

IN THE MATTER OF	*	BEFORE THE
FRIENDLY PHARMACY	*	MARYLAND STATE BOARD
RESPONDENT PHARMACY	*	OF PHARMACY
PERMIT NUMBER: P01903	*	

\* \* \* \* \*

**CONSENT ORDER**

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 et seq. (2000) ("H.O."), the Board charged **Friendly Pharmacy (the "Respondent-Pharmacy")**, Permit Number **P01903**. Specifically, the Board charged the Respondent-Pharmacy with violating the following:

**H.O. § 12-409:**

Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy, 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; or
- (3) Otherwise is not conducted in accordance with the law.

**H.O. § 12-403 Required Standards:**

(b) 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;

**H.O. § 12-313:**

(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 deny a license to any applicant, reprimand any license, place any licensee on probation, or suspend or revoke a license if the applicant or licensee:

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

The Respondent-Pharmacy's permit holder was given notice of the charges and the issues underlying those charges by letter and document sent to the Respondent-Pharmacy on or about May 18, 2001. A Case Resolution Conference ("CRC") on those charges was held on July 17, 2001, but the parties were unable to come to a resolution. The Respondent-Pharmacy's permit holder did not attend the CRC. Prior to the rescheduled hearing date of January 7, 2002, the parties agreed to enter in to this agreement.

**FINDINGS OF FACT**

The Board finds that:

1. At all times relevant to charges herein, Surinder K. Singal, P.D. ("Singal") owner of Respondent-Pharmacy was issued a pharmacy permit in the State of Maryland. Singal was originally issued a pharmacy permit to operate Respondent-Pharmacy on or about August 9, 1995.
2. Respondent-Pharmacy is located at 5720 Deale Churchton Road, Deale, Maryland.
3. On or about February 10, 1997, the Federal Bureau of Investigation and the

Food and Drug Administration, executed a court ordered search and seizure at the Respondent-Pharmacy. The Respondent-Pharmacy's entire prescription drug inventory was reviewed and many items were seized.

4. The prescription drug inventory seized from the Respondent-Pharmacy contained among other things: (1) loose pills found in baggies; (2) overfilled sample drug bottles; (3) misbranded bottles; (4) bottles without lot numbers and expiration dates; and (5) bottles with "CVS" labeling.

5. On or about November 29, 1999, Singal was indicted by the Grand Jury for the District of Maryland in the United States District Court in the case of United States of America v. Surinder Singal in Criminal Case No.: 99CR0532 in which the Respondent was charged with Conspiracy, in violation of 18 U.S.C. § 371; Wire Fraud, in violation of 18 U.S.C. § 1343; Selling Drug Samples, in violation of 21 U.S.C. §§ 331(t) and 333(b)(1); Altering and Causing Drugs to be Misbranded, in violation of 21 U.S.C. §§ 331(k) and 333(a)(2); and Aiding and Abetting, in violation of 18 U.S.C. § 2.

6. On or about February 9, 2000, Singal was issued a superseding Indictment by the Grand Jury in the case of United States of America v. Surinder Singal Criminal No. DKC 99-053. Singal was charged with Conspiracy, in violation of 18 U.S.C. § 371; Wire Fraud, in violation of 18 U.S.C. § 1343; Selling Drug Samples, in violation of 21 U.S.C. § 331(t) and 333(b)(1); Altering and Causing Drugs to be Misbranded, in violation of 21 U.S.C. §§ 331(k) and 333(a)(2); and Aiding and Abetting, in violation of 18 U.S.C. § 2.

7. The prescription drug inventory seized from the Respondent-Pharmacy was part

of the evidence used at Singal's trial.

8. On March 27, 2000, after a trial by jury, Singal was found guilty of Misbranding a Drug While Held for Sale After Travel in Interstate Commerce, in violation of 21 U.S.C. § 331 (t).

9. Misbranding a drug while for sale after travel in interstate commerce is a crime involving moral turpitude.

10. The Respondent-Pharmacy was often the location used during Singal's criminal activity.

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Pharmacy violated H.O. § 12-409 (1), (2), (3); H.O. § 12-403 (1), (9); and H.O. § 12-313 (21).

