

IN THE MATTER OF
UGOCHUKWU AHUBELEM

Respondent

License No.: 27027

*** BEFORE THE**
*** MARYLAND STATE**
*** BOARD OF PHARMACY**
*** Case No.: 22-356**

* * * * *

CONSENT ORDER

On February 15, 2023, the Maryland Board of Pharmacy (“the Board”) charged **UGOCHUKWU AHUBELEM, R.PH** (“the Respondent”), License No.: **27027**, with violating the Maryland Pharmacy Act, (the “Act”) Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol.). The pertinent provisions of Health Occ. provide as follows:

§ 12-313. Denials, reprimands, suspensions, and revocations — Grounds

.....

(b) *In general* — Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the licensee:

.....

(2) Fraudulently or deceptively uses a license;

.....

(7) Willfully makes or files a false report or record as part of practicing pharmacy;

.....

(25) Violates any rule or regulation adopted by the Board[.]

The pertinent provisions of Code Md. Regs (“COMAR”), 10.34.10 provide as follows:

COMAR 10.34.10.01. Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03;
- (2) Verify the accuracy of the prescription before dispensing the drug or device if the pharmacist has reason to believe that the prescription contains an error[.]

.....

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

COMAR 10.34.10.08. Refusing to Dispense a Controlled Substance.

- A. If, based on generally accepted professional standards for the practice of pharmacy, a pharmacist has reason to believe, or should have reason to believe, that a prescription for a controlled dangerous substance was not issued for a legitimate medical purpose in the usual course of the prescriber's practice, the pharmacist may not dispense the controlled dangerous substance until the pharmacist:
- (1) Consults with the prescriber; and
 - (2) Verifies the medical legitimacy of the prescription.

On May 10, 2023, a Case Resolution Conference (“CRC”) was held before a committee of the Board. As a resolution of this matter, and to mutually resolve the pending charges and disputed claims against the Respondent in lieu of an evidentiary hearing, the Respondent and the Board agree to enter into this public Consent Order consisting of the Board’s Findings of Fact, Conclusions of Law, and an Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was licensed to practice as a pharmacist in the State of Maryland. The Respondent was first licensed as a pharmacist in Maryland on or about December 3, 2019. The Respondent’s license expires on May 31, 2023.
2. At all times relevant hereto, the Respondent was employed as a Pharmacy Manager at a national chain pharmacy (the “Pharmacy”)¹ located in Waldorf, Maryland.

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

3. Prior to his position as a Pharmacy Manager, the Respondent has been employed by the Pharmacy for over 10 years – first as a Pharmacy Services Associate, then progressing from Pharmacy Technician, to Pharmacy Intern, to Staff Pharmacist to his promotion as Pharmacy Manager on January 26, 2020.
4. On or about May 2, 2022, the Board received a Controlled Substance Theft/Significant Loss One Business Day Notification (the “Notice”) from the Pharmacy. The Notice stated that on May 2, 2022, the Pharmacy had an occurrence it had classified as “employee pilferage.”
5. By correspondence dated June 1, 2022, the Board received a DEA (Drug Enforcement Agency) - 106 – Report of Theft or Loss of Controlled Substances (the “Report”) from the Pharmacy related to the loss referenced in the Notice.
6. The Report listed the controlled dangerous substances (“CDS”) that were lost/stolen as:

Trade Name	NDC Number	Dosage Str.	Quantity Lost/Stolen
Oxycodone HCL 10 MG Tablet	10702005601	10 MG	120
Oxycodone HCL 15 MG Tablet	107020000801	15 MG	112

7. The Report listed the value of the lost CDS as \$287.00.

Pharmacy Internal Investigation

8. In April 2022, the Pharmacy’s District Asset Protection Leader (“DAPL”) initiated an internal investigation.

9. The DAPL reviewed video surveillance and records from the Pharmacy. The DAPL identified several points of concern:

- a. Three prescriptions were determined to be from a doctor located in Northwest Washington, DC (“Doctor 1”).² Doctor 1 is known to have disciplinary actions on his medical license from both Maryland and the District of Columbia following a conviction for Health Care Fraud and Tax Evasion and was currently under investigation by the Pharmacy.
- b. On April 26, 2022, the DAPL visited the Pharmacy to view the hard copies of the five questionable CII prescriptions – only two of the hard copies were located. The DAPL then viewed the scans of the three missing prescriptions in order to pull the patient profiles for the questionable CII prescriptions.
- c. The DAPL determined that the two hard copies that were located had backtags that did not match the current fill and were found to have been used to fill multiple prescriptions.
- d. The DAPL also noted that many of the patient profiles had significant errors when compared to the hard copies and the scans of the hard copies:
 - a. RX1/Patient CN – new profile – the first name is spelled differently than the prescription; the prescriber

² The distance between Doctor 1’s office and the Pharmacy was approximately 40 miles.

listed in the profile is incorrect, and there is an obvious difference between the writing on the prescription and the pill count (there are questionable marks/alterations of the pill count).

