IN THE MATTER OF	*	BEFORE THE
PAMELA ARREY, P.D.	*	STATE BOARD
License No.: 11345	*	OF
Respondent	*	PHARMACY
	*	Case No. 2009-010

* * * * * * * * * * * *

FINAL ORDER OF REVOCATION OF THE RESPONDENT'S PHAMACIST'S LICENSE

On July 27, 2010, the Maryland Board of Pharmacy (the "Board"), notified Pamela Arrey, P.D., the Respondent, of its Intent to Revoke her pharmacist's license. The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c)(1) (2009 Repl. Vol.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2009 Repl. Vol.).

The pertinent provision of § 10-226(c)(1) of the APA states:

Revocation of suspension.(sic)—(1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

(i) written notice of the facts that warrant suspension or revocation; and,

(ii) an opportunity to be heard.

The pertinent provisions of § 12-313 the Act state:

> (a) In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.
>
> (b) 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 for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:
>
> > (22) 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 [;].

FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S LICENSE

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on April 20, 1988. The Respondent's license expired on December 31, 2009.

2. At all times relevant hereto, the Respondent owned two Medicine Shoppe pharmacies: one was located at the Milford Mill Shopping Center on Liberty Road ("Liberty Shoppe") in Baltimore County, Maryland, and one in the 5900 block of Reisterstown Road, in Baltimore City, Maryland.

3. On February 1, 2002, the Board issued an unexecuted Summary Suspension Order, and on September 15, 2002, the Board issued charges .On November 22, 2002, the Respondent signed a Consent Order.

4. On December 23, 2009, the Respondent signed a Plea Agreement with the United States Attorney's Office for the District of Maryland pleading guilty to Count Two (Health Care Fraud), Count Seventeen (Aggravated Identity Theft) and Count Thirty

One (Conspiracy of Misbranding Drugs).

5. Count Two dealt with the Respondent's fraudulent billing of prescriptions for Medicaid/Medicare in the amount of $94,889.49 for a patient from August 2004 through July 2008, without that patient's knowledge or permission. The misbranding of medications formed the same basis for which the Consent Order was entered into.

6. On July 1, 2010, the Respondent was sentenced to 57 months in Federal prison followed by three years of supervised release. The Respondent also forfeited her home and must pay restitution of $505,745.89.

7. As set forth above, the Respondent violated the Act and committed a crime of moral turpitude, for which revocation is warranted.

CONCLUSIONS OF LAW

Based upon the aforegoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-313 (a) and (b) (22) and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.

10-20-10

Date

Michael N. Souranis, P.D., President
Maryland Board of Pharmacy