

**IN THE MATTER OF**  
**MARTHA OKWARA, P.D.**  
**LICENSE No. 11549**  
**RESPONDENT**

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**BEFORE THE**  
**MARYLAND STATE**  
**BOARD OF PHARMACY**

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**CONSENT ORDER**

**BACKGROUND**

Based on the information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to the Maryland Pharmacy Act, Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994 Repl. Vol.), (the "Act"). The Board charged **Martha Okwara, P.D. License No. 11549** ( the "Respondent"), with violation of certain provisions of §12-313. Specifically, the Board charged the Respondent with violation of the following provisions of §12-313 of the Act:

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 license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (14) Fraudulently or deceptively obtains or attempts to obtain a license for the applicant or licensee or for another;

**CHARGES UNDER THE MARYLAND PHARMACY ACT**

The Maryland State Board of Pharmacy (the "Board") hereby charges **Martha Okwara, P.D., License Number: 11549** (the "Respondent"), with violation of certain provisions of the Maryland Pharmacy Act, Md. Code Ann., Health Occ. §12-101 et seq. (1994 Repl. Vol.), (the

"Act"). Specifically, the Board charges the Respondent with violation of the following provisions of the Act:

**§12-311. Display of licenses.**

Each licensee shall display the license conspicuously in the office or place of business of licensee.

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

(b) 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 applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (16) Violates any provision of §12-509 of this title, which concerns the labeling requirements for prescription medicines;
- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board.

**§12-509. Labeling requirements for prescription medicines.**

- (b) Label required.--Except for a medication dispensed to an inpatient in a hospital or related institution, a pharmacist shall label each container of medication that the pharmacist dispenses.
- (c) Required information.--In addition to any other information required by law, the pharmacist shall include on the label:
  - (1) The date the prescription is filled; and
  - (2) Unless otherwise required by the prescriber:
    - (I) The month and year when the medication expires, if known;
    - (ii) Any appropriate special handling instructions regarding proper storage of the medication; and
    - (iii) Subject to the provisions of subsection (d) of this section, the name and strength of the medication.

(d) Name of medication.- (1) Except as provided in paragraph (2) of this subsection, the pharmacist shall indicate on the label the same name for the medication as that used by the authorized prescriber.

(2) If, under §12-508 of this subtitle, the pharmacist substitutes a drug product for that named by the authorized prescriber, the pharmacist shall indicate on the label both the established name of the drug product prescribed and the name of the manufacturer or distributor of the drug dispensed.

(e) Medication dispensed by an authorized prescriber.- (1) Except as provided in this subsection, if an authorized prescriber dispenses medication, the prescriber shall label each container of the medication.

(2) In addition to any other information required by law, the authorized prescriber shall include on the label:

(i) The name and strength of the medication;

(ii) The date the prescription is dispensed;

(iii) The month and year when the medication expires; if known; and

(iv) Any appropriate special handling instructions regarding proper storage of the medication.

The Board also charges the Respondent with violating the following provisions of the Code of Maryland Regulations (“COMAR”) :

**10.34.19.08. Information Required on Prescriptions on Patient Drug File.**

01. Information required on all Original and Refill Prescriptions or Patient Drug Profiles or Computerized Patient Drug Records.

In addition to the information required by law on every prescription, patient drug profile, or computerized patient drug record, the following information shall be legibly entered on all original and refill prescriptions or patient drug profiles or computerized patient drug records:

A. The date of filing or refilling;

B. The initials of, or other identifying symbol, for the pharmacist responsible for filling or refilling the prescription.

## PROCEDURAL BACKGROUND

The Respondent was given notice of the charges and the issues underlying those charges, by letter and charging document sent to the Respondent on or about October 1, 1997. A case resolution conference was held on December 4, 1997. The case resolution conference was attended by Board members Stanton Ades, P.D. and Barbara J. Faltz Jackson, Paul Ballard, Assistant Attorney General and Counsel to the Board; Sherrai V. Hamm, Assistant Attorney General and Administrative Prosecutor; the Respondent and John C. Murphy, Esquire, Counsel for the Respondent. As a result of discussions held at the foregoing case resolution conference, the parties agreed to enter into this final consent order.