- b. RX2/Patient TP – new profile – there is already an established patient profile that contains the information that matches the prescription – the last name is completely different from the prescription; the date of birth is different from the prescription; the address listed on the profile is completely different from the prescription.
- c. RX3/Patient JF – new profile – there is an obvious difference between the writing on the prescription and the pill count (there are questionable marks/alterations of the pill count).
- d. RX4/Patient JC – new profile – there is already an established patient profile that contains the information that matches the prescription, the last name is spelled differently than the prescription, the date of birth is different from the prescription, the address is different than what is written on the prescription.

e. RX5/Patient DB – new profile – the first name is spelled differently than the prescription, the date of birth is different from the prescription, the prescriber listed in the profile is incorrect, and there is an obvious difference between the writing on the prescription and the pill count (there are questionable marks/alterations of the pill count).

10. On April 26, 2022, the DAPL interviewed the Respondent regarding the identified issues. The Respondent stated that he remembers filling three prescriptions for the same drug and pill count from Doctor 1.
11. When the DAPL asked the Respondent if he noticed any red flags with the recent CII prescriptions, the Respondent stated that “it was very busy at that time, I was not looking for red flags.” The Respondent added that the Pharmacy “is known for filling high quantity medication.”
12. When the DAPL noted that in four of the five CII prescriptions he created profiles that contained names, dates of birth, and addresses that did not match the prescription, the Respondent stated that those errors “would’ve been a red flag if I caught it. It was probably my oversight. A medication error occurred because of [the] wrong name and DOB it happens due to lack of help or other distractions.”
13. The DAPL asked the Respondent why he filled two prescriptions that had already been filled and filed. The Respondent stated, “there must have been a reason for that, but I do not recall.”

14. When the DAPL asked if the Respondent validated any of the CII prescriptions on April 15, 2022, the Respondent explained, “No I did not. If we have to validate every single script that come[s] our way, nothing will get done. We use our professional judgment to determine scripts.” The Respondent added that in the past he called to validate a prescription for promethazine with codeine because the computer “prompted me to.” The Respondent noted that “promethazine with codeine is a drug that has a high rate of forgery, so I am always cautious at all times because I get a lot of forgeries every day.
15. At the conclusion of the interview, the Respondent added: “I’ve been with the company for a while to know better. Whatever I’ve done wrong was out of stress and not focused.”
16. The Respondent is currently employed at a medical cannabis dispensary in Virginia.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent’s actions, as described above, constitute violations of Health Occ. §§ 12-313(b) (25), and COMAR 10.34.10.01(A)(1) and (A)(2) and (B)(1)-(3), and COMAR 10.34.10.08(A)(1) and (A)(2). In its discretion, the Board has dismissed the charges of § 12-313 (2) and (7) as unsubstantiated.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of June, 2023, by the affirmative vote of a majority of the members of the Board then serving:

ORDERED that the Respondent's license shall be **REPRIMANDED**; and it is further

ORDERED that the Respondent's license shall be placed on **PROBATION** for a period of at least **ONE (1) YEAR**, subject to the following terms and conditions:

1. Within the first twelve (12) months of the probationary period, the Respondent shall successfully complete twelve (12) Board-approved continuing education credits – six (6) credits in drugs of abuse, and six (6) credits in red flags and the corresponding responsibility for pharmacists. This requirement is in addition to the continuing education credits necessary for license renewal;
2. After **ONE (1) YEAR** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation, provided that he has been fully compliant with this Consent Order and has no outstanding complaints filed against him.

ORDERED that the Respondent shall pay a monetary **fine in the amount of ONE THOUSAND (\$1,000) DOLLARS** within thirty (30) days of the effective date of the Consent Order, payable by certified check or money order to The Maryland State Board of Pharmacy and sent to:

Wells Fargo Bank
Attn: State of MD - Board of Pharmacy
Lockbox 2051

401 Market Street,
Philadelphia, PA 19106

Please reference Case Number 22-356 on the check or money order in order to ensure proper assignment to your case; and it is further

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and it is further


ORDERED that the Respondent shall bear the cost(s) of complying with the Consent Order; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of his compliance with the terms and conditions of this Order; and it is further

ORDERED that failure to comply with the terms and conditions of the Consent Order, including failure to pay the monetary fine in full by the deadline, constitutes a violation of the 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 Consent Order shall be a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019).

6-16-23
Date


Deena Spights-Napata, MA
Executive Director
Maryland Board of Pharmacy

CONSENT

I, Ugochukwu Ahubelem, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept, to be bound by this Consent Order and its conditions and restrictions. 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 its 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 also affirm that I am waiving my 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.

6-6-2023
Date


Ugochukwu Ahubelem, R.Ph., 27027

NOTARY

STATE OF: Maryland

COUNTY/CITY: Prince George's County

I **HEREBY CERTIFY** that on this 6th day of June, 2023, before me, a Notary Public of the State and City/County aforesaid, **Ugochukwu Ahubelem** personally appeared, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

SEAL



Juanita A. Glenn

Notary Public

My Commission Expires: 12/23/24