

**IN THE MATTER OF
VOSHELL'S PHARMACY**

Applicant

Permit Number: P08691

*** BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
* Case Number: 23-246**

*** * * * ***

PRE-CHARGE CONSENT ORDER

On or about February 24, 2022, the Maryland State Board of Pharmacy (the "Board") received an *Application for Maryland Pharmacy Permit, New Ownership* (the "Application"), from **VOSHELL'S PHARMACY** (the "Applicant-Pharmacy"), Permit Number P00941, submitted by two prospective owners, a Maryland licensed pharmacist (the "Pharmacist-Owner") and a Maryland certified pharmacy technician (the "Pharmacy Technician-Owner"). At the time the Application was received, the Pharmacist-Owner and the Pharmacy Technician-Owner were under Board investigation relating to another pharmacy, which may constitute grounds to deny the Applicant-Pharmacy's Application.

In lieu of denying Applicant-Pharmacy's Application pursuant to the Board's authority under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 12-101 *et seq.* (2021 Repl. Vol.), the Board held a Pre-Charge Case Resolution Conference with the Applicant-Pharmacy on November 16, 2022. As a result, the Board and the Applicant-Pharmacy have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

The pertinent provisions of the Act provide:

§ 12-401. Pharmacy permit required

- (a) *Permit required*—A person shall hold a pharmacy permit issued by the Board before the person may establish or operate a pharmacy in this State.

§ 12-402. Qualifications of applicants

To qualify for a pharmacy permit, an applicant shall satisfy the Board that the pharmacy for which the application is made will be operated in accordance with the standards specified in § 12-403 of this subtitle.

§ 12-403. Required standards

- (c) 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;
 -
 - (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title, a registered pharmacy technician under § 12-6B-09 of this title, or a registered pharmacy intern under § 12-6D-11 of this title[.]

§ 12-405. Issuance of pharmacy permit; notice of denial

- (a) *In general*—The Board shall issue a pharmacy permit to any applicant who meets the requirements of this title.
- (b) *Denials*—If the Board denies a pharmacy permit to an applicant, it shall give the applicant written notice of its decision and the reasons for the denial.

The relevant grounds set forth in Health Occ. § 12-313 are as follows:

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

- (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 for a

pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

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

The pertinent provisions of Code Md. Regs (“COMAR”), 10.34 *et seq.* provide as follows:

COMAR 10.34.10.01. Patient Safety and Welfare

- 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.

On November 16, 2022, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent-Pharmacy agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

- 1. At all times relevant hereto, the Applicant-Pharmacy had a permit to operate as a pharmacy in the State of Maryland. The Applicant-Pharmacy was originally issued a permit on or about January 1, 1969, under Permit Number P00941. The Applicant-Pharmacy’s permit expires on May 31, 2024.

2. On or about February 24, 2022, the Applicant-Pharmacy filed the Application with the Board requesting a change of ownership of the Applicant-Pharmacy from the previous owner to the Pharmacist-Owner and the Pharmacy Technician-Owner.

3. At all times relevant hereto, the Pharmacist-Owner was licensed to practice pharmacy in the State of Maryland. The Pharmacist-Owner was originally licensed to practice pharmacy in Maryland on or about October 17, 2001. The Pharmacist's license expires on August 31, 2023.

4. At all times relevant hereto, the Pharmacy Technician-Owner was licensed to practice as a pharmacy technician in the State of Maryland. The Pharmacy Technician was originally licensed to practice as a pharmacy technician in Maryland on or about November 29, 2017. The Pharmacy Technician's license expires on November 30, 2023.

5. At the time the Application was filed, the Pharmacist-Owner and the Pharmacy Technician-Owner were already under Board investigation involving their ownership of another pharmacy ("Pharmacy 1") in Maryland.

6. Based on the existing Board investigations of the Pharmacist-Owner and the Pharmacy Technician-Owner, the Board initiated an investigation of the change of ownership under the Application.

7. Pharmacy-Applicant communicated with Board and Maryland Office of Controlled Substance Administration ("OCSA") staff on numerous occasions about the status of the change of ownership application for the Pharmacy and the timing of the inspection needed to complete the change of ownership. The Pharmacy had reason to

believe that the change of ownership applications with the Board and OCSA would be processed to approval on or before June 30, 2022.

8. The Pharmacy-Applicant's Maryland Controlled Dangerous Substance ("CDS") Registration Number 416736 expired on June 30, 2022.

9. On or about July 14, 2022, Board staff conducted an inspection of the Pharmacy-Applicant. During the inspection, Board staff observed the following: a will call bag with Pharmacy 1's label for a compound using CDS; a roll of labels from Pharmacy 1; a bag with a label from Pharmacy 1; and a label from Pharmacy 1 for a Schedule II CDS with a note stating, "Not due until 7/15/22."

