

IN THE MATTER OF	*	BEFORE THE
LAWRENCE EKANEY, P.D.	*	STATE BOARD
LICENSE NO. 12095	*	OF PHARMACY
Respondent	*	

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. § 12-101, et seq., (2000 Repl. Vol.) (the "Act"), the Board charged Lawrence Ekane, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 12-313:

(b) Subject to the hearing provisions of §12-315¹ 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 any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (2) Fraudulently or deceptively uses a license;
- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispensed any drug for which a prescription is required;
- (24) Violates any rule or regulation adopted by the Board[;].

¹ Under § 12-314 of the Act, the Board also has the authority to impose a monetary fine, under certain circumstances.

The Board further charges the Respondent with a violation of the following provision of the Code of Md. Regs. tit. 10, §34.10.01 (1999):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(c) Health Occupations Article, Title 12, Annotated Code of Maryland[.].

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist[; or].

The Respondent was given notice of the issues underlying the Board's charges by a letter dated October 17, 2001. Accordingly, a Case Resolution Conference was held on December 3, 2001, and was attended by Laura Schneider and Stanton Ades, pharmacist members of the Board, LaVerne Naesea, Executive Director of the Board, Prince Boakye, student intern, and Paul Ballard, Counsel to the Board. Also in attendance were the Respondent and his attorney, Christine Gage, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was initially licensed on July 27, 1990. The Respondent last renewed his license on July 18, 2001. The Respondent's license expires on July 31, 2003.

2. At all times relevant hereto, the Respondent was employed as a Pharmacy Manager at Costco Pharmacy ("Costco") # 214, located in Beltsville, Maryland. The Respondent was employed at Costco from January 1999 to February 2000.

3. On or about February 8, 2000, Costco conducted an audit, which disclosed that approximately 77 prescriptions were filled for approximately 21 different patients using the physician name of Dimensions Health Care or Washington Hospital Center. The hard copy for these prescriptions was written on telephone blanks, indicating that they were called in to the pharmacy. For call-ins, the name of the actual individual prescriber is required. Costco investigated further and concluded that all 77 prescriptions were filled by the Respondent, but were not authorized by the listed prescriber.

4. The Board verified that, in many instances, for the purported Dimensions patients, these individuals had never been patients at Dimensions or had no prescriptions issued for them going back to 1990. Three of the prescriptions were for controlled drugs; the rest were for non-controlled drugs. In some instances, the Respondent filled prescriptions for himself or for a family member.

5. The Board further verified that, in creating these false records, the Respondent used a fictitious DEA number for Dimensions.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § §12-313 (b) (3), (7), (15) and (25). The Board further finds that the Respondent violated Code of Md. Regs. tit. 10, §34.10.01.01A (1) (c) and B (1) (1999).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 16th day of January, 2002, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice pharmacy is **SUSPENDED** for one month and that that Suspension is **IMMEDIATELY STAYED**.

It is further **ORDERED** that the Respondent be placed on indefinite Probation and that the Respondent may petition the Board for release from Probation after one year, if he has complied with the following conditions of probations:

1. Take and pass a Board-pre-approved college-level ethics course of two to three credits;
2. Take and pass the Maryland Pharmacy Law Test, with a score of at least 75%.

3. Submit quarterly self-reports to the Board on his progress.

4. By the time the first self-quarterly report is due, notify his employer of the existence of the Consent Order by providing the employer with a copy via a letter, with a copy of the cover letter to be sent tot the Board.

5. Ensure that his employer submits reports to the Board after six months and after one year on the Respondent's status.

6. Not have any ownership interest in a pharmacy.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it further

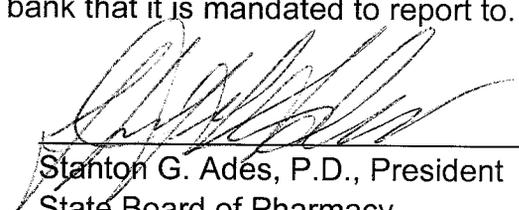
ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare or safety, the Board may take immediate action against the Respondent, including lifting the Stay of Suspension, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including lifting the Stay of Suspension. The burden of proof for any action brought against the Respondent as a

result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary. Should the Respondent fail to petition the Board, he shall remain on probation;

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.


Stanton G. Adés, P.D., President
State Board of Pharmacy

CONSENT OF LAWRENCE EKANEY, P.D.

I, Lawrence Ekane, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Christine Gage, and have been advised by her of the legal implication of signing this Consent Order;

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of § 12-101, *et seq.*, of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, *et seq.*, (1999 Repl. Vol.)

3. I am aware that I am entitled to a formal evidentiary hearing before the Board

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 12-315 of the Act and §10-201, *et seq.*, of the APA, and any right to appeal as set forth in § 12-316 of the Act and §10-201, *et seq.*, of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

1/16/02

Date



Lawrence Ekane, P.D.

STATE OF Maryland
CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 16th day of January, 2002, before me, Brenda N. Gardner, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Lawrence Ekane, License No. 12095, 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 WITNESSETH my hand and notarial seal.

Brenda N. Gardner
Notary Public

My Commission Expires: June 1, 2002

