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IN THE MATTER OF
CROSS KEYS PHARMACY
Permit No. 96
Respondent

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to Health Occupations Article §12-411, Annotated Code of Maryland (the "Act"), the Board charged Cross Keys Pharmacy, Permit No. 96 (the "Respondent"), with violations of §12-409 of the Act.

Specifically, the Board charged Respondent with violation of the following provisions:

§12-409

Subject to the hearing provisions of §12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (1) Is conducted so as to endanger the public health or safety;
- (2) Violates any of the standards specified in §12-403 of this subtitle; or
- (3) Otherwise is not conducted in accordance with the law.

§ 12-403

(a) In general. - Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

- (1) Shall be operated in compliance with the law and with the rules and regulations of the Board;
- (2) Shall be located and equipped so that the pharmacy may be operated without endangering the public health or safety;

- (3) Shall be constantly under the personal and immediate supervision of a licensed pharmacist.

COMAR 10.34.05, relating to the security of a Pharmacy, states in pertinent part:

.02 Secured Area

A. A pharmacy facility shall be enclosed in such a manner as to prevent persons not authorized by the pharmacist from entering that area after it has been secured by the pharmacist.

B. A suitable enclosure shall be deemed to be one which reasonably protects the prescription drug stock against unauthorized entry and pilferage. This enclosure may not deny the customer a reasonable means of communication with the pharmacist when the pharmacy facility is open.

C. Any time a completed prescription is given to a patient, a pharmacist shall be present in the pharmacy for communication and any other required professional service.

.04 Keys

A. Only the pharmacist or pharmacists shall have possession of keys to the pharmacy facility.

B. A duplicate key may be kept in the store safe or other secure place in the establishment for emergency use only. The duplicate key shall be in a sealed container bearing the pharmacist's signature.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to Respondent on August 17, 1995. A prehearing conference on those charges was held on August 31, 1995, and was attended by Robert J. Kabik, P.D. and Theodore S. Litwin, J.D., Board members and Paul Ballard, Assistant Attorney General, Board Counsel. Also in attendance were the owners of Respondent Pharmacy: Martin Deming, Esther Deming, Paul Levin and Gloria Levin, their attorney, Steven Allen, Esquire, Donald Fedder, Dr.P.H., M.P.H., and the

Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General.

Following the prehearing conference, the Respondent, the administrative prosecutor, and the Board agreed to resolve the administrative charges by way of settlement. As a result of negotiations entered into at the prehearing conference the parties have agreed to enter into the following Consent Order.

FINDINGS OF FACT

The Board bases its charges on the following facts that the Board has cause to believe are true:

1. At all times relevant to the charges herein, Respondent held a pharmacy permit to operate a pharmacy in the State of Maryland.

2. At all times relevant to the charges herein, Respondent has been using the pharmacy permit for the establishment and operation of a pharmacy at 40 Village Square, Baltimore, Maryland 21210, known as Cross Keys Pharmacy, Inc. (the "Pharmacy").

3. At all times relevant to the charges herein, Martin Deming, Esther Deming, Paul Levin and Gloria Levin were and are the owners of the stock of the Pharmacy.

A. UNACCOUNTED FOR CDS

4. As a result of anonymous correspondence, received by the Board on March 14, 1995, alleging that a pharmacist, Jerry Hausler, was stealing drugs from the Cross Keys Pharmacy, the Board requested that the Department of Health & Mental Hygiene, Division

of Drug Control (the "Division") conduct a partial audit of the pharmacy.

5. On March 20, 1995, the Division conducted an audit of the Pharmacy of the inventory of Ritalin and methylphenidate, the generic form of Ritalin, for May 1, 1993 through March 20, 1995. The audit revealed that the Pharmacy was short 15,993 tablets of Ritalin and methylphenidate.

6. On March 24, 1995, the Board issued a subpoena to the Pharmacy requesting all narcotic order forms, all invoices for narcotics received, all prescriptions received from patients and filled and all inventories taken between May 1, 1993 and March 24, 1995.

7. On April 4, 1995, the Board investigator conducted an audit based on the data which was received in response to the subpoena. The audit revealed that the Pharmacy was short approximately 16,700 tablets of Ritalin and methylphenidate.

