

IN THE MATTER OF
GLORY PHARMACY
PERMIT No: P07638
Respondent

*** BEFORE THE**
*** MARYLAND BOARD**
*** OF PHARMACY**
*** Case No.: 19-333**

* * * * *

CONSENT ORDER

On July 17, 2019, the Maryland Board of Pharmacy (“the Board”) charged **GLORY PHARMACY** Permit No.: **P07638** (“the Respondent-Pharmacy”), under the Maryland Pharmacy Act, (the “Act”) Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.) and the Code of Maryland Regulations (“COMAR”).

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

§ 12-403. Required standards.

.....

(c) *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;

.....

(9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title, a registered pharmacy technician under § 12-6B-09 of this title, or a registered pharmacy intern under § 12-6D-11 of this title[.]

§ 12-313. Denials, reprimands, suspensions, and revocations —Grounds

....

- (b) *In general* — 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 . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the licensee:

....

- (2) Fraudulently or deceptively uses a license;

....

- (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;

....

- (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

- (25) Violates any rule or regulation adopted by the Board[.]

The Board also charged the Respondent-Pharmacy with violating the following

COMAR provisions:

COMAR 10.34.10.01. Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03;
- (2) Verify the accuracy of the prescription before dispensing the drug or device if the pharmacist has reason to believe that the prescription contains an error[.]

.....

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

COMAR 10.19.03.07. Prescriptions.

.....

B. Persons Entitled to Issue Prescriptions (21 CFR §1306.03).

- (1) A prescription for a controlled dangerous substance may be issued only by an individual practitioner who is:
 - (a) Authorized to prescribe controlled dangerous substances in the State of Maryland, in which the practitioner is licensed to practice the practitioner's profession; and
 - (b) Either registered or exempted from registration pursuant to 21 CFR §1301.22(c) and 21 CFR §1301.23.

.....

C. Purpose of Issue of Prescription (21 CFR §1306.04).

- (1) A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of the individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Maryland Controlled Dangerous Substances Act Criminal Law Article, §§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

COMAR 10.19.03.08. Controlled Substances Listed in Schedule II.

A. Requirement of Prescription-Schedule II (21 CFR §1306.11).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in §A(4) of this regulation. Except as noted in §A(5)-(7) of this regulation, a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's agent to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of a controlled substance.

COMAR 10.19.03.09. Controlled Substances Listed in Schedules III, IV, and V.

A. Requirement of Prescriptions Listed in Schedules III, IV, and V (21 CFR §1306.21).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedules III, IV, or V, which is a

prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, or State Law, only pursuant to either a written prescription signed by a prescribing individual practitioner or a facsimile received by facsimile equipment of a written, signed prescription transmitted by the practitioner or the practitioner's agent to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner and immediately reduced to writing by the pharmacist containing all information required in Regulation .07 of this chapter, except the signature of the prescribing individual practitioner.

On September 11, 2019, the Respondent-Pharmacy, along with their attorney, John Kerney, Esquire, and Kelly Cooper, Administrative Prosecutor, attended a Case Resolution Conference ("CRC") with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. As a result of the CRC, the Respondent-Pharmacy and the State agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

I. FINDINGS OF FACT

The Board finds:

1. At all times relevant hereto, the Respondent-Pharmacy had a permit to operate as a pharmacy in the State of Maryland. The Respondent-Pharmacy was originally issued a permit on or about November 16, 2017. The Respondent-Pharmacy's permit expires on May 31, 2020. The sole owner of the Respondent-Pharmacy was a pharmacist (the "Respondent").

2. At all times relevant hereto, the Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was originally licensed to practice

pharmacy in Maryland on or about November 26, 2002. The Respondent's license expires on September 30, 2020.

3. On or about February 26, 2019, the Board received a copy of a consent order dated February 19, 2019, issued by the Office of Controlled Substances Administration ("OSCA Consent Order") and which suspends the Respondent-Pharmacy's CDS registration as it relates to all Schedule II Controlled Dangerous Substances ("CDS") for one year.

