

3. The owner or Respondent permit-holder admitted to the Maryland State Police that this activity had been ongoing for a period of approximately five years, approximately three times per week for a period of approximately \$1,200-2,000 per week.

4. Section 12-4091, 2 of Title 12, Health Occupations Article, Annotated Code of Maryland, prohibits a pharmacy from being conducted so as to endanger the public health or safety, §12-409(2) prohibits a pharmacy from violating any of the standards specified in §12-403, which standards include (a)(1) being operated in compliance with the law and with the rules and regulations of the Board; (a)(8) from participating in any activity that is a ground for Board action against a licensed pharmacist; and §409(3) is otherwise not conducted in accordance with the law, including labelling requirements and prescription requirements (§§12-510 and 12-311(b)(14) respectively).

FINDING IN SUPPORT OF EMERGENCY ACTION

Based upon the foregoing reasons, the Board finds that the standards for emergency action set forth by State Government Article §10-405(b) have been met and further finds that the public health, safety and welfare imperatively require that the Board take the emergency action of summarily suspending the Respondent's permit to operate as a pharmacy pursuant to State Government Article, §10-405(b), Annotated Code of Maryland.

ORDER

It is this 9 day of October, 1990, by the Board of
Pharmacy

ORDERED that pursuant to the authority vested in the
Board by State Government Article, §10-405 of the Annotated Code
of Maryland, that the permit of **TOWERS PHARMACY**, Permit # P00791,
and is **SUMMARILY SUSPENDED**; and be it further

ORDERED that on presentation of this Order, Respondent
permit-holder shall immediately deliver to the Investigator of
the Investigative Unit of the Department of Health and Mental
Hygiene of Maryland its wall permit; and be it further

ORDERED that, pursuant to State Government Article,
§10-405(b), an expedited hearing to consider this Order for
Emergency Suspension shall be held before the Board, if
requested, on October 17, 1990, in Room 109 at 4201 Patterson
Avenue, Baltimore, Maryland 21215; otherwise the hearing
schedule will be as set forth in the enclosed "Charges Under the
Pharmacy Practice Act."

Oct 9, 1990

Date

Roslyn Scheer

Roslyn Scheer
Executive Director
Board of Pharmacy

IN THE MATTER OF
TOWERS PHARMACY
PERMIT # P00791

* BEFORE THE
* MARYLAND BOARD
* OF PHARMACY

* * * * *

CHARGES UNDER THE MARYLAND PHARMACY ACT

Based on information received by the State Board of Pharmacy (the "Board"), the Board hereby charges TOWERS PHARMACY (the "Respondent"), permit-holder, Permit # P00791 with having violated §12-409(1), 409(2), by violating §12-403(a)(1) and (a)(8), and 409(3) of the Maryland Pharmacy Act (the "Act"), by violating §12-510(b), (c) and §601(c) Health Occupations Article, Annotated Code of Maryland.

- 12-409 Subject to the hearing provisions of §12-410 of this subtitle, the Board may suspend or revoke the 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;
- §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;
 - (8) May not participate in any activity that is a ground for Board action against a licensed pharmacist under §12-311 of this title.
- §12-409(3) Otherwise is not conducted in accordance with the law.
- §12-510(b), (c) 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.

§12-311(14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

ALLEGATIONS 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 was issued a permit to operate a pharmacy in the State of Maryland.

2. On or about October 1, 1990, the Respondent permit-holder dispensed prescription drugs, including Dilaudid (Schedule II), Percodan (Schedule III), Frastin (Schedule IV) and Emprin III (Schedule III) to the following persons without a prescription: George Perakis, Greg Sammons and Michael Besser.

3. All of the above were in violation of the Act.

NOTICE OF POSSIBLE SANCTIONS

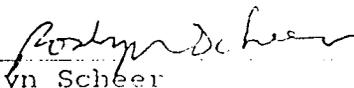
If, after a hearing, the Board finds cause to take action under §12-409 and 409.1, the Board may impose disciplinary sanctions against Respondent's license, including revocation or suspension or may fine or place the Respondent on probation.

NOTICE OF HEARING AND PREHEARING CONFERENCE

A hearing in this matter has been scheduled for November 21, 1990 at 1:00 p.m. in Room 109, 4201 Patterson Avenue, Baltimore, Maryland 21215.

In addition, a prehearing conference in this matter has been scheduled for October 24, 1990 at 9:00 a.m. in Room 301, 4201 Patterson Avenue, Baltimore, Maryland 21215. The nature and purpose of the prehearing conference is described in the attached letter to Respondent.

Oct 9, 1990
Date



Roslyn Scheer
Executive Director
Board of Pharmacy