

IN THE MATTER OF

*

BEFORE THE

**CHUKWUEDOZIE HAROLD
OKOTCHA**

*

MARYLAND BOARD

*

OF PHARMACY

License No: 19775

*

Case Number: 22-059

Respondent

* * * * *

CONSENT ORDER

On November 15, 2023, the Maryland Board of Pharmacy (“the Board”) charged **CHUKWUEDOZIE HAROLD OKOTCHA** (“the Respondent”), License Number **19775**, under the Maryland Pharmacy Act, (the “Act”) Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol.).

The Board charged the Respondent with violating the following provisions of the Act:

§ 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:

.....
(8) Willfully fails to file or record any report that is required by law;

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

The pertinent provisions of Md. Code Ann., Health General provide as follows:

Health Gen. § 21-2A-04.2. Prescriber to request prescription monitoring data.

....

- (e) If a pharmacist or pharmacist delegate has reasonable belief that a patient may be seeking a monitored prescription drug for any purpose other than the treatment of an existing medical condition:
 - (1) Before dispensing a monitored prescription drug to the patient, the pharmacist or pharmacist delegate shall request prescription monitoring data to determine if the patient has received other prescriptions that indicate misuse, abuse, or diversion of a monitored prescription drug; and
 - (2) The pharmacist shall have the responsibility described in 21 C.F.R. § 1306.04.

The Board also charged the Respondent with violating the following COMAR provisions:

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 10.34.20.02. Requirements for Prescription Validity.

A. A valid prescription shall be:

- (1) Valid in the professional judgment of the pharmacist responsible for filling the prescription[.]

COMAR 10.19.03.07. Prescriptions.

....

C. Purpose of Issue Prescription (21 CFR §1306.04).

- (1) A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of the individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous 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 Maryland Controlled Dangerous Substances Act Criminal Law Article

§§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

COMAR 10.19.03.12. Physical Security Controls for Registrants.

B. Security Controls for Registrants.

....

(4) The registrant shall notify the regional office of the Drug Enforcement Administration, and the Maryland Department of Health, Division of Drug Control, of the theft or significant loss of any controlled drug substances upon discovery of a loss or theft. The registrant shall also complete DEA form 106 regarding a loss or theft.

COMAR 10.34.20.04. Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

On January 10, 2024, the Respondent and JoAnna Miller, Administrative Prosecutor, attended a Case Resolution Conference (“CRC”) with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. As a result of the CRC, the Respondent and the State agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice

pharmacy in Maryland on or about July 20, 2010. The Respondent's license expires on May 31, 2024.

2. The Respondent owns and manages a pharmacy in Maryland ("Pharmacy").

3. At all times relevant hereto the Pharmacy had a permit to operate as a pharmacy in the State of Maryland. The Pharmacy was originally issued a permit on or about April 3, 2020. The Pharmacy's permit expires on May 31, 2024.

4. On or about September 2, 2021, an inspector for the Board (the "Board Inspector") conducted an annual inspection of the Pharmacy.¹ The inspection included a review of a controlled dispensing report from July 1, 2021, through September 1, 2021, in which prescriptions with red flags (e.g., high quantity and high strength) were found and discussed with the Pharmacy. Actions suggested by the Board Inspector to the Respondent included "[e]nsure the pharmacy is utilizing PDMP/CRISP."

5. On May 24, 2023, a Board Inspector conducted a subsequent annual inspection of the Pharmacy. The inspection included a review of a controlled dispensing report from May 1, 2023, through May 24, 2023 in which prescriptions with red flags were found and discussed with the Pharmacy. Of note, those red flags included 37 out of 50 prescriptions were for patients located a long distance from the pharmacy (e.g., West Virginia). Additionally, one phoned in prescription did not include the date of issue.

¹ The inspection was conducted pursuant to § 12-413 which permits the Board or agents of the Board to enter any permit holder's pharmacy and inspect for compliance with federal and State laws and regulations.

6. On June 9, 2023, the Board issued a subpoena to the prescription drug monitoring program (“PDMP”) requesting dispensing information (audit log²) / drugs for all CDS dispensed by the Respondent and his delegates for the time period of May 1, 2023 to May 24, 2023.

7. By email dated June 28, 2023, the agency responded to the subpoena indicating that the audit trail request yielded no results indicating that the Respondent and his delegates were not checking CRISP before dispensing medications.

8. The Office of Controlled Substance Administration (“OSCA”) also conducted an inspection of the Pharmacy on April 17, 2023. The inspection noted that the Drug Enforcement Administration Form 106 was not forwarded to OSCA for a May 10, 2022 incident of loss or theft. OSCA further noted that “red flags were discussed with pharmacist” and that the Pharmacy was directed to communicate with prescribers and patients to ensure all CDS prescriptions are written for a legitimate medical purpose. According to a Memo dated April 17, 2023, by OSCA’s Clinical Pharmacist Inspector, during the inspection the following was discovered:

- a. “[T]he pharmacy dispenses a high volume of Buprenorphine 8mg to West Virginia patients. There are three main clinics that send WV patients to this pharmacy.”

