

IN THE MATTER OF

*

BEFORE THE

**UNION HOSPITAL OF CECIL CO.
PHARMACY**

*

MARYLAND STATE

*

BOARD OF PHARMACY

Permit No. P00796

*

Case No. 23-098

*

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) conducted an annual inspection of Union Hospital of Cecil County Pharmacy (the “Pharmacy”) on August 3, 2022. During the inspection, it was determined that the Pharmacy had been acquired by another entity, ChristianaCare, on January 1, 2020. The Pharmacy did not submit to the Board a Change of Ownership application and was continuing to operate under the permit of the prior owner of the Pharmacy in violation of the Maryland Pharmacy Act.

In lieu of instituting formal proceedings against the Pharmacy in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

FINDINGS OF FACT

1. Union Hospital of Cecil County Pharmacy was issued a Maryland Pharmacy Permit, Permit Number P00796, on January 1, 1908. The Pharmacy renewed its permit with the Board on May 17, 2022.
2. On or about August 3, 2022, the Board conducted an annual inspection of the

Pharmacy. During that inspection, the inspector observed prescription drug labels indicating the Pharmacy's name as "ChristianaCare – Union Hospital."

3. The Pharmacy informed the inspector that it was acquired by ChristianaCare, effective January 1, 2020.
4. ChristianaCare – Union Hospital' is a d/b/a name for Union Hospital of Cecil County, Inc. Christiana Care Health Services, Inc. (ChristianaCare) acquired Affinity Health Alliance, Inc. on January 1, 2020 through a membership substitution. Affinity Health Alliance was, and continues to be, the sole member of Union Hospital of Cecil County, Inc.
5. The Pharmacy failed to notify the Board of its closing of the permit and submit to a closing inspection.
6. The Pharmacy did not submit to the Board a Change of Ownership application, and the new owner, ChristianaCare, was not issued a pharmacy permit authorizing it to engage in pharmacy operations.¹
7. Pharmacy permits are not transferrable.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Union Hospital of Cecil County Pharmacy is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-401 and 12-408 and COMAR 10.34.14.

¹ On April 6, 2022, the new pharmacy submitted written notice of the change in ownership to the Office of Controlled Substances Administration, a unit of the Department of Health which issues CDS registrations to pharmacies.

ORDER

Based upon an affirmative vote of the Maryland Board of Pharmacy under the authority of Md. Code Ann., Health Occ. § 12-410, it is this 29th day of January 2023, hereby,

ORDERED that Union Hospital of Cecil County, Permit No. P00796, shall pay a FINE in the amount of THREE THOUSAND DOLLARS (\$3,000.00), payable to the Maryland Board of Pharmacy within thirty (30) days of the date of this Order, and mailed to:

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

NOTE: Please include the case number, 23-098, on your check or money order to ensure proper assignment to this case; and be it further,

ORDERED that Union Hospital of Cecil County shall comply with all laws and regulations governing the operation of a pharmacy, including laws governing change of ownership; and be it further,

ORDERED that in the event that Union Hospital of Cecil County violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose any disciplinary sanction it deems appropriate, including suspension, revocation, and fines, said violation being proven by a preponderance of the evidence; and be it further,

ORDERED this order resolves all causes of action related to issuance, use, notification, change of ownership, or any other action whatsoever relating in any way to

pharmacy permit(s) that the Board has against Union Hospital of Cecil County, and its parent, subsidiaries and affiliates, and its and their officers, directors, employees and agents, its predecessors, successors and assigns, heirs, executors and administrators of and from all manner of actions and causes if actions and demands whatsoever in law or in equity, arising on or before the date of the order.

ORDERED that this is a formal order and as such is a public document pursuant to the Maryland Public Information Act, Md. Code Ann., General Provisions Article § 4-101 *et seq.*

1-29-24
Date


Deena Speights-Napata, M.A.
Executive Director

for Neil Leikach, R.Ph., M.Sc.
Board President

CONSENT

1. By signing this Consent, Union Hospital of Cecil County submits to the foregoing Pre-Charge Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.


2. Union Hospital of Cecil County acknowledges the validity of this Pre-Charge Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

3. Union Hospital of Cecil County acknowledges that, by entering into this Pre-Charge Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Union Hospital of Cecil County acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

5. Union Hospital of Cecil County signs this Pre-Charge Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Union Hospital of Cecil County fully understands the language, meaning, and effect of this Pre-Charge Consent Order.

11/10/2024
Date


Name: Sarah Goncher
Title: General Counsel, ChristianaCare

**STATE OF DELAWARE,
NEW CASTLE COUNTY.**

I hereby certify that on this 10th day of January, 2024, before me, a Notary Public of the State of Delaware, County/City aforesaid, personally appeared Sarah Cochran, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Union Hospital of Cecil County.

Molly Anne Petrillo
Notary Public
My commission expires: March 17, 2024

