

IN THE MATTER OF
JOSIAH AKINSOJI, P.D.

License No. 17292

Respondent

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* Board Case Number: 10-012

* * * * *

FINAL DECISION AND ORDER

Procedural History

Based on information received and a subsequent investigation by the Maryland Board of Pharmacy (the "Board"), and subject to Md. Code Ann., Health Occ. § 12-101, *et seq.* (2009 Repl. Vol.) (the "Act"), the Board issued the Respondent, Josiah Akinsoji, P.D., a Notice of Intent to Revoke his pharmacist's license for a violation of the Act arising out of his illegal operation of an internet pharmacy.

Specifically, the Board based its Notice of Intent to Revoke on the following provision of § 12-313 of the Act, which states:

(a) In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.

(b) 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 deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(22) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside [;].

Mr. Akinsoji was given thirty days from the date of the Notice to submit a written request for a hearing. Mr. Akinsoji timely submitted such a request. On May 19, 2010, before a quorum of the Board, a hearing was convened. Mr. Akinsoji attended telephonically but did not testify. Mr. Akinsoji, represented by Brett Cook, Esq., and the State, represented by Roberta Gill, Esq., Assistant Attorney General and Administrative Prosecutor, presented a Joint Stipulation and proposal for settlement. There was no other evidence presented, nor did any witnesses testify. Upon conclusion of the hearing, the same quorum of the Board convened to deliberate and voted unanimously to sanction Mr. Akinsoji's pharmacist license for the reasons set forth in this Order.

FINDINGS OF FACT

1. At all times relevant, Mr. Akinsoji was licensed by the Board to practice pharmacy in the State of Maryland. Mr. Akinsoji was initially licensed on August 20, 2004. Mr. Akinsoji's license expired on March 31, 2010.
2. From November 2004 to October 2005, Mr. Akinsoji was the co-owner and operator of Global Pharmacy and, from April to October 2006, Mr. Akinsoji was the sole owner and operator of Union Pharmacy. Both pharmacies were located in Silver Spring, Montgomery County, Maryland.
3. On April 14, 2009, Mr. Akinsoji pled guilty in the United States District Court for the District of Maryland to conspiracy to distribute a schedule IV controlled dangerous substance, primarily Phentermine¹, in violation of Federal law.

¹ Phentermine is a weight loss drug known for causing serious side effects if its use is not closely monitored.

4. The factual stipulation, was as follows, *inter alia*:

FACTUAL STIPULATION

From about November 2004 to October 2005, defendant, Josiah Akinsoji owned and operated Global Pharmacy and from April 2006 to October 2006. Akinsoji also owned and operated Union Pharmacy, both of which were located at 13848 Old Columbia Pike, Silver Spring, MD 20904. Both of these pharmacies received their prescriptions orders from the Internet and were part of an Internet pharmacy business that was connected to a network of websites, businesses, and doctors who utilized the Internet unlawfully to sell controlled substances to customers throughout the United States. Akinsoji opened and operated Global Pharmacy with the assistance of Antonio Quinones and Susana Mendez, and for Union Pharmacy he was the sole proprietor. Initially, Akinsoji was to be paid \$5.00 for every order filled and later that fee was reduced to \$4.00 per order.

Global pharmacy and Union pharmacy were part of a network of pharmacies that received their prescriptions orders from several internet websites related to the TQnetwork, including: www.thedoctorsonline.com, www.sisterspharmacy.com, www.mylittlepharmacy.com, www.treetoppharmacy.com, www.goslimpharmacy.com, www.mydiscountdrugs.com, www.rxbestchoice.com, and www.yankarx.com. These websites allowed customers to place orders for various prescription drugs, including controlled substances, after the customer completed a brief on-line questionnaire describing the customer's medical background and the customer's reason for requesting the prescription drug. After the customer completed the questionnaire, the questionnaire was forwarded to a group of licensed physicians located in Puerto Rico, who purportedly reviewed the questionnaires and approved the requests for the controlled substances. The

customer never met or spoke with a doctor, or had his or her questionnaire verified. Akinsoji knew the controlled substances were not issued for a legitimate medical purpose because the customers ordering the controlled substances and the doctors approving the orders had not established a valid doctor-patient relationship.

After the approval was electronically executed, it was transmitted to [a] database, at which time employees of Global pharmacy, and later Union pharmacy retrieved those prescriptions by accessing a secured website. The prescriptions were printed and filled in the pharmacy and then shipped by a commercial delivery service. When Akinsoji was present at the pharmacy he did not verify the validity of the prescriptions even though Global and Union were filling thousands of prescriptions per day that were being generated by only four or five doctors located in Puerto Rico and the doctors and the customers did not reside in the same State.

