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IN THE MATTER OF * BEFORE THE
 LAUREL PARK PHARMACY * MARYLAND STATE
 Respondent * BOARD OF PHARMACY
 PERMIT NO. P1826
 * * * * *

Order for Summary Suspension of Pharmacy Permit

The State Board of Pharmacy (the "Board") hereby summarily suspends the permit of Laurel Park Pharmacy (the "Respondent") to operate a pharmacy in the State of Maryland, based on the following:

1. Respondent is a pharmacy which has been issued a permit to be established and operated as a pharmacy in the State of Maryland.
2. At all times pertinent hereto, Respondent has been using the pharmacy permit for the establishment and operation of a pharmacy in the State of Maryland at 7413 Van Dusen Road, Laurel, Maryland 20707, known as Laurel Park Pharmacy.
3. At all times pertinent hereto, Yasin M. Hussain and Tahira Hussain are the holders of the pharmacy permit for the pharmacy (the "permit holder").
4. On or about August 25, 1995, the Medicaid Fraud Control Unit of the State of Maryland (the "Fraud Control Unit") notified the Board that it was conducting an investigation of Laurel Park Pharmacy.
5. On September 25, 1995, the Fraud Control Unit notified the Board Control Unit that the permit holder (Yasin Hussain) had been indicted on:
 - (a) One count of unlawfully distributing a Schedule III Controlled Dangerous Substance, specifically a combination product of butalbital, aspirin, and caffeine;

(b) One count of unlawfully distributing a Schedule IV Controlled Dangerous Substance, specifically diazepam;

(c) One count of unlawfully distributing a Schedule IV Controlled Dangerous Substance, specifically phentermine;

(d) One count of unlawfully distributing a Schedule III Controlled Dangerous Substance, specifically a combination product of hydrocodone and acetaminophen;

(e) One count of unlawfully distributing a Schedule III Controlled Dangerous Substance, specifically a combination product of hydrocodone bitartrate and acetaminophen;

(f) One count of knowingly and willfully dispensing controlled dangerous substances without conforming to the standards of the profession of pharmacy.

6. State Government Article §10-226 (c) provide that a unit of State Government “may order summarily the suspension of a license if the unit finds that the public health, safety, or welfare imperatively requires emergency action.” State Government Article §10-226 (a) defines a “license” as including a “permit”.

7. On September 29, 1995, the Board ordered the emergency summary suspension of Respondent’s permit to operate a pharmacy in the State of Maryland, based on the foregoing facts.

8. On September 29, 1995, the Board listed conditions which must be met by Respondent prior to the lifting of the summary suspension of the permit. The conditions given to Respondent were as follows:

(a) Neither Yasin Hussain nor Tahira Hussain are permitted in the pharmacy department, nor on the premises of Laurel Park Pharmacy;

(b) Ahmad Hussain, the father of Yasin Hussain, is permitted in Respondent pharmacy, and is responsible for the operation of the pharmacy within the laws of the State of Maryland;

(c) The electronic alarm system must be re-programmed, and only Ahmad Hussain and the licensed pharmacists approved by the Board to work in the pharmacy are permitted to have access codes;

(d) The locks and combinations on all doors and safes must be changed, with only Ahmad Hussain and the licensed pharmacists approved by the Board to work in the pharmacy are permitted to have access to the keys and codes;

(e) A licensed pharmacist, approved by the Board with at least two (2) years of retail pharmacy experience must be hired to operate Respondent Pharmacy on a full-time basis and to develop audit procedures for handling and dispensing controlled dangerous substances;

(f) Every licensed pharmacist working in Respondent pharmacy must be approved by the Board prior to employment;

(g) Proper security must be installed if the pharmacy area is to remain closed while the front of the store is open.

9. On October 6, 1995, the Board re-convened for a second show-cause hearing to consider the changes made by Respondent pharmacy.

10. At the close of the second show-cause hearing, the Board determined the following:

(a) During the time Respondent's permit was summarily suspended, Ahmad Hussain did transfer prescriptions from Respondent pharmacy to Rock Creek Pharmacy;

(b) After being instructed by the Board that these actions were illegal, Ahmad

continued to transfer prescriptions via facsimile to Rock Creek Pharmacy;

(c) Tahira Hussain is involved in the business of Respondent pharmacy, contrary to the information given to the Board on September 29, 1995;

(d) Ahmad Hussain made no effort to become informed of the statutes and regulations governing the practice of pharmacy in Maryland prior to attempting to correct the problems at Respondent pharmacy;

(e) Proper security which would allow the opening of the front of the store while the pharmacy area is closed was not installed prior to opening the front of the store for business;

(f) During the time of the summary suspension, there was a general lack of good faith efforts by the people acting on behalf of Respondent pharmacy to operate within the restrictions of the Board Order.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board finds that the public health, safety, and welfare imperatively requires immediate suspension of Respondent's permit.

ORDER

It is this 6th day of October, 1995, by the Board of Pharmacy:

ORDERED that pursuant to the authority vested in the Board by the Maryland State Gov't Code Ann. §10-226(c) (1994 Cum. Supp.), Respondent's pharmacy permit for the operation of a pharmacy in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that on presentation of this Order, Respondent shall immediately surrender to the representatives of the Board:

(1) current Department of Health and Mental Hygiene Permit No. P1826; and be it further

ORDERED that a copy of this Order shall be filed with the Maryland State Board of Pharmacy; and be it further

ORDERED that this is a Final Order and as such is considered as public record pursuant to Md. State Gov't Code Ann. §10-611 et seq. (1993 Repl. Vol.).

10/6/95

Date

George C. Voxakis

George C. Voxakis, P.D.
President
Board of Pharmacy