8. On May 3, 1995, investigators for the Department of Justice, Drug Enforcement Administration, conducted an audit of the Pharmacy for the period May 1, 1993 through May 1, 1995. The audit revealed that the Pharmacy was short 17,715 tablets of Ritalin and methylphenidate.

9. On May 12, 1995, the Board informed Respondent of its intent to summarily suspend its permit to operate a pharmacy, and offered Respondent the opportunity to show cause on May 17, 1995, as to why the Order should not be issued.

10. On June 1, 1995, Respondent and the Board entered an Interim Consent Agreement relating to the operation of the

Pharmacy. Based on Respondent's consent to the terms of the Agreement, the Board determined on May 17, 1995, that the emergency situation has been alleviated and no longer exists and voted not to summarily suspend Respondent's permit at that time.

11. On July 24, 1995, Respondent and the Board executed an addendum to the Interim Agreement.

B. DISPENSING BY UNLICENSED PHARMACIST

12. Martin Deming, one of the owners of the Pharmacy was licensed by the Board in 1959 to practice pharmacy in the State of Maryland.

13. On September 30, 1992, Mr. Deming's pharmacy license No. 5960 expired.

14. On or about April 4, 1995, Mr. Deming told the Board investigator that he works as a pharmacist in the Pharmacy when the licensed pharmacist is not able to work, specifically some Saturdays and most holidays.

15. On May 17, 1995, Mr. Deming informed the Board that since his license expired he worked as a pharmacist and filled prescriptions when the full-time or part-time pharmacists were ill or could not come to work. Mr. Deming told the Board that he was not aware until in or about May 1995 that his license had expired.

16. The records submitted by the Pharmacy in response to the Board's March 24, 1995 subpoena demonstrate that Mr. Deming dispensed the following prescriptions:

<u>RX Number</u>	<u>Drug</u>	<u>Date</u>
230119	Methylphenidate 5mg	04/09/94
230179	Methylphenidate 5mg	04/12/94
230273	Demerol 50mg	04/16/94

233657	Ritalin 5mg	08/25/94
234446	Ritalin 5mg	09/28/94
234611	Methylphenidate 5mg	10/04/94
234687	Ritalin 10mg	10/07/94
235086	Ritalin 5 mg	10/25/94
237353	Ritalin 5mg	01/14/95
237642	Methylphenidate 10mg	01/24/95
237643	Methylphenidate 20sr	01/24/95
238058	Ritalin 5mg	02/08/95
239341	Promethazine with Codeine	03/28/95
239342	Claritin 10mg	03/28/95
239343	Azmacort Inhaler	03/28/95
239344	Proventil Syrup	03/28/95
239345	Tylenol with Codeine	03/28/95
239346	Propoxyphene Anap 1 (Darvocet)	03/28/95
240058	Ritalin 5mg	04/23/95

17. On every occasion when Mr. Deming dispensed prescription drugs since September 30, 1992, the Pharmacy violated the standard specified in §12-403(3) that a pharmacy shall be constantly under the personal and immediate supervision of a licensed pharmacist; and violated the requirement in COMAR 10.34.05.02C that any time a completed prescription is given to a patient, a pharmacist shall be present in the pharmacy for communication and any other required professional service.

C. LACK OF SECURITY

18. On March 24, 1995, the Board investigator and an inspector for the Division of Drug Control hand-delivered a subpoena to the Pharmacy and observed the following:

- A. The prescription department of the Pharmacy is located at the "rear" of store.
- B. The pharmacist informed the investigators that the "front" of the store is open on Sundays but the prescription department is closed.
- C. The Pharmacy is not enclosed from floor to ceiling; therefore, persons may enter the area at any time.
- D. There is no method to prevent persons not authorized by the pharmacist from entering the

prescription department when the pharmacist is not present in the pharmacy.

19. On May 17, 1995, counsel for Respondent submitted to the Board correspondence from Donald O. Fedder, Dr.P.H., M.P.H., a consultant who made the following observations regarding the security of the Pharmacy:

- A. The prescription department had a door with a lock, which was supposed to limit access to authorized personnel only. It remained open during both of my visits.
- B. Store personnel had ready access to the prescription department. In fact, an employee refrigerator had been behind the prescription counter and employees were permitted to eat their lunch in an alcove there.
- C. The store safe was behind the Rx counter and non-pharmacist management personnel required access to it, even when the prescription department was closed on Sundays and holidays.
- D. Key management personnel had keys to the prescription department.

