

IN THE MATTER OF * **BEFORE THE**
AMERICAN SPECIALTY * **MARYLAND BOARD**
PHARMACY * **OF PHARMACY**
Permit No. P06661 * **Case No. PI-15-095**

* * * * *

PRE-CHARGE CONSENT ORDER

Background

On January 7, 2015, the Maryland Board of Pharmacy (the “Board”) issued a permit to operate as a pharmacy to American Specialty Pharmacy (the “Pharmacy”), Permit No. P06661, after receiving notification that the Division of Drug Control (“DDC”) had performed an opening inspection. The Board subsequently learned that the Pharmacy purchased the premises from another pharmacy on October 31, 2014, and operated on the premises without a valid permit between November 1, 2014, and January 7, 2015.

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 held a Pre-Charge Case Resolution Conference (“CRC”) with the Pharmacy on July 8, 2015. As a result, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The Pharmacy possesses a Maryland pharmacy permit, Permit No. P06661, and operates on the premises located at 5500 Knoll North Drive, Columbia, Maryland. The Pharmacy’s permit was first issued on January 7, 2015, and expires on May 31, 2016.
2. On or about October 30, 2014, the Pharmacy submitted an application for a permit to operate a pharmacy to the Board. On November 25, 2014, the Board contacted the

Pharmacy to inform them that they submitted the wrong application; the Pharmacy submitted the correct application on or about November 26, 2015.

3. On January 7, 2015, DDC conducted an opening inspection of the Pharmacy. At the opening inspection, DDC learned that the Pharmacy purchased the premises from another pharmacy. DDC performed a closing inspection of the other pharmacy on the same day.
4. Further investigation by the Board indicated that the Pharmacy took ownership of the premises on October 31, 2014, and began operating at the location without a permit on November 1, 2014.
5. At the CRC, the Pharmacy admitted that it began operating on November 1, 2014, approximately two months before a permit was issued by the Board. The Pharmacy stated that it was licensed in other states that allowed it to begin operating while its permit application was pending.
6. The Pharmacy also stated at the CRC that it has updated its policies and procedures to ensure compliance with all state laws when applying for new permits and otherwise operating a pharmacy.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-401(a), 12-703, and 12-707(e), and COMAR 10.34.11.09D.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 28th day of December, 2015, hereby:

ORDERED that the Pharmacy shall pay a fine in the amount of \$500.00, payable to the Maryland Board of Pharmacy, within thirty (30) days of the date of this Order; and be it further,

ORDERED that failure to pay in full the above fine within thirty (30) days of the date of this Order shall be considered a violation of this Order, and after notice and opportunity for a show cause hearing shall subject the Pharmacy to further discipline such as suspension, revocation or further fines based on the violations cited in this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., Gen. Provisions § 4-333(b).

Date 12/28/15

for Richard Procter, Acting Executive Director
Mitra Gavgani, Pharm. D.
President, Maryland Board of Pharmacy


CONSENT

1. The Pharmacy denies any wrongdoing. The Pharmacy submits to the foregoing Consent Order, however, as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy the right to a full evidentiary hearing.
2. By signing this Consent, the Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. The Pharmacy acknowledges that this is a formal order of the Board and as such is a public document.
4. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. The Pharmacy signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

American Specialty Pharmacy
Permit No. P01751

12/23/15

Date

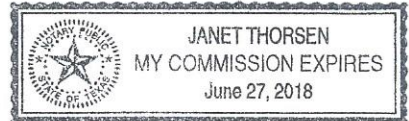


Abdul Hameed
Owner/President

STATE OF Texas
COUNTY/CITY OF Cottin _____ :

I hereby certify that on this 23 day of December, 2015, before me, a Notary Public of the State of Texas and County/city aforesaid, personally appeared ABDUL HAMEED, on behalf of AMERICAN SPECIALTY PHARMACY, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Janet Thorsen



Notary Public

My commission expires: June 27, 2018