

**IN THE MATTER OF  
GIANT PHARMACY #147  
PERMIT NO. P00283**

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**BEFORE THE  
MARYLAND STATE  
BOARD OF PHARMACY  
Case No. 18-012**

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

The Maryland Board of Pharmacy (the "Board") received a complaint from a patient alleging that she was dispensed the wrong medication from Giant Pharmacy #147 (the "Pharmacy") on July 7 and July 25, 2017, and the patient suffered an adverse reaction as a result.

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 December 23, 1954, Giant Pharmacy #147 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 Fort Washington, Maryland.
3. On or about July 7, 2017, a staff pharmacist (Pharmacist A) at the Pharmacy erroneously dispensed Liothyronine 5 mcg to a patient instead of Tizanidine HCL 2 mg, as prescribed.
4. The patient alleges that she experienced itchiness and hives as a result.

5. Pharmacist A indicated that the above medication error was most likely the result of the Pharmacy's counting machine not being cleared from a previous dispensing activity.
6. Pharmacist A failed to identify the error in performing the final check of the medication.
7. On or about July 25, 2017, the same patient refilled her prescription for Tizanidine HCL 2 mg. The patient reported another medication error. This time, the patient alleges that her prescription bottle had a mix of Tizanidine and tablets of another unidentified medication.
8. The Pharmacy staff was re-trained on the proper use of the Pharmacy's counting machine.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Giant Pharmacy #147, Permit No. P00283, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-403(c)(9), (11), 12-313(b)(25) and COMAR 10.34.10.01B.

#### ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-410, it this 24<sup>th</sup> day of September, 2018, hereby,

ORDERED that Giant Pharmacy #147, Permit No. 00283, shall be pay a FINE in the amount of ONE THOUSAND DOLLARS (\$1,000.00) payable to the Maryland Board of Pharmacy within sixty (60) days, and sent to:

Wells Fargo Bank  
Attn: State of Maryland – Board of Pharmacy  
Loabox 2051  
7175 Columbia Gateway Drive  
Columbia, Maryland 21046

*(Please include the Case Number 18-012 to ensure proper assignment.)*

and be it further,

ORDERED that Giant Pharmacy #147 shall submit to the Board within thirty (30) days, a corrective action plan that minimizes the risk of reoccurrence of another medication error resulting from the same or similar cause; 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 § 4-333.

9-24-18  
Date

  
Deena Speights-Napata,  
Executive Director for:

Kevin Morgan, Pharm.D.  
Board President

**CONSENT**

1. By executing this Consent, Giant Pharmacy #147 (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 his 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 to the National Practitioner Databank and the National Boards of Pharmacy, and posted on the Board's website in accordance with Health Occ. Art. § 1-607.

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.

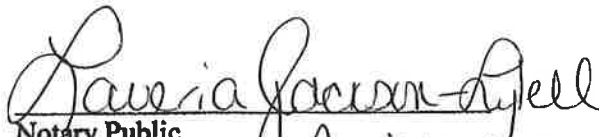
9/17/18  
Date

  
Name: PAUL ZVALENY  
Title: Director of Pharmacy d.s.

STATE OF MARYLAND,  
COUNTY/CITY OF Anne Arundel:

I hereby certify that on this 17<sup>th</sup> day of September 2018, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Paul Zvaleny, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed.

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

  
Notary Public  
My commission expires: April 10, 2020