20. On May 17, 1995, counsel for Respondent informed the Board that:

- A. There is no barrier from the top of the door to the ceiling.
- B. On Sundays, when the prescription department is closed and there is no licensed pharmacist on the premises, the rest of the store is open.

21. On May 17, 1995, Dr. Fedder informed the Board that there is a space of approximately two and a half feet above the counter for the prescription department which is open.

22. On May 17, 1995, counsel for Respondent informed the Board that each of the owners of the Pharmacy, the manager and the pharmacists have possession of keys to the Pharmacy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that the Respondent violated §12-409(1)(2)(3), and §12-403(a)(1)(2)(3), COMAR 10.34.03.02(A)(B)(C) and COMAR 10.34.05.04(A)(B).

Specifically, the Board concludes that:

1. Failure to enclose a pharmacy in such a manner as to prevent persons not authorized by the pharmacist from entering the area is a violation of COMAR 10.34.05.02A.

2. Failure to have an enclosure which reasonably protects the prescription drug stock against unauthorized entry and pilferage is a violation of COMAR 10.34.05.02B.

3. Possession of keys to the pharmacy facility by pharmacy permit holders who are not licensed pharmacists is a violation of COMAR 10.34.05.04A.

4. Failure to keep duplicate keys in the store safe or other secure place in the establishment in a sealed container bearing the pharmacist's signature is a violation of COMAR 10.34.05.04B.

5. Permitting the prescription department to be open when there is no licensed pharmacist present is a violation of §12-403(a)(3) of the Pharmacy Act.

6. Dispensing of prescriptions by an unlicensed person is a violation of COMAR 10.34.05.02(C).

7. Violations of COMAR 10.34.05.02A, B and C endanger the public health and safety and are in violation of Section 12-409(1)(2)(3) and Section 12-403(a)(1), (2) and (3) of the Pharmacy Act.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties to settle this matter without an evidentiary hearing, it is this 13th day of September, 1995, by a majority of a quorum of the Board, hereby

ORDERED that the permit of Respondent to operate a pharmacy shall be **SUSPENDED** but that the suspension shall be immediately **STAYED** and Respondent placed on **PROBATION**, subject to the following conditions:

1. The names of all licensed pharmacists who, on or after May 16, 1995, shall be employed by Respondent or will actually work in the pharmacy on either a full, part-time and/or emergency basis shall be provided to the Board within two business days of the commencement of their employment by Respondent for the Board's approval. Should the Board not approve any of the persons whose names are submitted, Respondent shall immediately terminate that person's employment.

2. Respondent shall maintain an active perpetual inventory of all Schedule II and III controlled dangerous substances ("CDS") in its possession, custody and/or control on an inventory Control Form identical to the form attached hereto as Attachment No. 1. The inventory shall be maintained on a daily basis on each day on which the pharmacy offers Schedule II and III CDS for sale to the public. The Pharmacy may keep this inventory based on records of drugs dispensed and drugs received; however, the Pharmacy shall conduct an actual count on a weekly basis. A copy of the Inventory Control Form for each day on which one is prepared, shall be

delivered to the Board on a monthly basis within two business days of the last business day of each month.

3. Respondent shall retain a licensed pharmacist approved by the Board, other than the pharmacist(s) who prepares the daily Inventory Control Form, to do a random audit every two months of the preceding two months Schedule II and III CDS inventories and prescriptions and an audit of 100% of the Ritalin and Methylphenidate inventories and prescriptions during that period. All prescriptions for Schedule II and III CDS which are reviewed by the licensed pharmacist/auditor shall be reviewed for validity. The audit shall be conducted on a random basis, on a different day each time it is performed. A copy of the auditor's report shall be delivered to the Board within two business days of completion.

4. Respondent shall give the Board notice within twenty-four hours of the discovery of any missing and/or unaccounted for CDS.

