

WORK

IN THE MATTER OF \* BEFORE THE  
 PLEASANTVILLE APOTHECARY \* MARYLAND STATE  
 Permit No.: P00571 \* BOARD OF PHARMACY  
 Respondent \*

\* \* \* \* \*

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to Health Occupations Article §12-411, Annotated Code of Maryland (the "Act"), the Board charged Pleasantville Apothecary, Permit No. P00571 (the "Respondent"), with violations of §12-409 of the Act.

Specifically, the Board charged Respondent with violation of the following provisions:

§12-409 - Suspensions and revocations - Grounds.

Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (2) Violates any of the standards specified in § 12-403 of this subtitle; or

§12-403 states, in pertinent part,

(a) In General - Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

- (1) Shall be operated in compliance with the law and with the rules and regulations of the Board.
- (3) Shall be constantly under the personal and immediate supervision of a licensed pharmacist.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to

Respondent on February 28, 1996. A prehearing conference on those charges was held on April 23, 1996, and was attended by Paul Ballard, Assistant Attorney General, Counsel for the Board, Norene Pease, Executive Director of the Board and Tracy Baroni, R. Ph., J. D., Pharmacy Compliance Officer. Also in attendance were Joseph Reyerson, P.D., one of the permit holders, the assigned Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General, and the following members of the Board: George Voxakis, P.D., President, W. Irving Lottier Jr., P.D., Dorothy Levi, P.D., Melvin Rubin, P.D., David Russo, P.D., and Theodore Litwin.

As a result of negotiations entered into at the prehearing conference the parties and the Board have agreed to enter into the following Consent Order.

#### FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges herein, Respondent is a pharmacy in the State of Maryland.

2. At all times relevant to the charges herein, Joseph Reyerson, a licensed pharmacist, and Patricia Reyerson, held a pharmacy permit, no. P00571, to operate a pharmacy in the State of Maryland.

3. At all times relevant to the charges herein, Joseph Reyerson and Patricia Reyerson have been using the pharmacy permit for the establishment and operation of a pharmacy at 2404 Pleasantville Road, Fallston, Maryland 21047, known as

Pleasantville Apothecary (the "Respondent").

4. On or about April 19, 1995, the Division of Drug Control conducted a routine inspection of Respondent pharmacy and discovered that the pharmacist license of one of the owners, Joseph Reyerson, expired on September 30, 1992.

5. Another pharmacist practiced pharmacy at the Respondent pharmacy, but only from 4:00 - 8:00 p.m. on Wednesdays.

6. Joseph Reyerson continued to practice pharmacy at the Respondent pharmacy after his license expired on September 30, 1992.

7. On December 31, 1992, the pharmacy permit expired.

8. On July 6, 1995, Joseph Reyerson reinstated his license and the pharmacy permit.

9. Between October 1, 1992 and July 5, 1995, the Respondent pharmacy was operated without the personal and immediate supervision of a licensed pharmacist for the majority of its hours of operation.

10. Operating a pharmacy without the personal and immediate supervision of a licensed pharmacist violates the standards specified in §12-403, in violation of §12-409(2) of the Pharmacy Act.

11. Operating a pharmacy without the personal and immediate supervision of a licensed pharmacist violates §12-403(a)(1) and (3) of the Pharmacy Act.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that the Respondent pharmacy violated §§ 12-409(2) and §12-403(a)(1)(3) of the Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 7<sup>th</sup> day of June, 1996, by a majority of a quorum of the Board, hereby

ORDERED that Respondent Pharmacy shall be placed on PROBATION for one (1) year, subject to the following conditions;

1. Respondent Pharmacy shall pay to the Board, for payment into the General Fund, a penalty of \$2500.00, payable in full at any time after the date of this Order or payable in quarterly installments of \$625.00. The first payment shall be due by June 20, 1996 and subsequent payments shall be due by September 20, 1996, December 20, 1996 and March 20, 1997; and

