

**IN THE MATTER OF** \* **BEFORE THE**  
**DUNDALK PHARMACY** \* **MARYLAND BOARD**  
**PERMIT NO. P00439** \* **OF PHARMACY**  
\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

The Maryland Board of Pharmacy (the "Board"), while processing pharmacy technician applications, discovered that certain employees at Dundalk Pharmacy (the "Pharmacy") had been performing pharmacy technician duties without a valid registration or without exempt pharmacy technician trainee status.

In lieu of issuing Charges against the Pharmacy for violation of the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Pharmacy permit holder on December 22, 2010. As a result, Dundalk Pharmacy and the Board have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. In late 2010, the Board received three applications from employees of Dundalk Pharmacy. The applicants were attempting to become registered as pharmacy technicians through the grandfathering provisions of the Maryland Pharmacy Act.
2. The Maryland Pharmacy Act was amended in 2006 to require the registration of pharmacy technicians. Md. Code Ann., Health Occ. Section 12-6B-01, *et seq.* Included in the pharmacy technician law was a grandfathering provision that allowed individuals who had been working for the same permit holder since January 2006 to be exempt from certain other educational and training requirements.
3. As the law has been in effect since 2006, and the corresponding regulations have been

effective since January 28, 2008, the Board no longer issues pharmacy technician registrations through grandfathering since such applicants would have been working as pharmacy technicians in the interim without being duly registered.

4. From approximately January 28, 2008 through November 2010, the Pharmacy employed three part-time pharmacy technicians without registrations or exempt trainee status.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Dundalk Pharmacy is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-403(b)(1).

### ORDER

Based on an affirmative vote of the Board, it is this 31<sup>st</sup> day of March, 2011, hereby:

**ORDERED** that Dundalk Pharmacy shall pay a FINE of \$1,000, payable to the Maryland Board of Pharmacy within sixty (60) days of the date of this Order; 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, State Government Article, Section 10-617(h).

March 31, 2011  
Date

Michael Souranis  
for Michael Souranis, R.Ph.  
President  
Maryland Board of Pharmacy

CONSENT

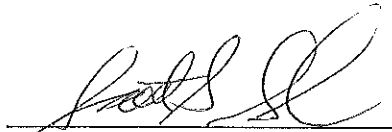
1. Dundalk Pharmacy consents to the foregoing Order as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy the right to a full evidentiary hearing in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf and to all other substantive and procedural protections provided by law.
2. Dundalk Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. Dundalk Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. Dundalk Pharmacy executes this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

3-29-2011  
Date

Will Wyndham  
William Wyndham  
Title: owner/pharmacist

STATE OF MARYLAND :  
COUNTY/CITY OF BALTIMORE :

I hereby certify that on this 29<sup>th</sup> day of MARCH, 2011, before me, a Notary Public of the State and County/City aforesaid, personally appeared William Windham on behalf of Dundalk Pharmacy, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

  
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Notary Public  
My commission expires: 5/12/13

**SCOTT S. SILVERMAN**  
**NOTARY PUBLIC STATE OF MARYLAND**  
My Commission Expires May 12, 2013