

IN THE MATTER OF

MOHAMMED EMAMHOSSEINI

Respondent

Unlicensed

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BEFORE THE

MARYLAND STATE

BOARD OF PHARMACY

Case Number: 13-060

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CONSENT ORDER

PROCEDURAL BACKGROUND

On April 17, 2013, the Maryland State Board of Pharmacy (the "Board") charged **MOHAMMED EMAMHOSSEINI** (the "Respondent") under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 Repl. Vol. and 2012 Supp.).

The Board charged the Respondent with violating the following provisions of the Act:

H.O. § 12-701. Practicing pharmacy without a license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice pharmacy in this State unless licensed by the Board.

H.O. § 12-704. Misrepresentations.

- (a) *Misrepresentation as authorized practitioner of pharmacy.* – (1) Unless authorized to practice pharmacy under this title, a person may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the person is authorized to practice pharmacy in this State.
- (2) Unless authorized to practice pharmacy under this title, a person may not use the terms "pharmacist" or "druggist" with the intent to represent that the person practices pharmacy.

H.O. § 12-6B-12. Registration required.

Except as otherwise provided in this title, an individual may not work, attempt to work, or offer to work as a registered pharmacy technician in this State unless registered with the Board.

H.O. § 12-6B-14. Unauthorized practice – Representation to public.

- (a) *In general.* – Except as otherwise provided in this subtitle, an individual may not represent to the public by title, by description of services, methods, or procedures, or otherwise, that the individual is registered to work as a registered pharmacy technician unless registered in accordance with this subtitle.
- (b) *Use of certain terms prohibited.* – Except as otherwise provided in this subtitle, an individual may not use the terms “registered pharmacy technician” with the intent to represent that the individual is authorized to work as a registered pharmacy technician unless registered as a pharmacy technician under this subtitle.

H.O. § 12-707. Penalties; report of convictions.

- (e) *Civil penalty.* – (1) Any person who violates § 12-701 (“Practicing pharmacy without a license”) ... or § 12-6B-12 (“Working as an unregistered pharmacy technician”) of this title is subject to a civil fine of not more than \$ 50,000 to be assessed by the Board.

On June 26, 2013, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, which consists of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was not registered as a registered pharmacy technician in the State of Maryland, or was otherwise exempt from licensing or registration requirements relating to the practice of pharmacy. The Respondent is a pharmacy school graduate but at all times relevant herein, was not licensed to practice pharmacy in the State of Maryland.

2. The Board initiated an investigation of the Respondent after conducting an annual inspection in late 2012/early 2013 of the Thomas Johnson Pharmacy ("Thomas Johnson"), a retail pharmacy located at 177 B Thomas Johnson Drive, Frederick, Maryland 21702. The Respondent is reportedly co-owner of Thomas Johnson with his sister, Farangis Emamhosseini, P.D. In 2011, the Board issued a pharmacy permit to Thomas Johnson under Permit Number P05438 that is currently active.

3. On or about November 30, 2012, the Board conducted an annual inspection of Thomas Johnson, during which time the Board's inspector observed the Respondent working in the pharmacy. The Respondent reportedly stated to the Board inspector that he worked at Thomas Johnson as a pharmacy technician, making deliveries, being involved in marketing and going to physicians' offices to advertise to get business.

4. The Board's investigation determined that the Respondent worked as a pharmacy technician at Thomas Johnson without being registered by the Board. The Respondent is not and has never been registered to work as a pharmacy technician in the State of Maryland and has never applied for a student exemption to practice pharmacy.

5. The Respondent's work, attempt to work or offer to work as a registered pharmacy technician, without a registration constitutes a violation of H.O. § 12-6B-12.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provisions of the Act: an individual may not work, attempt to work or offer to work as a registered pharmacy technician in this State unless registered by the Board, in violation of H.O. § 12-6B-12.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 26th day of August, 2013, by the affirmative vote of the affirmative vote of a majority of the members of the Board then serving:

ORDERED that within **SIXTY (60) DAYS** from the date the Board executes this Consent Order, the Respondent shall pay a civil fine in the amount of **FIVE HUNDRED (\$500.00) DOLLARS**, by certified check or money order, payable to The Maryland State Board of Pharmacy; and it is further

ORDERED that the Respondent shall cease and desist from engaging in delegated pharmacy acts unless and until he is duly registered with the Board as a pharmacy technician or is otherwise exempted under the law; and it is further

ORDERED that the charges under H.O. § 12-701 (Practicing Pharmacy Without a License); and H.O. § 12-704(a)(2) (Misrepresentation as Authorized Practitioner of Pharmacy) are hereby **DISMISSED**; and it is further

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't. Code Ann. § 10-611 *et seq.* (2009 Repl. Vol. and 2012 Supp.).

Date 8/26/13

Lenna Israbian-Jamgochian
for Lenna Israbian-Jamgochian, P.D.
President
Maryland State Board of Pharmacy

CONSENT

I, Mohammed Emamhosseini, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and

terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

Aug. 3, 2013
Date


Mohammed Emamhosseini
Respondent

Read and approved:
August 19, 2013
Date


Aaron L. Moore, Esquire
Counsel for Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Montgomery

I HEREBY CERTIFY that on this 3rd day of August, 2013, before me, a Notary Public of the State and County aforesaid, personally appeared Mohammed Emamhosseini, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public

My commission expires: 9/4/13

LAURIE A. OUTSA
NOTARY PUBLIC
MONTGOMERY COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 9 2013