

**IN THE MATTER OF
GIANT PHARMACY #136
PERMIT NO. P00275**

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**BEFORE THE
MARYLAND BOARD
OF PHARMACY**

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”), while investigating allegations of diversion at Giant Pharmacy #136 (the “Pharmacy”) by a pharmacy technician, determined that the pharmacy technician was not duly registered with the Board.

In lieu of issuing Charges against the Pharmacy for violation of the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference with the Pharmacy and its counsel on November 10, 2010. As a result, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On October 30, 2009, the Pharmacy submitted to the Board copies of DEA-106 forms it had filed with the DEA in order to report theft or loss of controlled substances from the Pharmacy.
2. In the DEA-106 forms, the Pharmacy reported theft of controlled substances by Pharmacy Technician A.
3. Upon investigation, the Board determined Pharmacy Technician A was not registered with the Board. Further, and unbeknownst to the Pharmacy, the Board had no application on file from Pharmacy Technician A.
4. Pharmacy Technician A worked at the Pharmacy from approximately March 15, 2009, to October 8, 2009. While Pharmacy Technician A was entitled to work as a pharmacy

technician trainee for six (6) months under Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-6B-01(b)(2), Pharmacy Technician A continued to work as a pharmacy technician trainee from September 15, 2009 to October 8, 2009 without a registration.

5. The Pharmacy terminated Pharmacy Technician A on October 8, 2009 for theft.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Giant Pharmacy #136 is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-403(b)(1).

ORDER

Based on an affirmative vote of the Board, it is this 25th day of January, 2011, hereby:

ORDERED that Giant Pharmacy #136 shall pay a FINE of \$1,000, payable to the Maryland Board of Pharmacy within thirty (30) days of the date of this Order; and be it further

ORDERED that within thirty (30) days of the date of this Order, Giant Pharmacy #136 shall submit to the Board copies of its policies and procedures regarding pharmacy technician training and registration; and be it further

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

1/25/2011
Date

for [Signature]
Michael Souranis, R.Ph.
President
Maryland Board of Pharmacy

CONSENT

1. Giant Pharmacy #136 consents to the foregoing Order as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy the right to a full evidentiary hearing in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf and to all other substantive and procedural protections provided by law.
2. Giant Pharmacy #136 waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. Giant Pharmacy #136 acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. Giant Pharmacy #136 executes this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

January 10, 2011
Date

Thomas A. Hopper
Name Thomas A. Hopper
Title: Executive Vice President - General Counsel

STATE OF Massachusetts :
COUNTY/CITY OF Norfolk :

I hereby certify that on this 10th day of January, 2011, before me, a Notary Public of the State and County/City aforesaid, personally appeared Thomas A. Hopper on behalf of Giant Pharmacy #136, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed.

Shirley H. Brennan
Notary Public
My commission expires: 3/9/12