5. All of the pharmaceutical inventory of Respondent pharmacy shall be ordered by a licensed pharmacist.

6. The Respondent shall at all times maintain all Schedule II and III CDS in a locked compartment. The licensed pharmacist(s) employed and working at Respondent's premises on and after May 16, 1995, shall be the only person(s) permitted to have custody of the keys and access to the compartment in which the Schedule II and III CDS shall be stored. In addition, none of the owners of the Respondent store, which owners are identified as the signatories to this Agreement, shall be permitted to have access to the prescription department, i.e., the area in which legend drugs are stored, maintained and prescriptions processed; however, the owners may be

present in the prescription department when a licensed pharmacist is present.

7. The Respondent shall at all times maintain a written record of all persons present in the prescription department. Such written record shall record the name of the individual, the time entering and the time exiting the area and the name of the pharmacist present in the area at the time. No persons shall be permitted in the area unless a licensed pharmacist is present.

8. Persons may be present in the store known as the Cross Keys Pharmacy, at times when a licensed pharmacist is not present and/or on duty, and/or for the store to be open at times when the prescription department is closed, as long as the enclosure to the prescription department is secure and locked at all times when persons are on the premises and/or when the store is open in the absence of a licensed pharmacist. The owners and management of the Cross Keys Pharmacy shall be permitted to have possession of keys and the code for disabling and enabling the security system for the store known as Cross Keys Pharmacy. The owners and management of Cross Keys Pharmacy shall not be permitted to have keys to the locked enclosure to the prescription department or the code for the security system for that area of the store. The only persons who shall be permitted to have keys to the locked enclosure to the prescription department and knowledge of the code necessary to disable and enable the security system for the prescription department shall be licensed pharmacists in the employ of Cross Keys Pharmacy.

9. A duplicate key to the lock for the enclosure to the prescription department shall be kept in the store safe which is located in the office for Cross Keys Pharmacy for emergency use only. The duplicate key shall be in a sealed container bearing the signature of a licensed pharmacist. The licensed pharmacist who performs the audits described in paragraph 3 above shall, as part of his/her audit, certify with his audit to the Board that the duplicate key has not been tampered with and/or that the container has not been broken. The Board shall be notified within 24 hours of any occasion in which the duplicate key is removed from its sealed container and shall be provided with the name of the person who so removed the key and the reason therefore.

10. The Board shall be provided on a monthly basis, by the tenth day of each month, beginning July 10, 1995, with a monthly report prepared by ADT Security Systems of the dates and times of all activations and deactivations of the security system on each occasion. If the tenth of each month falls on a weekend and/or holiday, the report shall be provided to the Board on the first business day following the weekend and/or holiday.

11. Respondent shall provide a copy of the provisions of paragraphs 1 through 14 and 16 of this Consent Order to its licensed pharmacy employees (the "employees"). Within ten (10) days of the date of this Order, Respondent shall arrange for its employees to acknowledge to the Board, in writing, on the form attached hereto as Attachment No. 2, that the employees have received a copy of the form and agree to comply with the conditions pertaining to the employees.

12. The Respondent shall retain a consultant, subject to the approval of the Board, who will, every six months, review the operation and management of its pharmacy, with specific reference to the manner in which CDS is maintained, stored and distributed by Respondent. A copy of the recommendations made by the consultant as a result of his review, shall be submitted promptly to the board every six months. Respondent agrees to implement all reasonable recommendations made by the consultant which are required by the Board.

13. Respondent agrees that representatives of the Board may make unannounced visits during regular business hours to Respondent's premises to evaluate compliance with this Order.

14. Respondent shall refrain from engaging in the conduct which led to its probation under the Maryland Pharmacy Act.

15. Respondent shall pay a penalty of \$5,000 to the Board for payment into the General Fund of the State. Payment may be made at any time during the probationary period.

16. Respondent shall operate the pharmacy in accordance with the Maryland Pharmacy Act; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

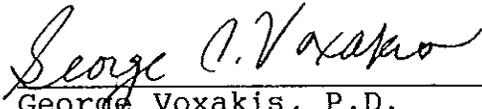
ORDERED that in the event the Maryland Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the Maryland Board of Pharmacy finds for any reason in good faith that Respondent has violated any provision of Title 12 of the Health Occupations Article or regula-

tions thereunder or violated any of the conditions of Probation hereunder, the Board may take immediate action, including, but not limited to, revocation or suspension of the Respondent's permit to operate a pharmacy prior to giving the Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-210 et seq., within thirty (30) days after Respondent notifies the Board in writing of its desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED that after the commencement date of Probation Respondent may petition the Board for modification of Respondent's probationary conditions; and be it further

ORDERED that two (2) years from June 1, 1995, the date of the Interim Agreement, Respondent shall be notified of a scheduled time at which Respondent shall petition the Board for termination of Respondent's probationary status and full reinstatement of its permit to operate a pharmacy without any conditions or restrictions as to the scope of operation. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation;

ORDERED that for purposes of public disclosure as permitted by §10-617(h), State Government Article, Annotated Code of Maryland, this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.