## FINDINGS OF FACT

The Board makes 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.
2. At all times relevant to the charges herein, the Respondent was a full-time pharmacist at Lake Arbor Discount Pharmacy ("Lake Arbor") located at 10266 Lake Arbor Way, Mitchellville, MD 20721. According to the pharmacy permit holder's application and renewal application the Respondent was the only pharmacist registered to work at Lake Arbor and was solely responsible for the pharmacy operations of Lake Arbor.<sup>1</sup>
3. The following facts pertain to events that occurred on March 26, 1997:
  - a. On March 26, 1997, the Board's pharmacist compliance officer, David Denoyer, called Lake Arbor to speak with its owner about the pharmacy's renewal application for

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<sup>1</sup> The Respondent is the spouse of the permit holder.

a pharmacy permit. Lake Arbor's pharmacy permit had expired approximately three months prior to the compliance officer's telephone call. Mr. Denoyer was informed by a store clerk that neither the permit holder nor the Respondent was at Lake Arbor. When Mr. Denoyer asked what time the respondent would arrive, he was told that the Respondent would not be in that day.

b. Concerned that the Respondent was not at the pharmacy, Mr. Denoyer went to Lake Arbor. Upon entering Lake Arbor, Mr. Denoyer noticed that the pharmacy area was located in the back of the store. The only employee in Lake Arbor was a cashier, who was working at the front of the store. Although the Respondent was not at the pharmacy, the pharmacy area was not secured and closed off from the remainder of the store.

c. Mr. Denoyer was able to enter the unlocked pharmacy by passing through a three foot high swinging door that made the pharmacy area clearly accessible to anyone who went through the door. Upon entering the pharmacy area, Mr. Denoyer noticed that the computer was on and the prescription filling screen was visible. Prescriptions, notes, invoices, and other documents were scattered all over the counters. Mr. Denoyer also noticed that the storage area for the controlled dangerous substances ("CDS") was not locked and was freely accessible to anyone who came into the pharmacy area. Further, the Respondent's pharmacy license was not displayed.

5. On April 1, 1997, Robert Chang, of the Division of Drug Control and Mr. Denoyer went to Lake Arbor to conduct an inspection of the pharmacy.<sup>2</sup> While inspecting the pharmacy, Messrs. Denoyer and Chang discovered that:

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<sup>2</sup> Mr. Chang is a licensed pharmacist in the State of Maryland.

a. The Respondent did not place a red letter "C" on the CDS Schedule II prescriptions that she filled. She also failed to separate the CDS Schedule II from other CDS.

b. The CDS prescriptions that were filled by the Respondent had no transfer labels. In many cases, the name of the manufacturer of generic drug substitute, the Respondent's initials, and the drug's dispensing date were not on prescriptions that had already been filled by the Respondent.

c. The pharmacy lacked a class A balance, a signature log for refills, an appropriate reference library, and small measuring utensils. Lake Arbor had a refrigerator, but it did not have the proper temperature setting. The refrigerator also contained food and drugs.

d. The Respondent had no record of prescriptions that she prepared or dispensed in the pharmacy.

e. The Respondent's license and the pharmacy's permits were lying on a counter instead of being prominently displayed.

f. Unlabeled vials of drugs were on the shelves.

6. On April 23, 1997, Mr. Denoyer conducted a follow-up investigation on Lake Arbor. While inspecting the pharmacy, Mr. Denoyer discovered the following violations:

a. The Respondent had no prescriptions for drugs that she recently dispensed.

b. The Respondent had no printouts for the CDS dispensed.

7. On May 5, 1997, Jack Freedman of the Drug Control Division and Mr. Denoyer conducted a follow-up on Lake Arbor. While inspecting the pharmacy, Messrs. Denoyer and Jack Freedman observed the following violations:

- a. The Respondent failed to place "no transfer" labels on CDS prescriptions.
- b. The pharmacy had no generic substitution reference book.
- c. Unlabeled vials of drugs were on the shelves.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Facts, the Board finds that the Respondent violated §12-313 (b)(16), (20), and (24); §12-509 (b), (c), (d), (e); and COMAR 10.34.19.08.01 (A) and (B).

### **ORDER**

Based upon the foregoing Findings of Facts, Conclusions of Law and agreement of the parties, it is this 10 day of JUNE 1998, by a majority of the quorum of the Board, it is hereby

**ORDERED** that the Respondent is hereby placed on **PROBATION** for a period of **ONE YEAR** subject to the following conditions:

1. The Respondent shall earn a total of twenty-four (24) Board-approved continuing education credits. The continuing education credit shall be evenly divided in the areas of controlled dangerous substances, drug enforcement administration, pharmacy record keeping, and pharmacy practice. The continuing education credits required by this order can not be used to satisfy the continuing education requirements for the renewal of the Respondent's pharmacy license. All twenty-four (24) continuing education credits shall be completed no later than the last day of the probationary period set forth herein.
2. The Respondent shall not work in a pharmacy owned by a family member.

