

IN THE MATTER OF * BEFORE THE
REMEDY SENIOR CARE * MARYLAND BOARD
PERMIT NO. PW0228 * OF PHARMACY

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”), while processing pharmacy technician applications, discovered that a certain employee at Remedy Senior Care (the “Pharmacy”) had been performing pharmacy technician duties without a valid registration or without exempt pharmacy technician trainee status.

In lieu of issuing Charges against the Pharmacy for violation of the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Pharmacy permit holder on February 9, 2011. As a result, Remedy Senior Care and the Board have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On May 7, 2010, the Board received an application for a pharmacy technician registration from an employee of Remedy Senior Care. The applicant (“Employee A”) was attempting to become registered as a pharmacy technician through the grandfathering provisions of the Maryland Pharmacy Act.
2. The Maryland Pharmacy Act was amended in 2006 to require the registration of pharmacy technicians. Md. Code Ann., Health Occ. Section 12-6B-01, *et seq.* Included in the pharmacy technician law was a grandfathering provision that allowed individuals who had been working for the same permit holder since January 2006 to be exempt from certain other educational and training requirements.

3. As the law has been in effect since 2006, and the corresponding regulations have been effective since January 28, 2008, the Board no longer issues pharmacy technician registrations through grandfathering since such applicants would have been working as pharmacy technicians in the interim without being duly registered.
4. From approximately January 28, 2008 through November 2010, the Pharmacy employed Employee A as a pharmacy technician without a technician registration or exempt trainee status.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Remedi Senior Care is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-403(b)(1).

ORDER

Based on an affirmative vote of the Board, it is this 22nd day of June, 2011, hereby:

ORDERED that Remedi Senior Care shall pay a FINE of \$1,000, payable to the Maryland Board of Pharmacy within sixty (30) days of the date of this Order; and be it further,

ORDERED that within thirty (30) days of the date of this Order, Remedi Senior Care shall submit to the Board copies of its policies and procedures regarding pharmacy technician training and registration; 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 Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

June 22, 2011

for Katherine D. Marone
Michael Souranis, R.Ph.
President
Maryland Board of Pharmacy

CONSENT

1. Remedi Senior Care consents to the foregoing Order 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 in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf and to all other substantive and procedural protections provided by law.
2. Remedi Senior Care waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. Remedi Senior Care acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. Remedi Senior Care executes 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.

Date

6/16/2011

Kathleen Chagnon
Title: Senior Vice President, General Counsel

STATE OF Maryland :
COUNTY/CITY OF Baltimore :

I hereby certify that on this 16th day of June, 2011, before me, a Notary Public of the State and County/City aforesaid, personally appeared Kathleen Chagnon on behalf of Remedi Senior Care, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Seborde S. Bada
Notary Public
My commission expires: October 5, 2011