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

CONSENT OF CROSS KEYS PHARMACY, INC.

We, the owners of Cross Keys Pharmacy, Inc., by affixing our signatures hereto, acknowledge that:

1. We are represented by attorneys, Steven Allen, Esquire and Arnold Weiner, Esquire, and have been advised by them of the legal implications of signing this Consent Order.

2. We are aware that without our consent, our permit to operate a pharmacy in this State cannot be limited except pursuant to the provisions of §12-409 of the Act and §10-205 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.

3. We are aware that we are entitled to a formal evidentiary hearing before the Board.

By this Consent Order, we hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law and Order provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, we waive our 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 §12-412 of the Act and §10-215 of the Administrative Procedure Act. We acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures,

we may suffer disciplinary action, possibly including revocation,
against our permit to operate a pharmacy in the State of Maryland.

9/11/95
Date

Martin Deming
Martin Deming, President
Cross Keys Pharmacy, Inc.

Esther Deming
Esther Deming, Secretary
Cross Keys Pharmacy, Inc.

Paul Levin
Paul Levin, Vice President
Cross Keys Pharmacy, Inc.

Gloria Levin
Gloria Levin, Treasurer
Cross Keys Pharmacy, Inc.

STATE OF MARYLAND)
CITY/COUNTY OF Baltimore) ss:

I HEREBY CERTIFY that on this 11th day of September, 1995,
a Notary Public of the State of Maryland and City/County aforesaid,
personally appeared Martin Deming, 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 WITNESS my hand and Notarial Seal.



Notary Public Ann C. Anthony

My Commission Expires: August 1, 1999

STATE OF MARYLAND)
CITY/COUNTY OF Baltimore) ss:

I HEREBY CERTIFY that on this 11th day of September, 1995,
a Notary Public of the State of Maryland and City/County aforesaid,
personally appeared Esther Deming, and made oath in due form of law
that signing the foregoing Consent Order was her voluntary act and
deed, and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.



Notary Public Ann C. Anthony

My Commission Expires: August 1, 1999

IN THE MATTER OF
CROSS KEYS PHARMACY
Permit No. 96
Respondent

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

Cross Keys Pharmacy, Inc. agrees with the Maryland State Board of Pharmacy to comply with the following probationary conditions:

1. The names of all licensed pharmacists who, on or after May 16, 1995, shall be employed by Respondent or will actually work in the pharmacy on either a full, part-time and/or emergency basis shall be provided to the Board within two business days of the commencement of their employment by Respondent for the Board's approval. Should the Board not approve any of the persons whose names are submitted, Respondent shall immediately terminate that person's employment.

2. Respondent shall maintain an active perpetual inventory of all Schedule II and III controlled dangerous substances ("CDS") in its possession, custody and/or control on an inventory Control Form identical to the form attached hereto as Attachment No. 1. The inventory shall be maintained on a daily basis on each day on which the pharmacy offers Schedule II and III CDS for sale to the public. The Pharmacy may keep this inventory based on records of drugs dispensed and drugs received; however, the Pharmacy shall conduct an actual count on a weekly basis. A copy of the Inventory Control Form for each day on which one is prepared, shall be delivered to the Board on a monthly basis within two business days

of the last business day of each month.

3. Respondent shall retain a licensed pharmacist approved by the Board, other than the pharmacist(s) who prepares the daily Inventory Control Form, to do a random audit every two months of the preceding two months Schedule II and III CDS inventories and prescriptions and an audit of 100% of the Ritalin and Methylphenidate inventories and prescriptions during that period. All prescriptions for Schedule II and III CDS which are reviewed by the licensed pharmacist/auditor shall be reviewed for validity. The audit shall be conducted on a random basis, on a different day each time it is performed. A copy of the auditor's report shall be delivered to the Board within two business days of completion.

