

IN THE MATTER OF
EUNICE OSHODI, P.D.

License No.: 14276

Respondent

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* CASE NUMBER: 06-081

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c)(2004 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice pharmacy in Maryland issued to Eunice Oshodi, PD, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2005 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on August 8, 1996. The Respondent's license expired on March 31, 2008.
2. At all times relevant herein, the Respondent was the sole pharmacist and owner of a pharmacy called Community Care Pharmacy in Baltimore, Maryland.
3. In March 2006, the Respondent and her pharmacy became subjects of an active criminal investigation by the Baltimore City Police, Diversion Group. Specifically, the following occurred:

A. On March 28, 2006, the DEA Diversion Drug Task Force met with a Confidential Source (CS) who is registered with the Baltimore Police Department. The purpose of the meeting was for the CS to make a purchase of a controlled substance from the Respondent;

B. Accordingly, the CS placed a telephone call to the Respondent and arranged to pick up some drugs;

C. Subsequently, the CS purchased from the Respondent drugs for \$1300 in government funds;

D. The CS then went to the pharmacy and picked up some drugs and paid the Respondent's daughter some money for them;

E. After which, the CS met the officers at a pre-designated place and gave to them one black plastic bag containing five pharmacy stock bottles, one of which contained 1000 tablets of Alprazolam, a Schedule IV controlled dangerous substance, and four bottles containing 100 tablets of Clonazepam, another Schedule IV drug. In addition, the CS returned \$100;

F. On April 19, 2006, the CS made telephone call to the Respondent and ordered 500 Alprazolam, 300 Clonazepam, 300 Clonidines, and 100 Promethazines. On the 20th, the CS made arrangements to pick up the order. The CS was outfitted with a recording device and given \$1000 in law enforcement funding. The Respondent filled the order. The CS met with the Respondent's daughter at a mall and sat in her car, after which the CS entered his/her vehicle and drove to the pre-designated meeting spot. Once there, the CS handed an officer a brown bag containing a stock bottle with 500 Alprazolam, three prescription bottles

with Clonazepam, totaling 300, one bottle containing 100 Promethazine and three prescription bottles containing Clonidine, containing 100 each (300) tablets.

G. Following the sale of the above drugs, the Respondent's daughter was arrested and she and her car were searched resulting in other drugs being found.

H. The Respondent was arrested outside the pharmacy on the above date. At that time, a search disclosed that she had approximately \$10,000 on her person in various denominations, consistent with street level sales.

I. Based on the controlled buy as well as other information, on April 20, 2006, officers executed a search and seizure warrant, which enabled them to find the following:

(1) In the Respondent's daughter's home, the officers found various loose medications;

(2) In the pharmacy, numerous prescription bottles of Alprazolam, Clonazepam and other drugs were seized, as well as U.S. currency from a black plastic bag, which was inside a brown leather handbag containing \$9761, and \$780 of government money that was paid during the above controlled buy event;

(3) In the residence of the Respondent, numerous prescription pads from Northwest Hospital in Baltimore County, prescription bottles containing Clonazepam, and other drugs, as well as \$30,452 in U.S. currency.

4. On April 21, 2006, the Respondent was arrested and charged with the following:

A. Did unlawfully distribute to [the Respondent's daughter] a controlled dangerous substance of schedule IV, to wit, alprazolam;

B. Did unlawfully distribute to [the Respondent's daughter] a controlled dangerous substance of schedule IV, to wit, clonazepam;

C. Did unlawfully possess a controlled dangerous substance of schedule IV, to wit, alprazolam, in sufficient quantity to indicate an intent to distribute the same;

D. Did unlawfully possess a controlled dangerous substance of schedule IV, to wit, clonazepam, in sufficient quantity to indicate an intent to distribute the same;

E. Did conspire with [the Respondent's daughter] to unlawfully distribute to CS a controlled dangerous substance of schedule IV, to wit, alprazolam; and,

F. Did conspire with [the Respondent's daughter] to unlawfully distribute to CS a controlled dangerous substance of schedule IV, to wit, clonazepam.

FINDINGS OF FACT

1. As set forth above, selling large quantities of Schedule IV drugs for distribution to street individuals who have no prescriptions for same is a threat to the public health, welfare of safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provision § of §12-313:

(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, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

(2) Fraudulently or deceptively uses a license;

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

- (14) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;
- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board[;].

The Board further charges the Respondent with violation of Code Md. Regs. tit.

10, 34.10 (November 12, 2001):

.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[;].

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. State Govt. Code Ann. §10-226(c)

(2) (2004 Repl. Vol.).


ORDER

Based on the foregoing, it is therefore this 13th day of July, 2006, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. State Govt. Code Ann. ' 10-226(c) (2) (2004 Repl. Vol.), the license held by the Respondent to practice pharmacy in Maryland, License No. 14276, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within thirty days of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be lifted/terminated, regarding the Respondent's fitness to practice pharmacy and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized license to practice pharmacy issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Govt. Code Ann. ' 10-617(h) (2005 Repl. Vol.).


John H. Balch, P.D., President
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.