

IN THE MATTER OF

*

BEFORE THE

TIMUR YUSUFOV

*

MARYLAND BOARD

Registration No: T03304

*

OF PHARMACY

Respondent

*

Case No.: PT-15-020

* * * * *

CONSENT ORDER

On June 17, 2015, the Maryland State Board of Pharmacy (the "Board") charged **TIMUR YUSUFOV (the "Respondent") (Registration Number: T03304)**, under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol.).

The pertinent provisions of §12-6B-09 the Act provide as follows:

Subject to the hearing provisions of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or to a crime of moral turpitude, regardless of whether: (i) An adjudication of guilt or sentencing or imposition of sentencing is withheld; or (ii) Any appeal or other proceeding is pending regarding the matter[.]

On August 5, 2015, the Respondent participated in a Case Resolution Conference (CRC) before a panel of Board members to discuss the potential resolution of the Charges by consent. At the conclusion of the CRC, the Respondent agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent and the Board agreed to the inclusion of Findings of Fact and Conclusions of Law as required by the

Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

The Board finds the following:

1. The Respondent is licensed to practice as a pharmacy technician in the State of Maryland under License Number T03304.¹ The Respondent was first licensed on October 29, 2008. The Respondent's license is currently active and will expire on February 29, 2016.
2. The Board received information that on February 5, 2015, the Respondent pleaded guilty in the United States District Court for the District of Maryland to one count of "knowingly aid[ing] and abet[ting] the receipt of, after removal, any tobacco products and cigarette papers and tubes upon which the federal tax had not been paid and determined in the manner and at the time prescribed by Chapter 52 of the United States Code, or regulations thereunder." 26 U.S.C. §§ 5751(1)(a) and 5762(b).
3. The Respondent entered into a plea agreement under which he agreed to plead guilty and pay a criminal monetary penalty of \$50,000. The Respondent was also ordered to forfeit to the United States \$200,000, which had been transferred by the Respondent to another defendant in the criminal enterprise.
4. According to the stipulated facts, on or about December 28, 2012, the Respondent accepted a delivery of contraband cigarettes on behalf of another

¹ The Respondent was 50% owner of Health Way Pharmacy (P01947) ("Health Way"), a retail pharmacy located 1116 Reisterstown Road, Pikesville, Maryland 21208. The other 50% owner was Salim Yusuf (unlicensed). On or about January 27, 2015, Health Way Pharmacy changed ownership and changed its name from Health Way to Health Rite Pharmacy & Medical Supply, Inc. ("Health Rite") (P06677). Health Rite is also a retail pharmacy and is located at the same address previously occupied by Health Way. Health Way's permit to operate a retail pharmacy is no longer active. The Respondent is 50% owner of Health Rite. Salim Yusuf transferred his 50% ownership interest to Milana Mulgan (unlicensed).

individual. The Respondent provided a cash payment of \$530,000 in exchange for the delivery. The contraband cigarettes were taxable pursuant to Chapter 52 of Title 26 of the United States Code, and the regulations thereunder. However, no such taxes were paid. The Respondent admitted to these facts.

5. On or about March 11, 2015, the Respondent was notified by the Maryland Department of Health and Mental Hygiene that effective April 11, 2015, he would be disqualified from future participation in the Maryland Medical Assistance Program, either as a provider or as a person providing services for which Medicaid payment will be claimed. The Respondent contested this disqualification and the matter is currently on appeal. No hearing date has yet been scheduled and the Respondent remains eligible to participate in the Maryland Medical Assistance Program.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provision of the Act: H.O. § 12-6b-09(22).

ORDER

Based on agreement of the parties, it is therefore this 7th day of November 2015, by an affirmative vote of the Board, hereby:

ORDERED that the Respondent's registration is **REPRIMANDED**; and it is further

ORDERED that the Respondent shall be placed on **PROBATION** for a period of at least **THREE (3) YEARS**; and it is further

ORDERED that during the probationary period, the Respondent shall, within five



(5) business days, notify the Board in writing of any criminal charges brought against him; and it is further

ORDERED that at the conclusion of the three (3) year probationary period, the Respondent may file a written petition for termination of his probationary status without further conditions or restrictions, but only if he has satisfactorily complied with all conditions of this Consent Order, and if there are no pending complaints regarding his practice before the Board; and it is further

ORDERED that failure to comply with the terms and conditions of this Consent Order constitutes a violation of this Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board may impose any appropriate sanction under the Act; and it is further

ORDERED that the Respondent shall practice according to the Maryland Pharmacy Act and in accordance with all applicable laws, statutes and regulations; and it is further

ORDERED that this document constitutes a formal disciplinary action of the State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act, State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

Mitra Gavvani, Board President
State Board of Pharmacy

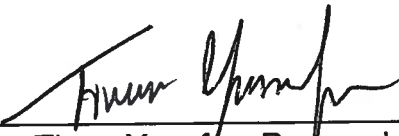
CONSENT

I, Timur Yusufov, had the opportunity to consult with legal counsel before signing this document. By this Consent, I agree to be bound by this Consent Order and its conditions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.


I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I waive any right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

10/30/15
Date


by: Timur Yusufov, Respondent

Read and approved:


Kathleen McDermott, Esq.
Attorney for Timur Yusufov

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE :

I HEREBY CERTIFY that on this 30th day of OCT., 2015,
before me, a Notary Public of the foregoing State personally appeared Timur Yusufov
and made oath in due form of law that signing the foregoing Consent Order was his
voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Lilya Tseytlin
Notary Public

My Commission Expires: 06/19/2019

