

IN THE MATTER OF	*	BEFORE THE
SUPERIOR LANE PHARMACY	*	STATE BOARD OF
RESPONDENT-PHARMACY	*	PHARMACY
	*	CASE NO.: PI-16-140
		PERMIT #P06480

* * * * *

FINAL ORDER OF REVOCATION OF PHARMACY PERMIT

The State Board of Pharmacy (“the Board”) notified Superior Pharmacy (“Respondent-Pharmacy”), of the Board’s intent to revoke the Respondent-Pharmacy’s permit to operate as a pharmacy under the Maryland Pharmacy Act, (“the Act”) Md. Health Occ. II Code Ann. (“H. O.”) §§12-101 *et seq.* (2014 Repl. Vol.). 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;

Code Md. Regs. tit. 10, § 34.22

.03 Information to be Included in Notification of Closing.

A. At least 14 days before a location's anticipated date of ceasing to operate as a licensed pharmacy, the pharmacy permit holder shall:

(1) Notify the:

(a) Board in writing by certified mail, return receipt requested, or hand delivered to the Board's office of the day on which the licensed pharmacy will cease to operate as a pharmacy; and

(b) Division of Drug Control by certified mail, return receipt requested, of the day on which the licensed pharmacy will cease to operate as a pharmacy; and

(2) Request a closing inspection date.

FINDINGS OF FACT

The Board finds that:

1. On or about September 19, 2014, the Respondent-Pharmacy was issued a permit to operate as a pharmacy on or about November 19, 2014.

2. The Respondent-Pharmacy permit expired on May 29, 2016.

3. The Respondent- Pharmacy is owned and operated by Pharmacist A,

4. On or about February 4, 2016, the Board sent a subpoena by certified mail, to the Pharmacist A, in order to obtain verification of the training hours that a foreign pharmacist applicant had performed at the Respondent-Pharmacy.

5. On or about March 7, 2016, the Board subpoena that the Board had issued to Pharmacist A, was returned as "return to sender, not deliverable as addressed, unable to forward".

6. In addition to the issuance of the Board subpoena, Board staff also attempted

to contact Pharmacist A and the staff pharmacist at the telephone numbers that the pharmacists had provided to the Board.

7. Board staff also attempted to reach Pharmacist A but phone but was unsuccessful..

8. On or about February 24, 2016, Board staff went to the Respondent-Pharmacy during the pharmacy's normal business hours and discovered that the Respondent-Pharmacy was closed.

9. Further investigation by Board staff revealed that since July 2015, the Respondent-Pharmacy had not been operational and the alarm system had been disconnected.

10. Pharmacist A had not informed the Board that Respondent-Pharmacy was going to close.

11. The Board was not aware that Respondent-Pharmacy had closed and had ceased to operate until February 24, 2016.

12. On or about was March 16, 2016, the Respondent-Pharmacy was evicted from the premises located at 3327 Superior Lane, Suite 205, Bowies, Maryland.

13. Maryland Division of Drug Control ("Division of Drug Control") removed prescription drugs, including controlled substances from the Respondent -Pharmacy.

14. The Division of Drug control also removed prescription records from the Respondent-Pharmacy.

15. The Respondent-Pharmacy's conduct, as described above, is a violation of H.O. § 12- 403(c)(1), § 12- 409 (a) (1),(2), and (3) and Code Md. Tit § 10. 34.22.03A (1)(a) and (b), and (2).

¹ The name of Pharmacist A has been omitted to protect confidentiality.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Pharmacy violated H.O. § 12- 403(c)(1), § 12- 409 (a) (1),(2), and (3) and Code Md. Tit § 10. 34.22.03A (1) (a) and (b), and (2).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of July 2017, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent's registration to practice as a pharmacy technician, is hereby **REVOKED** and the Board will not accept, from the owners of Respondent-Pharmacy, any future application for a permit to operate a pharmacy; 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 this Order is final and a public document pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

7/19/17
Date

Mitra Gavani, Pharm.D.
President
State Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §12-316 (2014 Repl. Vol.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. II Code Ann. §§ 10-201 *et seq.* (2014 Repl. Vol.) and Title 7, Chapter 200 of the Maryland Rules.