2. Respondent Pharmacy shall be operated in accordance with the Maryland Pharmacy Act; and

3. If Respondent Pharmacy is sold during the probationary period, Joseph Reyerson, the current permit holder, shall notify the Board in writing within seven (7) days of the date of the sale; and

4. If Respondent Pharmacy is sold, the permit holders, Joseph Reyerson and Patricia Reyerson shall continue to be personally responsible for the payment of the penalty described in

condition 1; and

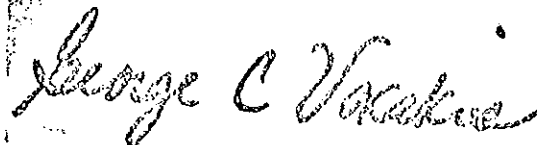
IT IS FURTHER ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has violated any provision of Title 12 of the Health Occupations Article or regulations thereunder or violated any of the conditions of Probation hereunder, the Board may take immediate action, including, but not limited to, revocation or suspension of the Respondent's permit to operate a pharmacy, prior to giving the Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-210 et seq., within thirty (30) days after Respondent notifies the Board in writing of its desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED that one (1) year from the date of this Order, or upon payment in full of the penalty, whichever shall occur first, Respondent Pharmacy shall be notified of a scheduled time at which Respondent Pharmacy shall petition the Board for termination of Respondent Pharmacy's probationary status and full reinstatement of its permit to operate a pharmacy without any conditions or restrictions. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the

time, the Board may modify one or more of the conditions upon which Respondent was placed on probation; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Consent Order; and be it further

ORDERED that for purposes of public disclosure as permitted by §10-617(h), State Government Article, Annotated Code of Maryland, this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.



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George Voxakis, P.D.  
President  
Maryland Board of Pharmacy

CONSENT OF PLEASANTVILLE APOTHECARY, INC.

We, the owners of Pleasantville Apothecary, Inc., by affixing our signatures hereto, acknowledge that:

1. We are not represented by an attorney and knowingly and voluntarily waive our right to counsel.

2. We are aware that without our consent, our permit to operate a pharmacy in this State cannot be limited except pursuant to the provisions of §12-409 of the Act and §10-205 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.

3. We are aware that we are entitled to a formal evidentiary hearing before the Board.

By this Consent Order, we hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, we waive our right to a formal hearing as set forth in §10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in §12-412 of the Act and §10-215 of the Administrative Procedure Act. We acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, we may suffer disciplinary action, possibly including revocation, against our permit to operate a pharmacy in the State of Maryland.

5/16/96  
Date

Joseph Reyerson  
Joseph Reyerson, P.D.  
Pleasantville Apothecary

5-16-96  
Date

Patricia Reyerson  
Patricia Reyerson  
Pleasantville Apothecary

STATE OF MARYLAND )  
CITY/COUNTY OF HARFORD ) ss:

I HEREBY CERTIFY that on this 16<sup>th</sup> day of MAY, 1996,  
a Notary Public of the State of Maryland and City/County aforesaid,  
personally appeared Joseph Reyerson, P.D., and made oath in due  
form of law that signing the foregoing Consent Order was his  
voluntary act and deed, and the statements made herein are true and  
correct.

AS WITNESS my hand and Notarial Seal.

Patrick C. B...  
Notary Public

My Commission Expires: Dec 1, 1997

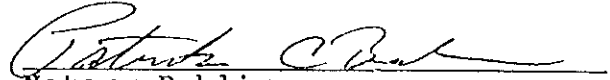
STATE OF MARYLAND )  
CITY/COUNTY OF HARFORD ) ss:

I HEREBY CERTIFY that on this 16<sup>th</sup> day of MAY, 1996,  
a Notary Public of the State of Maryland and City/County aforesaid,  
personally appeared Patricia Reyerson, and made oath in due form of



law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.

  
Notary Public

My Commission Expires: Dec 1, 1999