IN THE MATTER OF	*	**THE MARYLAND BOARD**
SUNRISE PHARMACY	*	**OF PHARMACY**
Permit No. P04305	*	**Case No. PI-11-076**

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board"), while processing pharmacy technician applications, discovered that an employee of Sunrise Pharmacy (the "Pharmacy") had possibly been performing pharmacy technician duties without a valid registration or without exempt pharmacy technician trainee status.

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 permit holder on February 2, 2011. As a result, Sunrise Pharmacy and the Board have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. In August, 2010, the Board received an application from an employee of Sunrise Pharmacy. The applicant was attempting to become registered as a pharmacy technician through the grandfathering provisions of the Maryland Pharmacy Act.
2. The Maryland Pharmacy Act was amended in 2006 to require the registration of pharmacy technicians. Md. Code Ann., Health Occ. Section 12-6B-01, *et seq.* The pharmacy technician law included a grandfathering provision that allowed individuals who had been working for the same permit holder since January 2006 to be exempt from certain other educational and training requirements normally required for registration.

3. As the law has been in effect since 2006, and the corresponding regulations have been effective since January 28, 2008. The Board no longer issues pharmacy technician registrations through grandfathering since such applicants would have been working as pharmacy technicians in the interim without being duly registered.
4. The Pharmacy permit holder attested on the employee's application that the employee "[h]as worked continuously in the pharmacy area of Sunrise Pharmacy since January 1, 2006" and "[h]as performed assigned pharmacy technician duties competently under [his] supervision."
5. The Pharmacy permit holder asserts that the employee's pharmacy technician application was submitted to the Board in error.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Sunrise Pharmacy 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 11TH day of MARCH, 2011, hereby:

ORDERED that Sunrise Pharmacy shall pay a FINE of $250, payable to the Maryland Board of Pharmacy within sixty (60) days of the date of this Order; 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).

3-11-2011
Date

Michael N. Souranis, R.Ph.
President, Maryland Board of Pharmacy

CONSENT

1. Sunrise Pharmacy 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. Sunrise Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. Sunrise Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. Sunrise Pharmacy 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.

03/01/2011
Date

Christian Amuchie, Owner
Sunrise Pharmacy

STATE OF MD :
COUNTY/CITY OF Baltimore :

I hereby certify that on this 1st day of March, 2011, before me, a Notary Public of the State and County/City aforesaid, personally appeared Christian Amuchie on behalf of Sunrise Pharmacy, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Notary Public
My commission expires: 6/11