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that there are grounds for denial of the Applicant-Pharmacy's Application under Health Occ. § 12-401(a), § 12-402, § 12-403(c)(1) and (9), § 12-410, § 12-313(b)(25), COMAR 10.34.11.03(B) and COMAR 10.34.10.01(1), (2) and (3).

ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

ORDERED that Applicant-Pharmacy's Application for Maryland Pharmacy Permit – New Ownership, filed on February 24, 2022, be and hereby is **GRANTED**; and it is further

ORDERED that Applicant-Pharmacy's pharmacy permit under the new ownership of Pharmacist-Owner and Pharmacy Technician-Owner is **SUSPENDED** for one (1) years,

all of which is **STAYED** provided the Applicant-Pharmacy comply with the following conditions:

1. Within six (6) months of the Effective Date of this Consent Order, the Applicant-Pharmacy shall require all pharmacy staff, including the Pharmacist-Owner and the Pharmacy Technician-Owner, to successfully complete an ACPE-accredited course in substance use disorder and provide proof of completion to the Board.
2. Within sixty (60) days of the Effective Date of this Consent Order, the Applicant-Pharmacy shall engage the services of a Board-approved peer consultant focusing on opioid dispensing practices, including prescription verification, legitimate medical need, valid patient-prescriber relationships, and clinical documentation, subject to the following terms and conditions:
 - a) The Applicant-Pharmacy shall submit the following documentation from the peer consultant to the Board for approval *prior to engaging any peer services*: curriculum vitae, outline of proposed consultation including goals/objectives, schedule and timeline, and curriculum content; and
 - b) The Applicant-Pharmacy shall ensure that the peer consultant submits to the Board a final report regarding the Applicant-Pharmacy.
3. Within one (1) year from the date of this Consent Order, the Applicant-Pharmacy shall pay a fine of **ONE THOUSAND DOLLARS (\$1,000)** payable to the Maryland Board of Pharmacy.

4. The Applicant-Pharmacy shall comply with the Maryland Pharmacy Act and all applicable laws and regulations pertaining to the practice of pharmacy.

AND IT IS FURTHER ORDERED that the Board, or its agents, may perform random inspections of the Applicant-Pharmacy to ensure compliance with all laws governing the dispensing of controlled dangerous substances; and it is further

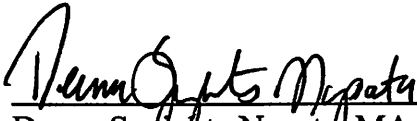
ORDERED that if the Board determines, after notice and an opportunity for an evidentiary hearing before the Board if there is a genuine dispute as to a material fact or a show cause hearing before the Board if there is no genuine dispute as to a material fact, that the Applicant-Pharmacy has failed to comply with any terms or conditions of this Consent Order, the Board may take additional action against the Applicant-Pharmacy; and it is further

ORDERED that the Applicant-Pharmacy is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that the Effective Date of this Consent Order is the date on which the Consent Order is executed by the Board President or a designee, and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions §§ 4-101 *et seq.* (2014).

12-16-22
Date


Deena Spights-Napata, MA
Executive Director
Maryland State Board of Pharmacy

CONSENT

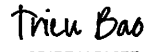
Voshell's Pharmacy, through its prospective co-owners Trieu Bao and Thuy Cao, acknowledges that it is represented by counsel and has consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, Voshell's Pharmacy agrees to be bound by the foregoing Consent Order and its conditions.

Voshell's Pharmacy acknowledges the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which it would have had 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 the law. Voshell's Pharmacy agrees to forego any opportunity to challenge these allegations. Voshell's Pharmacy acknowledges the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. Voshell's Pharmacy affirms that it is waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

Voshell's Pharmacy voluntarily and without reservation signs this Consent Order after having an opportunity to consult with counsel, and it fully understand and comprehend the language, meaning and terms of this Consent Order.

12/12/2022 | 2:17 PM EST

Date

DocuSigned by:

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Trieu Bao
Co-Owner of *Applicant-Pharmacy*

12/12/2022 | 2:16 PM EST

Date

DocuSigned by:
Thuy Cao
094C9B62B5ED4EF

Thuy Cao
Co-Owner of *Applicant-Pharmacy*

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF _____

I HEREBY CERTIFY that on this _____ day of _____
_____, 2022, before me, a Notary Public of the foregoing State and City/County
personally appeared Trieu Bao and Thuy Cao, and made oath in due form of law that
signing the foregoing Consent Order was their voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Notary Public

My commission expires: