

**IN THE MATTER OF
ABH PHARMACY
PERMIT NO. P02613**

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**BEFORE THE
MARYLAND BOARD
OF PHARMACY
CASE NO. PI-16-181**

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) conducted an annual inspection of ABH Pharmacy (the “Pharmacy”), Permit No. P02316, on March 18, 2016. The inspection report indicated that the Pharmacy was not in compliance with certain requirements for pharmacy operations. In addition, the Pharmacy failed to report controlled dangerous substances (“CDS”) dispensing data to the Prescription Drug Monitoring Program as required.

In lieu of instituting formal proceedings against the Pharmacy, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, a panel of the Board held a Pre-Charge Case Resolution Conference with the Pharmacy September 14, 2016. As a result, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, the Pharmacy held a Maryland pharmacy permit, Permit No. P02613, and operated on the premises located at 219 S. Collins Avenue, Baltimore, Maryland.
2. On March 18, 2016, the Board performed an annual inspection of the Pharmacy in accordance with Md. Code Ann., Health Occ. § 12-604(b).
3. The Board's inspection noted several deficiencies relating to pharmacy operations, including:
 - (a) Outdated prescription medications in the inventory;
 - (b) Food in the medication refrigerator;
 - (c) Medication freezer lacked a thermometer;
 - (d) No notice to patients regarding how to report a suspected medication error; and,
 - (e) Prescription labels for generic medications indicated incorrect manufacturer.
4. The Pharmacy also failed to report dispensing data to the Prescription Drug Monitoring Program for controlled dangerous substances dispensed at the Pharmacy from approximately August 2013 to September 2016.
5. The Pharmacy has since submitted policies and procedures to the Board addressing the timely removal of expired medications from its inventory, and has corrected the remaining deficiencies.
6. The Pharmacy reported its CDS dispensing data to the Prescription Drug Monitoring Program dating back to August 2013.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§ 12-403(c)(1), (12) and (20), § 12-505(c), § 21-2A-03(c), and COMAR 10.34.12.

ORDER

Based on an affirmative vote of the Board, it is this 22nd day of December, 2016, hereby:

ORDERED that the Pharmacy shall pay a fine in the amount of \$1,000.00, payable to the Maryland Board of Pharmacy, within sixty (60) days of the effective date of this Order. Please mail the check or money order to:

Maryland Board of Pharmacy
P.O. Box 2051
Baltimore, MD 21203-2051

Please indicate the Case Number PI-16-181 on your check or money order to insure proper assignment to your case; and be it further,

ORDERED that the Pharmacy shall submit to the Board within thirty (30) days of this Order policies and procedures relating to removal of expired prescription and non-prescription drugs from its inventory. The Pharmacy has submitted policies and procedures that satisfy this condition; and be it further,

ORDERED that the Pharmacy shall immediately report its CDS dispensing data to the Maryland Prescription Drug Program, to include any back data required to bring the Pharmacy

into compliance with the Program's reporting requirements. The Pharmacy has reported its CDS data to the Program and is in compliance to date; and be it further,

ORDERED that failure to pay the above fine or fully comply with the terms of this Order shall be considered a violation of this Order, and after notice and opportunity for a show cause hearing, may subject the Pharmacy to further discipline such as suspension, revocation or additional civil monetary penalties; 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 Maryland Annotated Code, General Provisions Article, Section 4-333.

12-22-16
Date


Deena Speights-Napata
Executive Director

CONSENT

1. By signing this Consent, the Pharmacy submits to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy the right to a full evidentiary hearing. The Pharmacy consents and submits to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on the Pharmacy's behalf and to all other substantive and procedural protections provided by law.

2. By signing this Consent, the Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
4. The Pharmacy signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

ABH PHARMACY
Permit No. P02613

Dec. 14, 2016
Date

Gift O. Sunday
Gift O. Sunday, R.Ph.
Owner

STATE OF MARYLAND
COUNTY/CITY OF Baltimore :

I hereby certify that on this 14th day of December, 2016, before me, a Notary Public of the State of Maryland and County/city aforesaid, personally appeared Gift O. Sunday, on behalf of ABH PHARMACY, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

[Signature]
Notary Public
My commission expires: _____