

IN THE MATTER OF
NAEEM QURESHI, P.D.
License No. 08893
Respondent

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHARMACY
*

* * * * *

CONSENT ORDER

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to Health Occupations Article §12-315, Annotated Code of Maryland (the "Act"), the Board charged Naeem Qureshi, P.D. License No. 08893 (the "Respondent"), with violation of probation and violations of §12-313 of the Act.

Based upon its monitoring of Respondent during the probationary period, the Board charged the Respondent with failing to fulfill the following conditions of probation:

1. Condition number 2 provides as follows:

Respondent shall complete fifteen (15) hours of continuing education credits to be in addition to the usual continuing education requirements for maintaining a pharmacist license.

2. Condition number 8 provides as follows:

Respondent shall arrange for his therapist(s), his employer, if any, and himself, to submit written quarterly reports to the Board reporting on Respondent's compliance with this Order and his progress. The reports shall be due on June 1, September 1, December 1, and March 1 of each year until Respondent has been terminated from probation. The first set of reports, from the therapist, the employer, if any, and the Respondent, will be due December 1, 1993. The second set of reports will be due March 1, 1994, and the remaining reports will be due quarterly thereafter.

3. Condition number 12 provides as follows:

Respondent shall practice in accordance with the Maryland Pharmacy Act and in a competent manner.

The Board also charged Respondent with violation of certain provisions of Maryland Health Occupations Article, Code Annotated §12-313. Specifically, the Board charged Respondent with violation of the following provisions:

Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a two-thirds majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

- (3) Aids an unauthorized individual to practice pharmacy or to represent that the individual is a pharmacist;
- (20) Is professionally, physically, or mentally incompetent.
- (24) Violates any rule or regulations adopted by the Board.

COMAR 10.34.05 states in pertinent part:

10.34.05.02A - A pharmacy facility shall be enclosed in such a manner as to prevent persons not authorized by the pharmacist from entering the area after it has been secured by the pharmacist.

10.34.05.02C - Any time a completed prescription is given to a patient a pharmacist shall be present in the pharmacy for communication and any other required professional service.

10.34.05.04A - Only the pharmacist or pharmacists shall have possession of keys to the pharmacy facility.

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to Respondent on November 3, 1995. A prehearing conference on those charges was held on November 15, 1995, and was attended by George Voxakis, P.D., President of the Board, Paul Ballard, Assistant Attorney General, Counsel for the Board and Norene Pease, Executive

Director of the Board. Also in attendance were Respondent, Joseph Kempler, Esquire, Counsel for Respondent and the Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General. Barbara Folz Jackson, a consumer member and Irvin Lotier, P.D., a retail pharmacist were also present.

On December 15, 1995, Respondent was given notice of amended charges and on January 10, 1996, Respondent was given notice of second amended charges. A prehearing conference on those charges was held on January 16, 1996 and was attended by George Voxakis, P.D., President of the Board, Paul Ballard, Assistant Attorney General, Counsel for the Board and Norene Pease, Executive Director of the Board. Also in attendance were Respondent, Alan M. Foreman, Esquire and Joseph Kempler, Esquire, Counsel for Respondent and the Administrative Prosecutor, Janet Klein Brown, Assistant Attorney General.

Following the prehearing conference, the parties and the Board agreed to resolve the administrative charges. As a result of negotiations entered into at the prehearing conference the parties have agreed to enter into the following Consent Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland and has been the owner and full-time pharmacist at Green's Pharmacy in Havre de Grace, Maryland (the "Pharmacy").
2. At all times relevant to the charges herein, Respondent

has been practicing pharmacy under a Final Consent Order (the "Order") issued by the Board on November 29, 1993.

3. Respondent failed to submit his quarterly reports which were due on June 1 and September 1, 1995, in a timely manner in violation of condition 8 of the Order.

4. Although Respondent completed fifteen (15) continuing education hours, only ten (10) such continuing education hours were in the area of controlled substance law, in violation of condition 2 of the Order.