4. Respondent shall give the Board notice within twenty-four hours of the discovery of any missing and/or unaccounted for CDS.

5. All of the pharmaceutical inventory of Respondent pharmacy shall be ordered by a licensed pharmacist.

6. The Respondent shall at all times maintain all Schedule II and III CDS in a locked compartment. The licensed pharmacist(s) employed and working at Respondent's premises on and after May 16, 1995, shall be the only person(s) permitted to have custody of the keys and access to the compartment in which the Schedule II and III CDS shall be stored. In addition, none of the owners of the Respondent store, which owners are identified as the signatories to this Agreement, shall be permitted to have access to the prescription department, i.e., the area in which legend drugs are stored, maintained and prescriptions processed; however, the owners may be

present in the prescription department when a licensed pharmacist is present.

7. The Respondent shall at all times maintain a written record of all persons present in the prescription department. Such written record shall record the name of the individual, the time entering and the time exiting the area and the name of the pharmacist present in the area at the time. No persons shall be permitted in the area unless a licensed pharmacist is present.

8. Persons may be present in the store known as the Cross Keys Pharmacy, at times when a licensed pharmacist is not present and/or on duty, and/or for the store to be open at times when the prescription department is closed, as long as the enclosure to the prescription department is secure and locked at all times when persons are on the premises and/or when the store is open in the absence of a licensed pharmacist. The owners and management of the Cross Keys Pharmacy shall be permitted to have possession of keys and the code for disabling and enabling the security system for the store known as Cross Keys Pharmacy. The owners and management of Cross Keys Pharmacy shall not be permitted to have keys to the locked enclosure to the prescription department or the code for the security system for that area of the store. The only persons who shall be permitted to have keys to the locked enclosure to the prescription department and knowledge of the code necessary to disable and enable the security system for the prescription department shall be licensed pharmacists in the current employ of Cross Keys Pharmacy.

9. A duplicate key to the lock for the enclosure to the prescription department shall be kept in the store safe which is located in the office for Cross Keys Pharmacy for emergency use only. The duplicate key shall be in a sealed container bearing the signature of a licensed pharmacist. The licensed pharmacist who performs the audits described in paragraph 3 above shall, as part of his/her audit, certify with his audit to the Board that the duplicate key has not been tampered with and/or that the container has not been broken. The Board shall be notified within 24 hours of any occasion in which the duplicate key is removed from its sealed container and shall be provided with the name of the person who so removed the key and the reason therefore.

10. The Board shall be provided on a monthly basis, by the tenth day of each month, beginning July 10, 1995, with a monthly report prepared by ADT Security Systems of the dates and times of all activations and deactivations of the security system on each occasion. If the tenth of each month falls on a weekend and/or holiday, the report shall be provided to the Board on the first business day following the weekend and/or holiday.

11. Respondent shall provide a copy of the provisions of paragraphs 1 through 14 and 16 of this Consent Order to its licensed pharmacy employees (the "employees"). Within ten (10) days of the date of this Order, Respondent shall arrange for its employees to acknowledge to the Board, in writing, on the form attached hereto as Attachment No. 2, that the employees have received a copy of the form and agree to comply with the conditions

pertaining to the employees.

12. The Respondent shall retain a consultant, subject to the approval of the Board, who will, every six months, review the operation and management of its pharmacy, with specific reference to the manner in which CDS is maintained, stored and distributed by Respondent. A copy of the recommendations made by the consultant as a result of his review, shall be submitted promptly to the board every six months. Respondent agrees to implement all reasonable recommendations made by the consultant which are required by the Board.

13. Respondent agrees that representatives of the Board may make unannounced visits during regular business hours to Respondent's premises to evaluate compliance with this Order.

14. Respondent shall refrain from engaging in the conduct which led to its probation under the Maryland Pharmacy Act.

15. Respondent shall operate the pharmacy in accordance with the Maryland Pharmacy Act.

I HEREBY CERTIFY that on this ____ day of _____, 199_, I received a copy of the probationary conditions with which Cross Keys Pharmacy, Inc. has agreed with the Board of Pharmacy to comply and I agree to comply with the conditions as they pertain to licensed pharmacists employed by Cross Keys Pharmacy, Inc.

Signature

Date