

IN THE MATTER OF \* BEFORE THE STATE BOARD  
 GIANT PHARMACY #1132 \* OF PHARMACY  
 RESPONDENT-PHARMACY \*  
 Permit Number: P00274 \*  
 \* \* \* \* \*

**CONSENT ORDER**

The Maryland State Board of Pharmacy (the "Board") charged **Giant Pharmacy, #1132, (the "Respondent-Pharmacy")**, **Permit Number: P00274**, with violating certain provisions of the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann., §§ 12-101 et seq. (2000). Specifically, the Board charged the Respondent-Pharmacy with violating the following:

**H.O. § 12-403:**

- (b) *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;
  - (3) Shall ensure that a licensed pharmacist be immediately available on the premises to provide pharmacy services at all times the pharmacy is in operation;
  - (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title.

**H.O. § 12-313. Denials, reprimands, suspensions, and revocations- Grounds.**

- (b) *In general* - 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 any licensee, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

- (3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist.

### **FINDINGS OF FACT**

The Board finds:

1. At all times relevant herein, the Respondent-Pharmacy was originally issued a permit to operate a pharmacy on or about December 23, 1954. The Respondent-Pharmacy permit was last renewed on or about November 14, 2001. The Respondent-Pharmacy is located at 10040 Old Georgetown Road, Bethesda, Maryland.
2. On or about August 22, 2001, the Maryland Division of Drug Control ("Drug Control") conducted a routine inspection of Respondent-Pharmacy. While the Respondent-Pharmacy was being inspected, Jamil A. Manna, P.D. ("Manna") appeared for work. The Drug Control investigator noticed that Manna's pharmacy license was not posted in the Respondent-Pharmacy. Manna could not produce his pharmacy license when the Drug Control investigator requested it.
3. Because Manna could not produce his license, the Drug Control investigator contacted Board personnel to verify the status of Manna's license. The investigator was informed by Board personnel that Manna's license expired on January 31, 1999 and Manna's license had not been renewed.
4. Further investigation by the Board revealed that Manna was hired by Giant of

Maryland, LLC to work as a pharmacist in November 1997. Manna worked as a part-time pharmacist at the Respondent-Pharmacy since 1999.

**CONCLUSIONS OF LAW**

The Board finds that the Respondent-Pharmacy violated H.O. §§ 12-403(b)(1),(3), (9) and H.O. § 12-313(b)(3).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this <sup>10th</sup> day of April 2002, the Board, on the affirmative vote of a majority of its member then serving, hereby

**ORDER** that the Respondent-Pharmacy's permit is hereby **REPRIMANDED**; and be it further

**ORDERED** that the Respondent-Pharmacy be fined ten thousand dollars (\$10,000); to be paid one (1) month from the date of this Order; and be it further

**ORDERED** that the Respondent-Pharmacy must provide to the Board the policies and procedures in place to ensure that all employees are licensed at all times; and be it further

**ORDERED** that the Respondent-Pharmacy shall provide a statement to the Board that all current employees are licensed as of the signing of this Order; and be it further

**ORDERED** that if the Respondent-Pharmacy violates any of the terms or conditions of this Consent Order, then the Board, after determination of violation and notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including revocation, said violation being proved by a preponderance

of evidence; 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 Consent Order; and be it further

**ORDERED** that the Respondent-Pharmacy shall be responsible for all costs incurred under this Consent Order; and be it further

**ORDERED** that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999).

4/23/02  
Date

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

**CONSENT OF GIANT PHARMACY #1132**

I, Russell Fair, Vice President Pharmacy Operations, on behalf of Giant of Maryland, LLC, by affixing my signature hereto, acknowledge that:

1. Giant Pharmacy #1132 is represented by an attorney, Constance H. Baker. We have been advised by and have consulted with our attorney in regards to signing this Consent Order.
2. We are aware that we are entitled to a formal evidentiary hearing before the Board, pursuant to § 12-315 of the Act, Md. State Gov't. Code Ann. §§ 10-201 seq. (1999), and Code Md. Regs. tit. 10, § 10.34.01.
3. We acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which we would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on our own behalf, and to all other substantive and procedural protections provided by law.
4. We waive any right to contest the findings of fact and conclusions of law, and we waive our right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or as set forth in § 12-316 of the Act and Md. State Gov't Code Ann. §§ 10-201 et seq. (1999).
5. We acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, we may suffer disciplinary action, which may include revocation of Giant Pharmacy #1132's permit in the State of Maryland.

6. We sign this Consent Order without reservation as our voluntary act and deed. We acknowledge that we fully understand and comprehend the language, meaning, and terms of this Consent Order.

4/8/2002  
Date

Russell B Fair  
Russell Fair  
Vice President Pharmacy Operations  
Giant of Maryland, LLC

Read and Approved:

4-4-02  
Date

Constance H Baker  
Constance H. Baker  
Attorney for the Respondent-Pharmacy

**NOTARY**

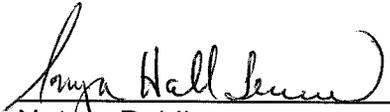
STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY THAT on this 8<sup>th</sup> day of April, 2002, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Russell Fair, Vice President Pharmacy Operations, and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

**SONYA HALL TURNER, NOTARY PUBLIC  
MONTGOMERY COUNTY, MD  
My Commission Expires December 11, 2004**

  
Notary Public

My Commission Expires: December 11, 2004

