

IN THE MATTER OF

\*

BEFORE THE

YUSSUF A. GBADAMOSI, P.D.

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STATE BOARD

LICENSE NO. 09802

\*

OF PHARMACY

Respondent

\*

Case Number: 04/059

\* \* \* \* \*

### FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. § 12-101, et seq., (2000 Repl. Vol.) (the "Act"), the Board charged Yussuf Gbadamosi, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § of §12-313:

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

- (23) 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[;].

The grounds for disciplinary action under the Board's disciplinary statutes would be the following under § 12-313 (b):

- (6) Willfully makes or files a false report or record as part of practicing pharmacy;
- (7) Willfully fails to file or record any report that is required by law;
- (20) Is professionally, physically, or mentally incompetent;
- (24) Violates any rule or regulation adopted by the Board [;].

The grounds for disciplinary action under the Board's disciplinary statutes would also be under Code Md. Regs. tit. 10, §34.10 (February 19, 1990):

**.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; and

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; or
- (3) Engage in unprofessional conduct.

The Respondent was given notice of the issues by letter dated April 6, 2004. Accordingly, a Case Resolution Conference was held on April 23, 2004, at which the following were in attendance: Ramona McCarthy Hawkins, and Mark Levi, pharmacists members of the Board; LaVerne Naesea, Executive Director of the Board; and, Linda Bethman, Counsel to the Board.<sup>1</sup> Also in attendance were the Respondent and his

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<sup>1</sup> Jacqueline Higgins, Compliance Specialist, attended in an observational capacity.

attorney, Samuel Adewusi, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Respondent was licensed to practice pharmacy in Maryland. The Respondent was first licensed on July 27, 1982. The Respondent's license expires on September 31, 2004.

2. At all times relevant herein, the Respondent was employed as a dispensing pharmacist at various pharmacies in Maryland and Delaware.

3. By Order dated July 22, 2003, the Delaware State Board of Pharmacy revoked the Respondent's license to practice pharmacy in Delaware. The bases of the revocation were the following findings by the Delaware Board: the Respondent was guilty of unprofessional conduct likely to harm the public due to "many instances where the directions from the prescriber were altered; [p]rescriptions filled with the wrong dosage or medication;...destroying records of dispensing albeit at the request of the patient's mother...in violation of the law and rule requiring a three year retention for records of dispensing." The Delaware Board further based its revocation on the following: the Respondent is guilty of "gross negligence and incompetence...because of the conduct demonstrating a lack of understanding of the required procedures related to the handling

and dispensing of prescription drugs. In addition, testimony revealed a lack of knowledge of regulations enacted for the protection of the public.” A copy of the Delaware Board Order is attached hereto and made a part hereof as Exhibit 1.

4. As set forth above, being disciplined by the Delaware Board for an act that would be grounds for discipline under the Board’s disciplinary statutes is a violation of the Act.

5. As a result of the above Delaware action, on March 18, 2004, the Board issued a proposed summary suspension of the Respondent’s license. On March 29, 2004, the Respondent appeared before the Board to show cause why the summary suspension should not be issued. As a result of that conference, the Respondent agreed to enter into a Consent Order with the Board whereby he would surrender his license to practice pharmacy in Maryland, pending the issuance of charges and a resolution thereof.

6. As set forth herein, the disciplinary grounds under the Board’s Act which would subject the Respondent to discipline in Maryland cover a pharmacist who: fills prescriptions with the wrong dosage or medication; alters prescriptions; destroys records of dispensing in violation of the law; and, demonstrates a lack of understanding of the required procedures related to the handling and dispensing of prescription drugs, and a lack of knowledge of regulations enacted for the protection of the public.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-313 (b) (23).

**ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 19 day of May, 2004, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's license to practice pharmacy is hereby **SUSPENDED** until the following conditions are met:

A. The Respondent shall satisfactorily complete the Multistate Pharmacy Jurisprudence Examination, with a passing grade of 75% or higher; and,

B. The Respondent shall satisfactorily complete the Board's Reinstatement examination to be administered by the Board. The examination shall be given no more than once every quarter until such time as the Respondent achieves a passing score of 75% or higher.

**ORDERED** that upon the successful completion of the above requirements, the Respondent's license shall be reinstated and the Respondent shall be placed on two years' Probation, subject to the following conditions:

A. The Respondent shall practice under the supervision of a licensed pharmacist for the first year of Probation;

B. The Respondent shall ensure that his supervisor submits to the Board monthly progress reports;

C. The Respondent shall successfully complete five hours of continuing education credits in a Board-approved ethics course during the first year

of Probation. This continuing education requirement shall not be applied to the Respondent's licensure renewal requirements;

D. The Respondent shall notify the Board of the Respondent's place of employment and any change in employment within two business days.

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

**ORDERED** that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation.

The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation/Suspension shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

**ORDERED** that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license, provided

that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, or should the Board receive unfavorable reports from the Respondent's supervisor, the Board may impose additional terms and conditions of Probation, including extending same, as it deems necessary;

**ORDERED** that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

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~~Stanton G. Ades, P.D., President~~  
Maryland State Board of Pharmacy

**CONSENT OF YUSSUF A. GBADAMOSI, P.D.,**

I, Yussuf A. Gbadamosi, P.D., by affixing my signature hereto, acknowledge that:

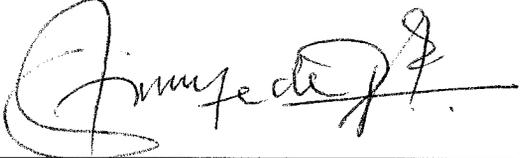
1. I am represented by an attorney, Samuel G. Adewusi, Esquire, and have been advised by him of the legal implication of signing this Consent Order;

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 the Administrative Procedure Act (APA), Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol. 2003 Supp.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 12-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 12-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my 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.

05-17-04  
Date

  
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Yussuf A. Gbadamosi, P.D.

STATE OF MARYLAND

CITY/COUNTY OF PRINCE GEORGES

I HEREBY CERTIFY that on this 17<sup>th</sup> day of MAY, 2004, before me, YOLANDA M CAMBREL, a Notary Public of the foregoing State and (City/County),  
(Print Name) personally appeared Yussuf A. Gbadamosi, P.D., License No. 09802, 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 WITNESSETH my hand and notarial seal.

Yolanda M Cambrel  
Notary Public

My Commission Expires: February 1, 2005