### **ORDER**

Based on the Foregoing Findings of Fact, Conclusions of Law, and agreement of the parties, it is hereby

**ORDERED** that the Respondent-Pharmacy shall be placed on probation for a period of no less than three (3) years subject to the following conditions:

1. The Respondent-Pharmacy shall pay a fine in the amount of one thousand dollars (\$1,000). The fine shall be paid by certified check or money order and made payable to the Maryland State Board of Pharmacy. The owner of the Respondent-

Pharmacy shall ensure that the fine is received by the Board no later than five (5) days from the date that this consent order is signed by the Board.

2. The Respondent-Pharmacy shall be placed on indefinite probation.

**ORDERED** that the Respondent-Pharmacy shall be operated in compliance with the law and with the rules and regulations of the Board; 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 Order; and be it further

**ORDERED** that in the event the Board finds for any reason in good faith that the Respondent-Pharmacy has violated any provision of Title 12 of the Health Occupation Article, Maryland Annotated Code or the regulations thereunder, the Board, after notification to the Respondent-Pharmacy, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent-Pharmacy's permit to operate a pharmacy; and be it further

**ORDERED** that only after the Respondent-Pharmacy has completed a three (3) year period of probation, the Respondent-Pharmacy may petition the Board for termination of the Respondent-Pharmacy's probationary status and full reinstatement of the permit to operate as a pharmacy without probationary conditions. The Board shall terminate the Respondent-Pharmacy's probationary status and restore Respondent-Pharmacy's permit to operate as a pharmacy without conditions or restrictions, only

after the Respondent-Pharmacy has demonstrated to the Board that the Respondent-Pharmacy has fully complied with the terms of this Consent Order; and be it further

**ORDERED** that the Respondent-Pharmacy shall be responsible for all costs incurred under this Consent Order; and be it further

**ORDERED** that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. § 10-611 et seq. (1999).

01-11-02  
Date

W. Irving Lottier, P.D.  
W. Irving Lottier, P.D.  
Secretary  
State Board of Pharmacy

## CONSENT OF FRIENDLY PHARMACY

I, Surinder K. Singal, P.D., permit holder and owner of Respondent-Pharmacy, by affixing my signature hereto, acknowledge that:

1. I am represented by Anton J. S. Keating, Esquire and I have had the opportunity to consult with counsel before signing this document;
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to § 12-315 of the Act, Md. State Gov't. Code Ann. §§ 10-201 et seq. (1999) and Code Md. Regs. tit. 10 § 34.01.04.
3. I accept and submit to the foregoing Consent Order. I acknowledge the validity of this Consent Order as if entered after 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 provided by law.
4. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing as set forth above, and any right to appeal this Order or as set forth in § 12-316 of the Act and Md. State Gov't. Code Ann. §§ 10-201 et seq. (1999).

5. I acknowledge that by failure to abide by the conditions set forth in this Consent Order, and following proper procedures, I may suffer disciplinary action which may include revocation against my license to practice pharmacy in the State of Maryland.

12-26-2001

Date

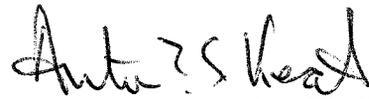


\_\_\_\_\_  
Surinder K. Singal, P.D.  
Permit Holder and Owner of  
Respondent-Pharmacy

Read and Approved:

12/28/01

Date



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Anton J. S. Keating  
Attorney for Respondent-  
Pharmacy

**NOTARY**

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 26 day of December, 2001,  
before me, a Notary Public of the State of and City/County aforesaid, personally  
appeared Surinder K. Singal, P.D., permit holder and owner of Friendly Pharmacy, and  
declared and affirmed under the penalties of perjury that signing the foregoing Consent  
Order is his voluntary act and deed.

Michelle Lewis  
Notary Public

MICHELLE LEWIS  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires June 4, 2003

My Commission Expires: \_\_\_\_\_

5. I acknowledge that by failure to abide by the conditions set forth in this Consent Order, and following proper procedures, I may suffer disciplinary action which may include revocation against my license to practice pharmacy in the State of Maryland.

12-26-2001

Date

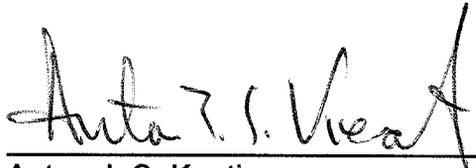


Surinder K. Singal, P.D.  
Respondent

Read and Approved:

12/27/2001

Date



Anton J. S. Keating  
Attorney for Respondent