² An audit log is a report containing a log of all PDMP data accessed by a clinical user under their individual CRISP account or through an approved PDMP interaction within their workflow. Clinical users (prescribers, pharmacists, and delegates) can query (search for) PDMP data related to a patient through CRISP products. A record exists when a query was successfully made, regardless of whether data was returned (i.e. a provider can search for a patient in the system and be shown either PDMP prescription data or be told that no data exists for the searched patient demographics; both of these situations would be logged as a successful query).

- b. “For the month of March 2023, the pharmacy ordered 3330 tablets of Buprenorphine 8mg.”
- c. “The dispensing report indicates that the pharmacy dispenses 383 Buprenorphine 8mg prescriptions from 1/1/2022 and a total of 544 cash prescriptions resulting in \$114,059.”
- d. There was a room with a clinic sign on at the one side of the pharmacy. “[A] prescription in a letterhead of Crown’s Pharmacy/Clinic Weight Loss Clinic phoned in by [a doctor] for Phentermine 37.5mg was found during the hardcopy prescription review The pharmacist explained that he used to see patients for weight loss at the clinic side of the pharmacy. Patients would come in and weight/height are measured. Then, [the doctor] would talk to the patients on the phone and order prescriptions. The pharmacist said the practice was stopped because it was too complicated to continue to operate.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act:

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

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(8) Willfully fails to file or record any report that is required by law;

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(1) Before dispensing a monitored prescription drug to the patient, the pharmacist or pharmacist delegate shall request prescription monitoring data to determine if the patient has received other prescriptions that indicate misuse, abuse, or diversion of a monitored prescription drug; and

(2) The pharmacist shall have the responsibility described in 21 C.F.R. § 1306.04.

The Board also charged the Respondent with violating the following COMAR provisions:

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A. A Pharmacist shall:

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individual practitioner acting in the usual course of the individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous 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 Maryland Controlled Dangerous Substances Act Criminal Law Article §§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

COMAR 10.19.03.12. Physical Security Controls for Registrants.

B. Security Controls for Registrants.

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(4) The registrant shall notify the regional office of the Drug Enforcement Administration, and the Maryland Department of Health, Division of Drug Control, of the theft or significant loss of any controlled drug substances upon discovery of a loss or theft. The registrant shall also complete DEA form 106 regarding a loss or theft.

COMAR 10.34.20.04. Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 26th day of February 2024, 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 **TWO (2) YEARS**, subject to the following terms and conditions:

1. During the probationary period, the Board shall obtain quarterly reports from the prescription drug monitoring program (PDMP) for the Respondent;
2. Within the first twelve (12) months of the probationary period, the Respondent shall successfully complete twelve (12) Board approved continuing education credits in red flags and drug abuse. This requirement is in addition to the continuing education credits necessary for license renewal;
3. During the period of probation, the Respondent shall be monitored by a Board-approved supervisor;
4. The Respondent shall receive approval from the Board for the supervisor within sixty (60) days of the effective date of the consent order;
5. The Respondent shall meet in person quarterly with the Board-approved supervisor;
6. During the period of probation, the Respondent's Board-approved supervisor shall provide the Board with quarterly reports addressing the Respondent's practice;
7. After **ONE (1) YEAR** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting modification of the terms of probation, provided that he has been fully compliant with this Consent Order and has no outstanding complaints filed against him;

8. After **TWO (2) YEARS** 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; and it is further

ORDERED that the Respondent shall pay a monetary fine in the amount of **TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS**, payable within thirty (30) days of the effective date of the consent Order, by certified check or money order to The Maryland State Board of Pharmacy and sent to:

Wells Fargo Bank
Attn: State of Maryland - Board of Pharmacy
Lockbox 2051
401 Market Street,
Philadelphia, PA 19106

Please reference Case Number 22-059 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

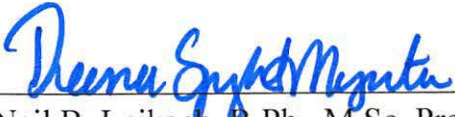
ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of his compliance with the terms and conditions of this Order; and it is further

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).

2-26-24
Date



Neil B. Leikach, R.Ph., M.Sc. President
Maryland Board of Pharmacy

CONSENT

I, Chukwuedozie Harold Okatcha, 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.

02/04/24
Date



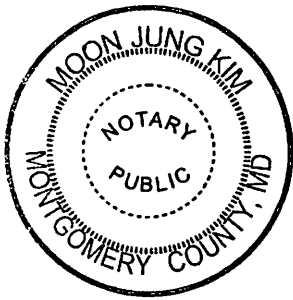
Chukwuedozie Harold Okatcha

NOTARY


STATE OF Maryland

COUNTY/CITY OF: Prince George's

I hereby certify that on this 5th day of February, 2024, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared **Chukwuedozie Harold Okatcha**, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



AS WITNESSETH my hand and notarial seal.



Notary Public

*Moon Jung Kim
Notary Public
Montgomery County/Maryland
My commission Expires:
December 20, 2026*

My Commission Expires: 12/20/2026