

IN THE MATTER OF	*	BEFORE THE
ADERONKE ADEBANJO, P.D.	*	STATE BOARD
LICENSE NO.: 11971	*	OF PHARMACY
Respondent	*	CASE NO.: PI-10-003

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. § 12-101, et seq., (2009 Repl. Vol.) (the "Act"), the Board charged Aderonke Adebajo, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 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;
 - (3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist;
 - (24) Violates any rule or regulation adopted by the Board [;].

The Board also charges the Respondent-Pharmacy with violating the Code of Ethics (February 19, 1990).

The Board further charged the Respondent-Pharmacy with violating the Code of Md. Regs. tit. 10 § 34.10--Pharmacist Code of Conduct--promulgated by the Board:

.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 22¹, Annotated Code of Maryland,
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5², Annotated Code of Maryland, and
 - (e) COMAR 10.19.03;³

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.

The Respondent was given notice of the issues underlying the Board's charges by a letter dated November 24, 2009.⁴ Accordingly, a Case Resolution Conference was held on December 2, 2009, and was attended by Rodney Taylor, P.D. and Meyer Handelman, P.D., Board members, Vanessa Gray-Thomas, Staff of the Board, and Linda Bethman,

¹Title 21 refers to, *inter alia*, the dispensing and labeling of drugs.

²Title 5 refers to Controlled Dangerous Substances (CDS), Prescriptions and other substances.

³These regulations deal with CDS.

⁴ The Respondent received a Letter of Procedure with regard to her charges on October 27, 2009, with no Charges attached. She also received, at that same mailing, Charges against the pharmacy that she is the sole owner and pharmacist of. She responded to the Board that she would attend the CRC on behalf of the pharmacy. Her Charges were mailed on November 24, 2009, but she and her attorney claimed not to

Assistant Attorney General, and Francesca Gibbs, Staff Attorney, Counsel to the Board. Also in attendance were the Respondent and her attorney, Darren Margolis, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed on February 21, 1990. The Respondent's license expires on March 31, 2011.
2. At all times relevant herein, the Respondent was the sole owner and the sole dispensing pharmacist of Hope For All Pharmacy and Stores in Temple Hills, Prince George's County, Maryland. According to the pharmacy application, the Respondent was also the sole employee of the pharmacy.
3. On October 28, 2008, a Board Inspector completed an annual inspection of the pharmacy, which showed no untoward results.
4. On June 23, 2009, the same Board Inspector reinspected the pharmacy. He arrived at 12:20 pm and found the pharmacy open for business. When he entered the establishment, he found

have received them. However, they agreed to proceed anyway on both cases since they were identical.

Charles Ebong with a white jacket on, with the name "Pharmacist" printed on the garment. The Inspector asked Mr. Ebong if he was a pharmacist, to which Mr. Ebong replied that he was not; that he was a technician; and, the Respondent would return later. The Inspector asked Mr. Ebong to contact the Respondent, and the Inspector spoke with her after identifying himself. The Respondent stated that she would be there in 10 minutes. However, it took the Respondent 28 minutes to arrive, at which time the Inspector told her about the correct procedure for having the pharmacy open without a pharmacist present.

5. On July 8, 2009, Division of Drug Control (DDC) Inspector arrived at 9:58 a.m. to do a Controlled Dangerous Substances (CDS) inspection⁵, and noted that the Respondent was not on the premises. A female employee was in the store. The Respondent arrived at the pharmacy at 10:58 a.m., a full hour after the DDC Inspector arrived, and the pharmacy had been left improperly attended, with the back door unlocked.⁶
6. As set forth above, by leaving the pharmacy unattended on two occasions, the Respondent violated the Act and regulations

⁵The Board inspector did not conduct a CDS inspection on the 23rd.

⁶By letter dated July 28, 2009, the Pharmacist's attorney complained to the Secretary of the Department of Health and Mental Hygiene, John Colmers, about the number of inspections, deeming them "harassment". By letter dated August 17, 2009 the Secretary responded, listing the many types of inspections conducted by the Department and indicating that harassment was not the intent, rather public protection.

thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated §12-313 (b) (2), (3) and (24); Code of Md. Regs. tit. 10 § 34.10 .01A (1) (a), (b), (c), (d), (e); B (1), (2) and (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 24th day of January 2010, by a majority of a quorum of the Board,

ORDERED that the Respondent is hereby **REPRIMANDED**; and be it further

ORDERED that the Respondent pay a fine of \$500, payable to the Board within six months of the date of the Order.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any conditions of this Order, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order shall be on the Respondent to demonstrate compliance with

the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions on the Order, as it deems necessary;

ORDERED, that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2004), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



LaVerne G. Naesea, Executive Director
State Board of Pharmacy

CONSENT OF ADERONKE ADEBANJO, P.D.

I, Aderonke Adebajo, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Darren Margolis, and have been advised by him of the legal implication of signing this Consent Order;

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of § 12-313 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.) .

CONSENT OF HOPE FOR ALL PHARMACY AND STORES, INC.

I, Aderonke Adebajo, P.D., by affixing my signature hereto, acknowledge that:


1. I, the owner of the above pharmacy, am represented by an attorney, Darren Margolis, and have been advised by him of the legal implication of signing this Consent Order;

2. I am aware that without my consent, my permit to operate a pharmacy in this State cannot be limited except pursuant to the provisions of § 12-409 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (2004 Repl. Vol.) .

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 12-411 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 12-412 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against the Respondent-Pharmacy permit to operate as a pharmacy in the State of Maryland.

1/14/10
Date



Aderonke Adebajo, P.D., Owner of
Hope For All Pharmacy and Stores, Inc.

STATE OF Maryland _____:

CITY/COUNTY OF Prince George's _____:

I HEREBY CERTIFY that on this 14th day of January, 2010, before me, Elham Khoury, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Aderonke Adebajo, owner of Hope For All Pharmacy and Stores, Inc., 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 WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: June 24, 2013

ELHAM Y KHOURY
Notary Public, State of Maryland
My Commission Expires June 24, 2013