

IN THE MATTER OF

*

BEFORE THE MARYLAND

ST. JOSEPH'S HOSPITAL PHARMACY*

STATE BOARD OF

Permit No. 00736

*

PHARMACY

*

* * * * *

CONSENT ORDER

Background

The Maryland State Board of Pharmacy (the "Board") received credible information that the Director of Pharmacy at St. Joseph's Hospital Pharmacy (the "Pharmacy") refused to allow one of the Board's inspector to perform a routine annual inspection of the hospital's pharmacy on May 20, 2010. The Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. § 12-604(c) provides that a person may not hinder an inspection conducted by the Board or its agents.

In lieu of instituting formal proceedings against the Pharmacy's permit, and in accordance with the Act, Md. Code Ann., Health Occ. § 12-315, a pre-charge Case Resolution Conference ("CRC") was held with members of the Board and a representative of the Pharmacy on August 25, 2010. Thereafter, the Board and the Pharmacy agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. St. Joseph's Hospital Pharmacy received a permit to operate a pharmacy in Maryland under permit number 00736 on December 1, 1978.
2. At all times relevant hereto, Morrell Delcher was employed as the Director of Pharmacy at St. Joseph's Hospital Pharmacy and thus acted as the Pharmacy's agent.

3. On May 20, 2010 one of the Board's inspectors attempted to conduct a routine annual inspection of the Pharmacy.
4. Mr. Delcher refused to allow the Board's inspector to conduct the inspection due to activities that were taking place that day within the medical center.
5. Mr. Delcher was rude and unprofessional in his interactions with the Board's inspector. Mr. Delcher incorrectly demanded that the inspector give him advance notice of any inspection.
6. Mr. Delcher then escorted the inspector out of the pharmacy.
7. Mr. Delcher ultimately permitted another Board inspector to conduct an inspection on June 1, 2010.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to discipline pursuant to Md. Code Ann., Health Occ. § 12-409 for its, and its agent's, violations of Health Occ. § 12-604(c) ("A person may not hinder an inspection conducted [by the Board]"); § 12-403(b)(9) ("...a pharmacy...may not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313..."); and the Pharmacist Code of Conduct, COMAR 10.34.10.03.B.(3) ("A pharmacist may not...[e]ngage in unprofessional conduct.") Further, the Pharmacy is subject to the imposition of a monetary penalty pursuant to Health Occ. § 12-410.

ORDER

Based on an affirmative vote of the Board, it is this 1st day of December, 2010, hereby:

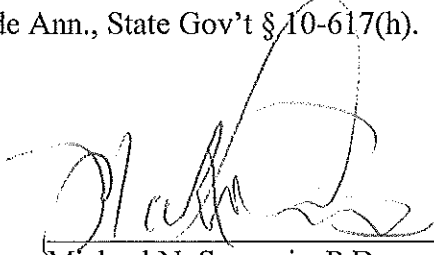
ORDERED that the Pharmacy shall pay a FINE of \$5,000.00, in the form of a certified check or money order, payable to the Maryland Board of Pharmacy within 30 days from the

effective date of this Order; and be it further,

ORDERED that should the Pharmacy fail to comply with the any of the terms and/or conditions of this Order, the Board, in its discretion, after notice and an opportunity for a hearing, may impose additional sanctions, including suspension, revocation, and/or a monetary penalty authorized under the Maryland Pharmacy Act; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., State Gov't § 10-617(h).

12/1/10
Date




Michael N. Souranis, P.D.
President of the Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

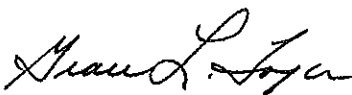
11-10-10
Date


Craig Carmichael, Vice President for Clinical and Support Operations
On behalf of St. Joseph's Hospital Pharmacy

STATE OF MARYLAND
COUNTY/CITY OF Baltimore :

I hereby certify that on this 10th day of November, 2010, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared CRAIG CARMICHAEL, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Grace L. Joyce
Notary Public
State of Maryland
Baltimore County
My Commission Expires October 17, 2012


Notary Public
My commission expires: 10-17-2012