5. On October 5, 1995, Division of Drug Control Inspector Robert Chang conducted a routine inspection of the Pharmacy. When Inspector Chang entered the Pharmacy, Respondent was not on the premises of the Pharmacy, and no other pharmacist was on the premises.

6. While Respondent was out of the Pharmacy, the non-pharmacist female employee accepted prescriptions to be filled from patients both personally and as refills over the telephone.

7. Respondent arrived at the Pharmacy approximately 55 minutes later.

8. The prescription department of the Pharmacy is not enclosed and secure from entry of persons in other areas of the establishment.

9. Between January, 1995 and December, 1995, Respondent frequently vacated the Pharmacy, leaving the prescription department unsecured at various times during the day for periods up to 30 minutes at a time and permitted the pharmacy technician to be

present in the Pharmacy's unsecured prescription department while the Pharmacy was open and no pharmacist was on duty.

10. Health Occupations Article §12-403 (a)(3) provides that, "except as otherwise provided in this section, a pharmacy for which a permit has been issued under this title shall be constantly under the personal and immediate supervision of a licensed pharmacist."

11. The actions of the Respondent, in permitting the prescription department of the Pharmacy to be open and unsecured without a licensed pharmacist being present, are in violation of Condition 12 of the Order, which requires the Respondent shall practice in accordance with the Maryland Pharmacy Practice Act and in a competent manner.

12. The actions of the Respondent in permitting the prescription department of the Pharmacy to remain open and unsecured without a licensed pharmacist being present are in violation of Section 12-313(b)(24) of the Act and COMAR 10.34.05.02A.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law, that Respondent violated conditions of probation numbers 2, 8 and 12 and violated §12-313(24) of the Act and COMAR 10.34.05.02A of the regulations of the Board.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is this 15th day of February, 1996, by a majority of a quorum of the Board, hereby

ORDERED that the license of Naeem Qureshi, P.D., to practice pharmacy be SUSPENDED for a period of two (2) years; and be it further

ORDERED that all but ninety (90) days of said suspension shall be immediately STAYED and Respondent shall be placed on PROBATION, subject to the following conditions:

1. Respondent shall agree that a representative of the Board may make periodic, random, unannounced inspections and telephone calls to the Pharmacy at any time the Pharmacy is open to determine if a licensed pharmacist is on duty; provided that, a representative of the Board making a telephone call to the Pharmacy shall identify himself or herself as a representative of the Board.
2. Respondent shall immediately inform the Board in writing of any changes in the Pharmacy hours of operation. Respondent agrees that at the time of this Consent Order, the hours of operation of the Pharmacy are Monday through Friday, 9:30 - 5:30 and Saturday, 9:30 - 2:00.
3. Respondent shall agree that if a licensed pharmacist is not on duty at the time of the inspection or telephone call, the Board may take immediate action, including but not limited to, revocation or suspension of Respondent's license to practice pharmacy, prior to giving Respondent an opportunity for a hearing.

However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-210 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action.

4. Respondent shall maintain a log, in a bound spiral notebook, in his own handwriting, or in the handwriting of any licensed pharmacist who substitutes for Respondent, a list of all prescriptions which have been submitted to the pharmacist by telephone and shall make the list available to the representative of the Pharmacy Board during all inspections. Respondent shall maintain a sample of the handwriting of every pharmacist who works in the Pharmacy and shall make the samples available to the representative of the Board during all inspections.

5. Respondent shall not permit non-pharmacist personnel to have possession of keys to the Pharmacy; shall retrieve any and all keys that are currently in the possession of any person not a licensed pharmacist; and shall replace any locks for which he is unable to retrieve any key in the possession of a person not a licensed pharmacist.

6. Respondent agrees to have a consultation with a pharmacist member of the Board, designated by the Board, within sixty (60) days after the suspension is lifted, to review all procedures which relate to the practice of pharmacy and Respondent

agrees to abide by all reasonable recommendations made by the consultant.

