

IN THE MATTER OF	*	BEFORE THE
GIANT PHARMACY #135	*	MARYLAND STATE
PERMIT NO. P01288	*	BOARD OF PHARMACY
	*	Case No. PI-17-268

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received a complaint, dated March 16, 2017, alleging that certain pharmacy staff at Giant Pharmacy #135 were allowing unlicensed personnel to access the Pharmacy’s restricted dispensing software system

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 Consent Order.

FINDINGS OF FACT

1. On or about October 20, 1986, Giant Pharmacy #135 was issued a permit to operate a pharmacy in Maryland. The Pharmacy’s permit is active and will expire on May 31, 2020.
2. At all times relevant, the Pharmacy provided community pharmacy services at its establishment location in Silver Spring, Maryland.
3. On or about May 16, 2017, the Board received a complaint from a staff person employed at the Pharmacy alleging that other Pharmacy staff were permitting unlicensed personnel to “borrow” passwords of licensed personnel to access the Pharmacy’s dispensing software system and perform dispensing functions.

4. The Board's investigation confirmed that certain pharmacy technicians were signed in to the dispensing system during times when the pharmacy technicians were not working in the Pharmacy.
5. The Pharmacy conducted an internal investigation which resulted in personnel action and subsequent random audits by the corporate regional manager.
6. The Pharmacy has policies and procedures regarding appropriate use and security of passwords for its dispensing software system.
7. The Pharmacy is implementing new bio-scan software to increase the security of the dispensing software system, and intends to have full implementation by March 2019.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Giant Pharmacy #135, Permit No. P01288, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-403(c)(1) and COMAR 10.34.05.04-.05.

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-410, it this 26 day of December, 2018, hereby,

ORDERED that Giant Pharmacy #135, Permit No. 01288, shall be pay a FINE in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) payable to the Maryland Board of Pharmacy within sixty (60) days, and sent to:

Wells Fargo Bank
Attn: State of Maryland – Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive .
Columbia, Maryland 21046
(Please include the Case Number 17-268 to ensure proper assignment.)


and be it further,

ORDERED that Giant Pharmacy #135 shall submit to the Board: (1) a report (in the form of a letter or email) indicating that an audit was performed of its dispensing software system covering the period June-November 24, 2018 and that there were no problems or deficiencies found, or, if problems or deficiencies were found, what actions were taken to address them (this report will be provided to the Board on or before December 15, 2018); and (2) bi-weekly thereafter, from November 25, 2018 through March 30, 2019, reports indicating that audits were performed of its dispensing software system and that there were no problems or deficiencies found, or, if problems or deficiencies were found, what actions were taken to address them (the first such report will cover the period from November 25 to December 15, 2018, and subsequent reports will cover the succeeding bi-weekly periods; these reports will be provided to the Board within 15 days of the last day of the period covered), and be it further,

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

12-26-18

Date


Deena Speights-Napata,
Executive Director for:

Kevin Morgan, Pharm.D.
Board President

CONSENT

1. By executing this Consent, Giant Pharmacy #135 (the "Pharmacy) submits to the foregoing Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.

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

3. The Pharmacy acknowledges that, by entering into this Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. The Pharmacy acknowledges that this Consent Order is a public document under the Maryland Public Information Act, Gen. Provisions Art., § 4-101, *et seq.*, and shall be reported in accordance with State and federal laws.

6. The Pharmacy signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

7. The undersigned corporate official has the authority to execute this Consent Order on the Pharmacy's behalf and bind the Pharmacy to the terms and conditions contained herein.

11-29-2018
Date

PAUL ZVALONY
Name: _____
Title: DEPT. OF ANNUITY SERVICES

STATE OF MARYLAND,
COUNTY/CITY OF Anne Arundel:

I hereby certify that on this 29th day of November, 2018, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Paul Zvalony, on behalf of Giant Pharmacy #135, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed.

Laveria Jackson Lytell
Notary Public
My commission expires: April 10, 2020

LAVERIA JACKSON LYTELL
Notary Public
Anne Arundel County, Maryland
My Commission Expires April 10, 2020