IN THE MATTER OF * BEFORE THE
TOWERS PHARMACY * MARYLAND BOARD
PERMIT # P00791 * OF PHARMACY

ORDER FOR EMERGENCY SUSPENSION

Based on information received and reviewed by the State Board of Pharmacy (the "Board") regarding the operation of TOWERS PHARMACY (the "Respondent"), the Board finds that a summary suspension of the Respondent's permit under Annotated Code of Maryland, State Government Article, §10-405(b) is necessary for the following reasons:

REASONS IN SUPPORT OF EMERGENCY ACTION

Based upon information known and available to it, the Board has reason to believe:

1. Respondent was and is issued a permit to operate a pharmacy located at Route 3, Box 5E, South Fifth Avenue, Denton, Maryland during all times relevant to the facts stated herein.

2. On or about October 1, 1990 prescription drugs, including Dilaudid, (Schedule II), Percocet (Schedule II), Percodan (Schedule III), Fastin (Schedule IV), Tylox (Schedule II) Seconal (Schedule II), Demerol (Schedule II), and Emprin III (Schedule III) were dispensed by Respondent permit-holder to the following persons without a prescription: George Perakis, Greg Sammons and Michael Besser.
3. The owner or Respondent permit-holder admitted to the Maryland State Police that this activity had been ongoing for a period of approximately five years, approximately three times per week for a period of approximately $1,200-2,000 per week.

4. Section 12-4091, 2 of Title 12, Health Occupations Article, Annotated Code of Maryland, prohibits a pharmacy from being conducted so as to endanger the public health or safety. §12-409(2) prohibits a pharmacy from violating any of the standards specified in §12-403, which standards include (a)(1) being operated in compliance with the law and with the rules and regulations of the Board; (a)(8) from participating in any activity that is a ground for Board action against a licensed pharmacist; and §409(3) is otherwise not conducted in accordance with the law, including labelling requirements and prescription requirements (§§12-510 and 12-311(b)(14) respectively).

**FINDING IN SUPPORT OF EMERGENCY ACTION**

Based upon the foregoing reasons, the Board finds that the standards for emergency action set forth by State Government Article §10-405(b) have been met and further finds that the public health, safety and welfare imperatively require that the Board take the emergency action of summarily suspending the Respondent's permit to operate as a pharmacy pursuant to State Government Article, §10-405(b), Annotated Code of Maryland.
ORDER

It is this 9th day of October, 1990, by the Board of Pharmacy

ORDERED that pursuant to the authority vested in the Board by State Government Article, §10-405 of the Annotated Code of Maryland, that the permit of TOWERS PHARMACY, Permit # P00791, and is SUMMARILY SUSPENDED; and be it further

ORDERED that on presentation of this Order, Respondent permit-holder shall immediately deliver to the Investigator of the Investigative Unit of the Department of Health and Mental Hygiene of Maryland its wall permit; and be it further

ORDERED that, pursuant to State Government Article, §10-405(b), an expedited hearing to consider this Order for Emergency Suspension shall be held before the Board, if requested, on October 17, 1990, in Room 109 at 4201 Patterson Avenue, Baltimore, Maryland 21215; otherwise the hearing schedule will be as set forth in the enclosed "Charges Under the Pharmacy Practice Act."

OCT 9, 1990
Date

Roslyn Scheer
Executive Director
Board of Pharmacy
IN THE MATTER OF TOWERS PHARMACY
PERMIT # P00791

BEFORE THE MARYLAND BOARD OF PHARMACY

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CHARGES UNDER THE MARYLAND PHARMACY ACT

Based on information received by the State Board of Pharmacy (the "Board"), the Board hereby charges TOWERS PHARMACY (the "Respondent"), permit-holder, Permit # P00791 with having violated §12-409(1), 409(2), by violating §12-403(a)(1) and (a)(8), and 409(3) of the Maryland Pharmacy Act (the "Act"), by violating §12-510(b), (c) and §601(c) Health Occupations Article, Annotated Code of Maryland.

12-409 Subject to the hearing provisions of §12-410 of this subtitle, the Board may suspend or revoke the 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;

§12-403(a) 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;

(8) May not participate in any activity that is a ground for Board action against a licensed pharmacist under §12-311 of this title.

§12-409(3) Otherwise is not conducted in accordance with the law.

§12-510(b), (c) Label required. - Except for a medication dispensed to an inpatient in a hospital or related institution, a pharmacist shall label each
container of medication that the pharmacist
dispenses.

§12-311(14) Without first having received a written or oral
prescription for the drug from an authorized
prescriber, dispenses any drug for which a
prescription is required;

ALLEGATIONS OF FACT

The Board bases its charges on the following facts that
the Board has cause to believe are true:

1. At all times relevant to the charges herein,
   Respondent was issued a permit to operate a pharmacy in the State
   of Maryland.

2. On or about October 1, 1990, the Respondent
   permit-holder dispensed prescription drugs, including Dilaudid
   (Schedule II), Percodan (Schedule III), Erastin (Schedule IV) and
   Emprin III (Schedule III) to the following persons without a
   prescription: George Perakis, Greg Sammons and Michael Besser.

3. All of the above were in violation of the Act.

NOTICE OF POSSIBLE SANCTIONS

If, after a hearing, the Board finds cause to take
action under §12-409 and 409.1, the Board may impose disciplinary
sanctions against Respondent’s license, including revocation or
suspension or may fine or place the Respondent on probation.
NOTICE OF HEARING AND PREHEARING CONFERENCE

A hearing in this matter has been scheduled for
November 21, 1990 at 1:00 p.m. in Room 109, 4201 Patterson
Avenue, Baltimore, Maryland 21215.

In addition, a prehearing conference in this matter has
been scheduled for October 24, 1990 at 9:00 a.m. in Room 301,
4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and
purpose of the prehearing conference is described in the attached
letter to Respondent.

Oct 9, 1990
Date

Roslyn Scheer
Executive Director
Board of Pharmacy