7. Respondent shall, within ninety (90) days of the date of this Order, complete five (5) hours of continuing education credits on the dispensing of controlled dangerous substances, such credits to be in addition to the usual continuing education requirements for maintaining a pharmacist license.

8. Respondent shall submit quarterly written reports to the Board regarding his maintaining the telephone prescription log, the inspection visits by the representative of the Board including a description of what was reviewed and Respondent's assessments of the inspections, a summary of the recommendations of the Board member and Respondent's plans for implementation of the recommendations and detailed descriptions of Respondent's professional activities. The first report shall be due March 1, 1996, with the remaining reports due quarterly thereafter (i.e., June 1, September 1, and December 1, 1996) while Respondent remains on probation.

9. Respondent shall provide a copy of paragraphs 1 and 4 of this Consent Order to his licensed pharmacy employees (the "employees"). Within ten (10) days of the date of this Consent Order, Respondent shall arrange for his employees to acknowledge to the Board, in writing, that the employees have received a copy of paragraphs 1 and 4 and agree to comply with "the conditions pertaining to the employees.

10. Respondent shall practice in accordance with the Maryland

Pharmacy Act and in a competent manner; and be it further

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

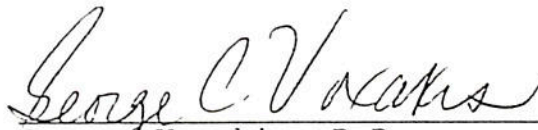
ORDERED that in the event the Board receives a report which it believes in good faith to be accurate which states that a licensed pharmacist was not on duty at the Pharmacy at the time of any inspection or telephone call, or in the event the Board finds for any reason in good faith that the public health, safety or welfare imperatively requires emergency action, the Board may take immediate action, including, but not limited to, revocation or suspension of Respondent's license to practice pharmacy prior to giving Respondent an opportunity for a hearing. However, Respondent shall have a right to a hearing, in accordance with the Administrative Procedure Act, State Government Article, Section 10-210 et seq., within thirty (30) days after Respondent notifies the Board in writing of his desire for such a hearing regarding the Board's action. The Board may, in its discretion, fail to entertain such notice if received more than ninety (90) days after its action; and be it further

ORDERED, that the terms and conditions of Respondent's probation under the Final Consent Order dated November 29, 1993 are hereby terminated; and be it further

ORDERED that two (2) years from the date of this Order, Respondent shall be notified of a scheduled time at which Respondent shall petition the Board for termination of Respondent's

probationary status and full reinstatement of his license to practice without any conditions or restrictions. If the Board determines that the termination of probation and complete reinstatement would be inappropriate at the time, the Board may modify one or more of the conditions upon which Respondent was placed on probation; and be it further

ORDERED that for purposes of public disclosure as permitted by §10-617(h), State Government Article, Annotated Code of Maryland, this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order.



George C. Voxakis, P.D.
President
Maryland Board of Pharmacy

CONSENT OF NAEEM QURESHI, P.D.

I, Naeem Qureshi, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by attorneys, Joseph Kempler, Esquire and Alan M. Foreman, Esquire and have been advised by them of the legal implications of signing this Consent Order.

2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of §12-313 of the Act and §10-205 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.

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 provided the Board adopts the foregoing Final Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §10-215 of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland, and any right to appeal as set forth in §12-316 of the Act and §10-215 of the Administrative Procedure Act. 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 Pharmacy in the State of Maryland.

January 30, 1996
Date

Naeem M. Qureshi
Naeem Qureshi, P.D.

STATE OF MARYLAND)
CITY/COUNTY OF Baltimore) ss:

I HEREBY CERTIFY that on this 30TH day of January, 1996, a Notary Public of the State of Maryland and City/County aforesaid, personally appeared Naeem Qureshi, P.D., License No. 08893, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESS my hand and Notarial Seal.

Meredith A. Phillips
Notary Public