

IN THE MATTER OF  
WESTBURY PHARMACY

PERMIT NO: P05969

BEFORE THE  
MARYLAND STATE  
BOARD OF PHARMACY

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**PRE-CHARGE CONSENT ORDER**

**Background**

The Maryland Board of Pharmacy (the "Board") received a self-report submitted by Westbury Pharmacy (the "Pharmacy") that it had unintentionally dispensed prescription drugs into Maryland prior to receiving a pharmacy permit in Maryland.

In lieu of instituting formal proceedings against Westbury Pharmacy, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

**FINDINGS OF FACT**

1. On July 31, 2014, the Board received a self-report submitted by Westbury Pharmacy indicating that the Pharmacy had unintentionally dispensed prescription drugs into Maryland prior to being issued a pharmacy permit by the Maryland Board.
2. The Pharmacy dispensed prescriptions into Maryland on ten (10) occasions between November 2012 and March 2013 without a valid Maryland pharmacy permit, although an application for such permit was pending at that time.

3. The Pharmacy was subsequently issued a pharmacy permit in Maryland on April 12, 2013.
4. The Pharmacy has since revised its policies and procedures to include staff training regarding permit requirements for out-of-state dispensing.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Westbury Pharmacy is subject to the imposition of a fine in accordance with Md. Code Ann., Health Occ. §§ 12-703(e) and 12-707(e).

### ORDER

Based upon an affirmative vote of the Board, it this 12<sup>th</sup> day of March, 2015, hereby,

ORDERED that Westbury Pharmacy shall pay a FINE in the amount of FIVE THOUSAND DOLLARS (\$5,000.00), payable to the Maryland Board of Pharmacy within ninety (90) days of the date of this Order; and be it further,

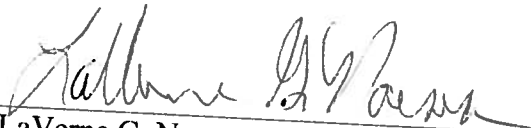
ORDERED that Westbury Pharmacy shall comply with all laws and regulations governing the dispensing of prescription drugs into the State of Maryland by non-resident pharmacies; and be it further,

ORDERED that in the event that Westbury Pharmacy violates any of the provisions above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may take further appropriate action, including suspension or revocation of the pharmacy permit and/or the imposition of additional fines not to exceed

\$10,000, said violation being proven by a preponderance of the evidence; and be it further,

ORDERED that this is a formal order and as such is a public document pursuant to Md. Code Ann., General Provisions Article, § 4-333(b).

3/12/15  
Date

  
LaVerne G. Naesea  
Executive Director for:

Lenna Israbian-Jamgochian, Pharm.D.  
Board President

**CONSENT**

1. By signing this Consent, Westbury Pharmacy submits to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.
2. Westbury Pharmacy acknowledges the validity of this Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.
3. Westbury Pharmacy acknowledges that, by entering into this Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Westbury Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. Westbury Pharmacy signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Westbury Pharmacy fully understands the language, meaning, and effect of this Consent Order.


3-1-2015  
Date


[Signature]  
Name: Joseph A Oley  
Title: Pharm D, P.I.C Owner

STATE OF Virginia  
COUNTY/CITY OF Henrico :

I hereby certify that on this 1st day of March, 2015, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Pamela Mason Va, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Westbury Pharmacy.

[Signature]  
Notary Public  
My commission expires: 12-31-16

 PAMELA G MASON  
NOTARY PUBLIC  
REGISTRATION # 7524485  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
OCTOBER 31, 2016

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