In addition, from about April 2006 to October 2006, Akinsoji was rarely present at Union pharmacy, that is, he maintained his primary residence in Florida and was only at Union a few days every four or five weeks. As a result, Union pharmacy dispensed thousands of controlled substances without the supervision of a licensed pharmacist, in direct violation of State of Maryland pharmacy regulations.

During their respective periods of operation, Global and Union filled and distributed by overnight delivery thousands of prescriptions for Phentermine, a Schedule IV controlled substance, equating to in excess of 4.99 kilograms of marijuana. These drugs orders were filled in Maryland and shipped to customers in numerous states including Louisiana, Ohio, Florida and Texas.

Finally, Title 21, Code of Federal Regulations, Section 1306.04 (a) provides: "a prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of [the Controlled Substances Act]."

5. On July 6, 2009, Mr. Akinsoji was sentenced to eight months in Federal prison; received one year of supervised release with conditions; was assessed a \$100 Special Assessment; and was required to pay a forfeiture amount of \$250,000.
6. As set forth above, Mr. Akinsoji pled guilty to a felony and a crime of moral turpitude, in violation of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that Mr. Akinsoji is subject to discipline pursuant to Md. Code Ann., Health Occ., § 12-313(b)(22).

OPINION AND SANCTION

The Board's primary duty is protection of the public. Md. Code Ann., Health Occ. § 12-205. To that end, the Board has the authority to revoke the license of a licensee who has been criminally convicted. Health Occ. § 12-313(b)(22). It is undisputed that Mr. Akinsoji pled guilty to charges of conspiracy to distribute a Schedule IV controlled

dangerous substance.

Given the serious nature of Mr. Akinsoji's convictions and the fact that these acts were committed during his operation of a pharmacy, revocation is appropriate. Mr. Akinsoji blatantly disregarded the law by using his pharmacist license purely for monetary gain and the illegal distribution of Schedule IV drugs, despite being fully aware of their addictive quality. Mr. Akinsoji's conduct amounts to more than "a profound ethical mistake." (Tr. at 14). The fact that he rarely bothered to make an appearance at his own pharmacies, and in fact maintained his primary residence was in Florida, demonstrates that Mr. Akinsoji's sole motivation was greed instead of quality patient care administered in accordance with the law. As a trained pharmacist, Mr. Akinsoji has no excuse for failing to exercise the utmost professional judgment when dispensing controlled substances. While it is difficult to assess the exact extent of harm Mr. Akinsoji caused those patients who illegally received large quantities of Schedule IV drugs from his pharmacies, it is reasonable to conclude that some may have formed addictions to these habit-forming medications or suffered serious side effects.

Further, Mr. Akinsoji also ignored the importance of verifying a doctor/patient relationship before dispensing large quantities of controlled substances. (Tr. at 9). Instead, Mr. Akinsoji routinely filled prescriptions for "patients" all over the country which were issued by physicians located in Puerto Rico. As Mr. Akinsoji stipulated in his plea to the United States District Court for the District of Maryland, he "knew the controlled substances were not issued for a legitimate medical purpose because the customers ordering the controlled substances and the doctors approving the orders had not established a valid doctor-patient relationship." (Tr. at 9). These acts are direct violations of 21 C.F.R. §

1306.04.

Finally, Mr. Akinsoji only operated his illegal pharmacies in Maryland because he thought he could exploit Maryland's law, believing that operating internet pharmacies here "was kind of free reign" whereas the practice is prohibited in Florida. (Tr. at 15). Mr. Akinsoji was sorely mistaken. Maryland law requires more of its pharmacist than simply collecting fees for drugs. The Board finds inexcusable such a cavalier attitude toward criminal conduct that amounted to the illegal dispensing and distribution of large quantities of highly addictive controlled substances. As a licensed healthcare professional, Mr. Akinsoji had an obligation to protect the public by refraining from such criminal activity.

ORDER

Based upon the foregoing Findings of Fact, Conclusions of Law, and Opinion, by a unanimous decision of the Board, it is hereby:

ORDERED that the Mr. Akinsoji's pharmacist license is REVOKED; and be it further,

ORDERED that this is a final order of the Board and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't § 10-611, *et seq.*

June 16, 2010
Date

LaVerne G. Naesea
LaVerne G. Naesea, Executive Director
for
Donald Taylor, P.D.
President, Board of Pharmacy

NOTICE OF RIGHT OF APPEAL

Pursuant to Md. Code Ann., Health Occ. § 12-316, you have the right to take a direct judicial appeal. A petition for appeal shall be filed within thirty (30) days from the date of mailing of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201, *et seq.* and Title 7, Chapter 200 of the Maryland Rules.