3. The Respondent shall not personally own a pharmacy.
4. The Respondent shall be required to have a Board approved mentor who will monitor the Respondent's practice. The Board approved monitor shall submit a monthly report to the Board of the Respondent's practice and record keeping. The report shall be submitted on a monthly basis for the first six months of the Respondent's probation. Thereafter, the monitor's report shall be submitted on a quarterly basis. The monitor's first report is due on August 1, 1998. Thereafter, each report shall be due no later than the 1st day of the month.
5. The Respondent shall be required to pay all cost associated with the Board approved mentor. The Respondent shall be responsible for ensuring that all reports reach the Board's office.
6. The Respondent shall provide a copy of this Order to her pharmacy employer. Within ten (10) days of the date of this Order. The Respondent shall arrange for her employer to acknowledge in writing to the Board that the employer has received a copy of the Order and agrees to comply with the Conditions pertaining to the employer.
7. The Respondent's employer shall submit to the Board quarterly reports that evaluates the Respondent's work ethic and progress. The employers first report shall be due on August 1, 1998. Thereafter, the Respondent's employer reports shall be due on the November 1, 1998, February 1, 1999, and May 1, 1999.

**ORDERED** that in the event that the State Board of Pharmacy receives an unsatisfactory report which it believes in good faith to be accurate, or in the event that the State Board of Pharmacy finds for any reason, in good faith, that the Respondent has violated any provision of Title 12 of the Health Occupation article or regulations thereunder, or has violated the conditions

of probation herein, the Board may take immediate action against the Respondent's license, including but not limited to, revocation or suspension, after giving the Respondent notice of the charges and the opportunity for a hearing; and be it further

**ORDERED** that no earlier than one (1) year from the commencement date of the Respondent's probation, the Board shall entertain a written petition for termination of the Respondent's probationary status and full reinstatement of his license to practice as a pharmacist without probationary conditions. The Board shall terminate the Respondent's probationary status and restore Respondent's license to practice as a Pharmacist without conditions or restrictions, only after the Respondent has demonstrated to the Board that he has fully complied with the terms of this Consent Order; and be it further

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

**ORDERED** that this is a **FINAL ORDER** and as such is a public document pursuant to §10-611 et seq. of the State Government Article, Annotated Code of Maryland.

**ORDERED** that for purposes of public disclosure, as permitted by §10-617(h), Md. Code Ann., State Gov't Art. this document consists of the contents of the foregoing Background, Findings of Facts, Conclusions of Law and Order.

4/11/98  
Date

David Russo  
David Russo, P.D., MBA, President  
Board of Pharmacy

**CONSENT OF MARTHA OKWARA, P.D.**

I, Martha Okwara, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by John C. Murphy, Esquire and I have had the opportunity to consult with counsel before signing this document;
2. I am aware that without my consent, my license to practice as a pharmacist in this State, cannot be limited except pursuant to the provisions of §13-316 of the Act, Md. Code Ann., State Gov't Art. (B) (201) et seq. and COMAR 10.34.18.02. (A) and (B).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

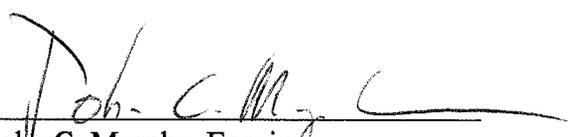
By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order. By doing so, I waive my right to a formal hearing as set forth in §12-315 of the Act and Md. Code Ann., State Gov't Art. 10-201 et seq. I acknowledge that by failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice as a pharmacist in the State of Maryland.

06/6/98  
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Date

  
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Martha Okwara, P.D.

Read and Approved:

6-8-98  
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Date

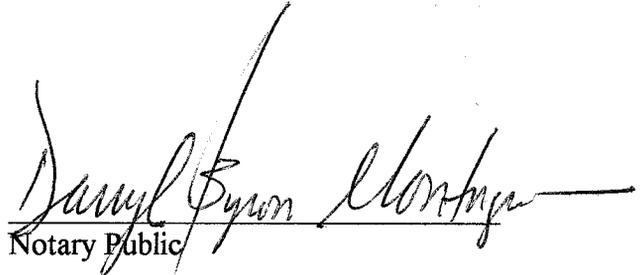
  
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John C. Murphy, Esquire  
Attorney for Respondent

STATE OF MARYLAND

CITY/COUNTY OF: \_\_\_\_\_

I HEREBY CERTIFY that on this 6 day of June, 1998, a Notary Public of the State of Maryland and (City/County), Darryl B. Montague, personally appeared Martha Okwara, P.D., License Number 11549, 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

My Commission Expires: 5/31/2000

DARRYL BYRON MONTAGUE  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires May 31, 2000

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