUSPENSION

Background

On December 22, 2010, the Maryland Board of Pharmacy (the "Board") issued a Notice of Intent to Summarily Suspend the pharmacy permit of Russo's Pharmacy d.b.a. Russo's Rx ("Russo's Pharmacy"), solely owned and operated by David Russo, P.D. The Order for Summary Suspension of Mr. Russo's pharmacist license is incorporated by reference and attached hereto as Exhibit A. On January 5, 2011, pursuant to COMAR 10.34.01.12, Russo's Pharmacy was given the opportunity to show cause as to why the Board should not execute an Order for Summary Suspension for Russo's Pharmacy. Mr. Russo, the pharmacy's owner, attended that hearing with his counsel, and the State was represented by an administrative prosecutor. Thereafter, the Board and Russo's Pharmacy agreed to be bound by the following terms in order to ensure that Russo's Pharmacy does not pose an imminent threat to the public health, safety and welfare.

Order

Based on an affirmative vote of a quorum of the Board, and by consent of Russo's Pharmacy and the Board, it is this 23 day of February, 2011, hereby:

ORDERED that the Board shall refrain at this time from issuing an Order for Summary Suspension of Russo's Pharmacy based on the Notice of Intent to Summarily

Suspend issued on December 22, 2010 provided Russo's Pharmacy immediately and continuously complies with the following **CONDITIONS**:

1. Russo's Pharmacy shall not accept nor dispense any prescriptions for scheduled controlled dangerous substances ("CDS") other than those awaiting pick-up on the date of this Order;
2. Russo's Pharmacy shall not engage in the practice of internet pharmacy in any capacity;
3. Within 10 days of the date of this Order, Russo's Pharmacy shall allow an inspection of the pharmacy by the Division of Drug Control during which Russo's Pharmacy shall:
 - a. Provide an inventory of all scheduled CDS on the premises and provide a detailed account of the reason for any shortages;
 - b. Remove all CDS from the pharmacy in a manner provided for by the Pharmacy Act;
 - c. Provide the Board with proof of having supplied a copy of this Order to all wholesale drug distributors from which Russo's Pharmacy receives CDS; and
 - d. Immediately post a notice to the public that Russo's Pharmacy will not accept nor dispense any prescriptions for CDS other than those awaiting pick-up on the date of this Order; and
4. Russo's Pharmacy shall withdraw its request for an evidentiary hearing on the Notice of Intent to Summarily Suspend the pharmacy permit of Russo's Pharmacy; and

5. Russo's Pharmacy shall cooperate with the Board in its ongoing investigation of the pharmacy;

and be it further

ORDERED that the terms of this Order will remain in effect until the Board issues a Final Order as a result of an evidentiary hearing on the forthcoming formal charges related to the conduct alleged in the Notice of Intent to Summarily Suspend issued on December 22, 2010; and be it further

ORDERED that should Mr. Russo decide to transfer ownership of the pharmacy, he shall not transfer it to any member of his immediate family; and be it further

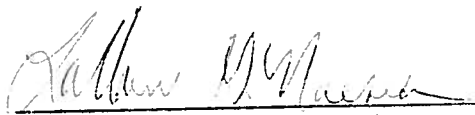
ORDERED that, subject to an opportunity to be heard as required by Md. Code Ann., State Gov't § 10-226(c) and COMAR 10.34.01.12, the Board shall immediately lift this stay if Russo's Pharmacy fails to immediately and continuously comply with the conditions set forth herein or if the Board finds that the public health, safety, or welfare imperatively requires emergency action; and be it further

ORDERED that Russo's Pharmacy shall be responsible for all costs incurred under this Order; and be it further

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code, State Gov't, § 10-617(h).

Date


February 23, 2011


LaVerne G. Naesea, Executive Director
for Michael Souranis, P.D., Board Chair

CONSENT

1. By signing this Consent, I hereby agree to be bound by the foregoing Interim Consent Order and its conditions.
2. By signing this Consent, I submit to the foregoing Interim Consent Order as a resolution of the Notice of Intent to Summarily Suspend the pharmacy permit of Russo's Pharmacy d.b.a. Russo's Rx's issued on December 22, 2010.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Interim Consent Order.
4. I sign this Interim Consent Order freely and voluntarily, aware of my right to consult with counsel.
5. I fully understand the language, meaning, and effect of this Interim Consent Order.

2/10/11
Date



David Russo, P.D. for
Russo's Pharmacy d.b.a. Russo's Rx

STATE OF MARYLAND
COUNTY/CITY OF Washington:

I hereby certify that on this 10 day of Feb., 2011, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared DAVID RUSSO, P.D., and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Maria L. Werder
Notary Public
My commission expires: June 4, 2013