

IN THE MATTER OF \* BEFORE THE  
ALEX OPOKU ACHEAMPONG, P.D. \* MARYLAND STATE  
LICENSE NO. 14860 \* BOARD OF PHARMACY  
Respondent \*

\* \* \* \* \*

**FINAL DECISION AND ORDER**

**Background**

This case arose out of allegations that Alex Opoku Acheampong, P.D. (the “Respondent”) was convicted of theft-scheme, \$500 plus, and knowingly obtaining a Maryland driver’s license by misrepresentation. Specifically, the Respondent was charged pursuant to Health Occ. Art. (“H.O.”) Section 12-313(21), which states:

Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand a licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

Based upon its investigation, on August 1, 2002, the Board of Pharmacy (the “Board”) issued Charges against the Respondent. The Charges and Notice of Hearing were served upon the Respondent via certified mail. The certified mail return receipt card indicates that the Charges and Notice were delivered to the Respondent on August 12, 2002 and contains the Respondent’s signature indicating delivery. On September 4, 2002, a case resolution conference was scheduled, however no settlement was reached.

A contested case hearing was held under the Administrative Procedure Act, Md. Code Ann., State Gov't §10-201 *et seq.*, before a quorum of the Board on December 18, 2002. The hearing was scheduled to commence at 1:00 p.m. The Board delayed commencement of the hearing until 2:04 p.m. at which time the Respondent had still not appeared. The Board proceeded with the hearing notwithstanding the Respondent's failure to appear pursuant to H.O. § 12-315(g).

On the same date, the same quorum of the Board convened to deliberate and voted to uphold the charges against the Respondent and to impose the sanctions contained in this Final Decision and Order.

#### **SUMMARY OF THE EVIDENCE**

The following documents were admitted into evidence.

- State's Exhibit A - State of Maryland Motor Vehicle Administration's Investigative Report dated 9/19/01.
- State's Exhibit B - State of Maryland Motor Vehicle Administration's Certified Statement of Alex Opoku Acheampong dated 8/22/01
- State's Exhibit C - District Court of Maryland for Anne Arundel County Defendant Trial Summary in the case of State of Maryland v. Alex Opokie Acheampong, Case No. OAL10735
- State's Exhibit D - District Court of Maryland for Anne Arundel County Defendant Probation Summary in the case of State of Maryland v. Alex Opokie Acheampong, Case No. OAL10735
- State's Exhibit E - District Court of Maryland Serious Traffic Docket in the case of State of Maryland v. Alex Opokie Acheampong, Case No. OAL10735
- State's Exhibit F - Rite Aid Corporation's Summary of Investigation dated 9/26/01

- State's Exhibit G - District Court of Maryland for Montgomery County Statement of Charges in the case of State of Maryland v. Alex O. Acheampong, Local Incident No. SO1236946
- State's Exhibit H - District Court of Maryland for Montgomery County Statement of Probable Cause in the case of State of Maryland v. Alex O. Acheampong, Local Incident No. SO1236946
- State's Exhibit I - District Court of Maryland for Montgomery County Charge Summary in the case of State of Maryland v. Alex O. Acheampong, Case No. 000D00108752
- State's Exhibit J - District Court of Maryland for Montgomery County Trial Docket in the case of State of Maryland v. Alex O. Acheampong, Case No. 000D00108752
- State's Exhibit K - District Court of Maryland for Montgomery County Defendant Trial Summary in the case of State of Maryland v. Alex O. Acheampong, Case No. 000D00108752
- State's Exhibit L - District Court of Maryland for Montgomery County Defendant Probation Summary in the case of State of Maryland v. Alex O. Acheampong, Case No. 000D00108752
- State's Exhibit M - District Court of Maryland for Montgomery County Probation/Supervision Docket in the case of State of Maryland v. Alex O. Acheampong, Case No. 000D00108752
- State's Exhibit N - Letter of procedure sent to Alex Opuku Acheampong, dated August 1, 2002
- State's Exhibit O - Charging document issued to Alex Opuku Acheampong, dated August 1, 2002

**FINDINGS OF FACT**

Based upon the documentary evidence presented at the evidentiary hearing, the Board finds that the following facts are true:

1. The Respondent was at all relevant times licensed to practice pharmacy in the State of Maryland. (State's Ex. O).
2. On March 6, 2002, the Respondent pleaded guilty in the District Court for Anne Arundel County to knowingly obtaining a driver's license by misrepresentation. The Respondent was sentenced to ten (10) days incarceration, all suspended, probation for seven (7) months, ordered to perform 80 hours of community service and fined \$500, all suspended. (State's Exs. C, D).
3. The criminal charges filed against the Respondent in Anne Arundel County were predicated upon a Motor Vehicle Administration investigation that revealed that the Respondent had fraudulently obtained three different driver's licenses, one in Maryland and two in Virginia, under three different names: Alex Opoku Acheampong, Joseph Opoku Acheampong, and Thomas Abidjan Opoku. (State's Ex. A)
4. On October 30, 2001, the Respondent pleaded guilty in the District Court for Montgomery County to theft-scheme, \$500 plus. The Respondent was sentenced to 18 months incarceration, with 17 months, 4 days suspended, placed on probation for 2 years, fined \$500, and ordered to pay restitution of \$6,000. (State's Ex. K)
5. The criminal charges filed against the Respondent in Montgomery County were predicated upon an investigation conducted by Rite Aid Pharmacy. The Rite Aid investigation revealed that between January 7, 1999, and September 4, 2001, the Respondent dispensed various drugs, including Kytril, Tylenol w/

Condeine #4, and Darvocet N, all of which are controlled narcotics, to acquaintances without requiring payment to Rite Aid. The investigation further revealed that the Respondent dispensed these drugs without valid prescriptions by personally falsifying the prescriptions. In addition, the Respondent deleted implicating pharmacy files in an attempt to conceal his misconduct. (State's Exs. F, G)

### **OPINION**

It is clear that the Respondent has been convicted, twice, for criminal misconduct involving fraudulent and deceitful behavior. That the Respondent pleaded guilty to both charges is evidence that the Respondent cannot dispute the allegations made against him. While the Board finds the Respondent's conduct in fraudulently obtaining three driver's licenses to be very concerning, the Board is most alarmed by the Respondent's theft conviction. Pharmacists have a paramount duty as health professionals to insure that every medication is dispensed in accordance with the standards of practice, which, at a minimum, require valid prescriptions from an authorized prescriber. To totally cast aside fundamental professional obligations and endanger the health and safety of the public is behavior that cannot be tolerated by the Board.

For all of the above reasons, the Board finds the Respondent's violations to be so egregious as to warrant the most severe sanctions.

### **CONCLUSION OF LAW**

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that: (1) knowingly obtaining a driver's license by misrepresentation is a crime of moral turpitude; and (2) theft-scheme of \$500 plus is a felony and a crime of

moral turpitude. Therefore, the Respondent's conviction of the aforementioned crimes renders him in violation of the Maryland Pharmacy Act pursuant to H.O. Art. § 12-313(21). The Respondent's violation subjects him to the imposition of sanctions in accordance with H.O. §12-313.

### SANCTIONS

The Respondent's criminal conduct and blatant disregard for professional standards of pharmacy practice demonstrate that the Respondent cannot be trusted to render safe and ethical pharmaceutical care to the public.

In order to impress upon the Respondent the seriousness of the Respondent's conduct, as well as to deter future violations of the Board's orders and the Maryland Pharmacy Act, the Board will revoke the Respondent's license and issue a \$10,000 fine.

### ORDER

Based on the foregoing Findings of Fact, Opinion, and Conclusion, by a unanimous decision of a quorum of the Board it is hereby:

**ORDERED** that the Respondent's license, License No. 14860, be **REVOKED**;  
And be it further,

**ORDERED** that the Respondent shall pay a fine of \$10,000.00; And be it further,

**ORDERED** that the Respondent shall submit his wallet license, renewal certificate, and wall certificate, if issued, to practice pharmacy to the Board of Pharmacy immediately upon receipt of this Final Decision and Order; And be it further,

**ORDERED** that this is a final order of the State Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., State Gov't Art., §§10-611, *et seq.*

1/15/03  
Date

W. Irving Lottier, P.D.  
Secretary, Board of Pharmacy

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. Art., §12-316, you have the right to take a direct judicial appeal. A petition for appeal shall be filed within thirty days of your receipt of this Final Decision and Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Act, Md. Code Ann., State Gov't Art., §§10-201, *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.