

No ML
CH # 5/93

IN THE MATTER OF

YASIN M. HUSSAIN

Respondent

License Number: 11519

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

FINAL CONSENT ORDER.

Based on information received and subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to the provisions of the Pharmacy Act, Md. Health Occ. Code Ann. §12-101 et seq. (the "Act"), the Board charged Yasin M. Hussain, P.D., License Number 11519 (the "Respondent"), with violations of §12-315. Specifically, the Board charged Respondent with violation of the following provisions:

Subject to the hearing provisions of the §12-315 of this subtitle, the Board, on the affirmative vote of a two-thirds 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:

- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;
- (20) Is professionally, physically or mentally incompetent.

The Respondent was given notice of the charges and the issues underlying these charged by letter and charging documents sent to Respondent on April 22, 1994. A prehearing conference on these charges was held on June 6, 1994 and was attended by Board members

Theodore Litwan, P.D. and Dorothy Levi, P.D.; Roslyn Scheer, Executive Director of the Board, and Catherine Putz, P.D., Pharmacy Compliance Officer. Also in attendance were the Respondent and his attorney, William T. Wood, Esquire, and the Administrative Prosecutor and Assistant Attorney General, Sherrai V. Hamm.

Following the pre-hearing conference, the parties and the Board agreed to resolve the administrative charges by way of settlement. The parties and the Board agreed to make the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant to these charges, the Respondent was and is licensed to practice pharmacy in the State of Maryland. Respondent was employed by the People's Drug Stores, Inc. ("Peoples Drugs") located in Burtonsville, Maryland.

2. On April 16, 1993, Milton Nichols, Pharmacy Supervisor of People's Drug Store discovered an original hard copy of a prescription previously purchased by the Respondent.

3. Nichols noticed that the hard copy of the prescription purchased by the Respondent had a store generated label affixed to a telephone prescription blank. The prescription had been filed without the authorization of a licensed physician.

4. Mr. Nichols pulled other prescriptions filled by the Respondent for the Respondent's family members. Mr. Nichols noticed that those prescriptions were labeled in a manner

inconsistent with the store's policy. The prescriptions were also filled by the Respondent without the authorization of a licensed prescriber.

5. Mr. Nichols also discovered two prescriptions for Nabil Hussain which indicated the Respondent as the doctor. Nabil Hussain is the brother of the Respondent.

6. Mr. Nichols retrieved the store's pharmacy doctor files and discovered that Respondent was listed in the M.D. file as the doctor. The Respondent's home address and telephone number were also included in the doctor's file.

7. Mr. Nichols contacted various doctors listed on several prescriptions filled by Respondent. The doctors indicated that they had not authorized the prescriptions filled by Respondent.

8. Mr. Nichols also confirmed that Respondent, when filling prescriptions for family members, listed doctors who did not exist.

9. On April 20, 1993, the Respondent contacted Mr. Nichols and verbally admitted to writing prescriptions for various family members without authorization from a licensed prescriber.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, a majority of a quorum of the Board of Pharmacy concludes as a matter of law that the Respondent violated §12-315(14) and (20).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and Agreement of the parties, it is this 17th day of August, 1994 by a majority of a quorum of the Board.

ORDERED that Respondent shall be placed on PROBATION subject to the following conditions:

1. In addition to any continuing education units ("CEUs") needed for licensure renewal, the Respondent shall take and pass the law class held at the University of Maryland School of Pharmacy. The Respondent shall submit evidence that he has satisfactorily completed the law course with a grade point average no less than 3.0.

2. The Respondent shall take and pass the law examination which includes both State and federal law given by the Board.

3. The Respondent shall take and pass a Board approved college level Ethics Course and submit evidence to the Board that he has satisfactorily completed such course with a grade point average no less than 3.0.

4. The Respondent shall submit quarterly written reports to the Board regarding the Respondent's performance as a pharmacist and the Respondent's compliance with this Order. The first report shall be due on September 1, 1994, with the remaining reports due at quarterly intervals, (December 1, 1994, March 1, 1994 and June 1, 1995) thereafter, for as long as the Respondent remains on probation. Said reports shall be sent to Ms. Roslyn Scheer,

Executive Director of the Board of Pharmacy, 4201 Patterson Avenue,
Baltimore, Maryland, 21215.

5. The Respondent shall allow the Secretary of Department of Health and Mental Hygiene or the Board and agents of either, to enter and inspect his pharmacy during business hours: (1) Any drugs, medicines, devices, dentifrices, domestic remedies, and toilet articles that are in the pharmacy; and (2) any records and publications that are required to be kept in a pharmacy as defined under the Act.

ORDERED that the Respondent shall practice in accordance with the Md. Health Occ. Code Ann. §12-101 et seq., and all other State and Federal laws and regulations relating to the practice of Pharmacy; and be it further

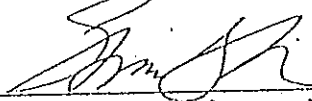
ORDERED that if the Respondent has complied with the Act and the conditions of Probation, the Board will entertain a petition for termination of Respondent's probationary status and full reinstatement of his license to practice no earlier than 1 year from date of this order; if the Board determines that the termination of probation and complete reinstatement would be inappropriate, the Board may modify one or more of the conditions upon which Respondent was placed on probation; and be it further

ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy has reason to believe that the Respondent has failed to comply with any of the aforesaid provisions of this Order, the Board may

immediately suspend the Respondent's license, prior to a hearing. However, the Respondent shall have a right to a hearing on the Board's action, in accordance with the Administrative Procedure Act, Md. State Gov't. Code Ann. § 10-201 et seq. within thirty (30) days after the Respondent notifies the Board, in writing, of his desire for a hearing; and be it further

ORDERED that the conditions of this Consent Order are hereby effective as of the date that the Order is signed by the Board; and be it further

ORDERED that this is a FINAL ORDER and as such is a public document pursuant to Md. State Gov't. Code Ann. §10-611 et seq.



Steven S. Cohen, P.D.,
President
Board of Pharmacy

CONSENT OF YASIN HUSSAIN

I, Yasin M. Hussain, P.D. by affixing my signature hereto, acknowledge that:

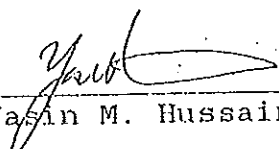
1. I am represented by attorney William T. Wood, Esquire, and I have been advised by him of the legal implications of signing this Consent Order.

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, Md. State Gov't. Code Ann. §10-205 et seq.

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 §10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in §12-316 of the Act and §10-215 of the Administrative Procedure Act. I acknowledge that my failure to abide by the conditions set forth in this Order and my failure to follow proper procedures may result in disciplinary action, which may result in the revocation of my license to practice Pharmacy in the State of Maryland.

Aug 13th, 1984
Date



Yasin M. Hussain, P.D.

STATE OF MARYLAND
COUNTY OF Prince Georges :

I HEREBY CERTIFY that on this 9th day of August, 1994, A Notary Public of the State of Maryland and (City/County), Prince Georges, personally appeared Yasin M. Hussain, P.D., License No. 11519 and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Kevin A. McQuinn
Notary Public

My Commission Expires: September 18, 1994.