4. As part of the OSCA Consent Order, the Respondent-Pharmacy agreed to the following Findings of Fact:

- a. On July 19, 2018, OSCA conducted a routine CDS inspection of the Respondent-Pharmacy. The Respondent was the Respondent-Pharmacy's sole employee at all times prior to that inspection.
- b. "Between its official opening on February 16, 2018 and August 1, 2018, [the] Respondent-Pharmacy filled 67 fraudulent prescriptions, 31 of which were for controlled dangerous substances."
- c. The "Respondent-Pharmacy filled 26 fraudulent prescriptions and dispensed 2,435 pills of oxycodone, a Schedule II substance."
- d. The "Respondent-Pharmacy filled 4 fraudulent prescriptions for Alprazolam 2mg (360 pills) and 1 fraudulent prescription for Tramadol 50mg (60 pills), both Schedule IV substances."
- e. "Many [of the fraudulent prescriptions] contained red flags such as prescriptions for high strength and high quantity, inconsistent prescription

paper from the prescriber's office, and improper medication directions as well as incorrect practice names, nonexistent practices, incorrect addresses, and incorrect telephone numbers.”

f. During the July 19, 2018 inspection, OSCA also discovered that “the physical count of Oxycodone 30mg did not match the count in [the] Respondent-Pharmacy’s perpetual inventory book.”

5. The OSCA Consent Order concluded as a matter of law that the Respondent-Pharmacy violated Md. Code Ann., Crim. Law §§ 5-501(a), 5-501(b), 5-503(b), 5-504(a), and 5-902(c), and COMAR 10.19.03.07(C)(1).

II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent-Pharmacy violated the following provisions of the Act:

§ 12-403. Required standards.

....

(c) *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;

....

(9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title, a registered pharmacy technician under § 12-6B-09 of this title, or a registered pharmacy intern under § 12-6D-11 of this title[.]

§ 12-313. Denials, reprimands, suspensions, and revocations —Grounds

.....

- (b) *In general* — 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 . . . reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the licensee:

.....

- (2) Fraudulently or deceptively uses a license;

.....

- (15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber;

.....

- (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

- (25) Violates any rule or regulation adopted by the Board[.]

The Board also concludes that the Respondent-Pharmacy violated the following COMAR provisions:

COMAR 10.34.10.01. Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
- (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,

- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03;
- (2) Verify the accuracy of the prescription before dispensing the drug or device if the pharmacist has reason to believe that the prescription contains an error[.]
-

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

COMAR 10.19.03.07. Prescriptions.

.....

B. Persons Entitled to Issue Prescriptions (21 CFR §1306.03).

- (1) A prescription for a controlled dangerous substance may be issued only by an individual practitioner who is:
 - (a) Authorized to prescribe controlled dangerous substances in the State of Maryland, in which the practitioner is licensed to practice the practitioner's profession; and
 - (b) Either registered or exempted from registration pursuant to 21 CFR §1301.22(c) and 21 CFR §1301.23.
-

C. Purpose of Issue of Prescription (21 CFR §1306.04).

- (1) A prescription for a controlled dangerous substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of the individual practitioner's professional practice. The responsibility for the proper prescribing and dispensing of controlled dangerous substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of the Maryland Controlled Dangerous Substances Act Criminal Law Article, §§5-501-5-505, Annotated Code of Maryland, and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled dangerous substances.

COMAR 10.19.03.08. Controlled Substances Listed in Schedule II.

A. Requirement of Prescription-Schedule II (21 CFR §1306.11).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in §A(4) of this regulation. Except as noted in §A(5)-(7) of this regulation, a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's agent to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of a controlled substance.

COMAR 10.19.03.09. Controlled Substances Listed in Schedules III, IV, and V.

A. Requirement of Prescriptions Listed in Schedules III, IV, and V (21 CFR §1306.21).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedules III, IV, or V, which is a

prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, or State Law, only pursuant to either a written prescription signed by a prescribing individual practitioner or a facsimile received by facsimile equipment of a written, signed prescription transmitted by the practitioner or the practitioner's agent to the pharmacy or pursuant to an oral prescription made by a prescribing individual practitioner and immediately reduced to writing by the pharmacist containing all information required in Regulation .07 of this chapter, except the signature of the prescribing individual practitioner.

III. ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 26th day of September, 2019, by the affirmative vote of a majority of the members of the Board then serving:

ORDERED that the Respondent-Pharmacy's permit to practice pharmacy in the State of Maryland shall be **SUSPENDED** for a period of **ONE (1) YEAR**, with all one (1) year **STAYED**; and it is further

ORDERED that the Respondent-Pharmacy's permit shall be placed on **Probation** for a period of at least **THREE (3) YEARS**, subject to the following terms and conditions:

1. During the probationary period, the Board, at its discretion, may conduct random inspections of the Respondent-Pharmacy;
2. During the probationary period, the Board, shall obtain quarterly reports from the prescription drug monitoring program (PDMP) for the Respondent-Pharmacy;
3. During the probationary period, the Respondent-Pharmacy shall maintain a perpetual inventory for all controlled dangerous substances ("CDS"), and the perpetual inventory shall be readily available for any Board inspection;
4. The Respondent-Pharmacy shall provide training to all pharmacy staff members regarding valid prescriber-patient relationships and any drugs of abuse. Such training shall occur within ninety (90) days of

the effective date of the Consent Order and yearly thereafter for the duration of the probationary period. The Respondent-Pharmacy shall provide written documentation indicating the successful completion of these trainings;

5. The Respondent-Pharmacy shall **CEASE AND DESIST** filling all Schedule II controlled dangerous substances (“CDS”) in Maryland unless and until the Respondent-Pharmacy receives approval by OSCA to fill Schedule II CDS;
6. After **THREE (3) YEARS** from the date of this Consent Order, the Respondent-Pharmacy may submit a written petition to the Board requesting termination of probation, provided that it has been fully compliant with this Consent Order and has no outstanding complaints filed against it; and it is further

ORDERED that the Respondent-Pharmacy shall pay a monetary **fine in the amount of TWO THOUSAND FIVE HUNDRED (\$2,500) DOLLARS** within the probationary period of the Consent Order, payable by certified check or money order to The Maryland State Board of Pharmacy and sent to:

Wells Fargo Bank
Attn: State of MD – Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

Please reference Case Number 19-333 on your check or money order to ensure proper assignment to your case; and it is further

ORDERED that the Respondent-Pharmacy shall operate in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and it is further

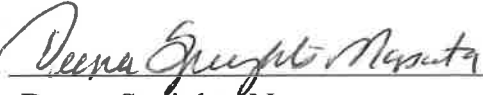
ORDERED that the Respondent-Pharmacy shall bear the cost(s) of complying with the Consent Order; and it is further

ORDERED that the Respondent-Pharmacy shall at all times cooperate with the Board in the monitoring, supervision, and investigation of its compliance with the terms and conditions of this Order; and it is further

ORDERED that failure to comply with the terms and conditions of the Consent Order, including failure to pay the monetary fine in full by the deadline, constitutes a violation of the Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further

ORDERED that the Consent Order shall be a public document pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

9-26-19
Date



Deena Speights-Napata
Executive Director, for
Kevin Morgan, Pharm.D., President
State Board of Pharmacy

CONSENT

I, Oluseyi B. Ilori, owner of Glory Pharmacy, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept, on behalf of Glory Pharmacy, to be bound by this Consent Order and its conditions and restrictions. On its behalf, I waive any rights Glory Pharmacy 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 Glory Pharmacy would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on its 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 Glory Pharmacy's right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order on behalf of Glory Pharmacy and understand its meaning and effect.

09/24/2019
Date


Oluseyi B. Ilori, Owner
Glory Pharmacy

NOTARY

STATE OF MD

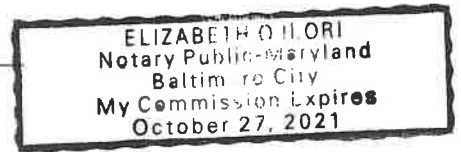
COUNTY/CITY OF: BALTIMORE

I hereby certify that on this 24 day of SEPT, 2019, before me, a Notary Public of the State of MARYLAND and County/City aforesaid, personally appeared **Oluseyi B. Ilori**, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public



My Commission Expires: OCTOBER 27, 2021