

IN THE MATTER OF
THE LAWSON'S, INC., d/b/a
THE MEDICINE SHOPPE PHARMACY

PERMIT NO. P01814

Respondent-Pharmacy

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* Case Number: 05-089

* * * * *

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. Code Ann. § 12-101, et. seq., (2000 Repl. Vol. and 2004 Supp.) (the "Act"), the Board charged The Lawson's, Inc., d/b/a The Medicine Shoppe Pharmacy, Pharmacy Permit Holder (the "Respondent-Pharmacy"), with violation of the following provisions of § 12-313:

Specifically, the Board charged the Respondent-Pharmacy with violation of the following provisions of § 12-409:

- (a) Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:
 - (2) Violates any of the standards specified in § 12-403 of this subtitle[;].

§ 12-403 Required standards

- (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title[;].

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

(a) "Convicted" defined---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, reprimand any licensee, 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 was given notice of the issues underlying the Board's charges by letter dated March 25, 2005. Accordingly, a Case Resolution Conference was held on May 3, 2005, and was attended by Melvin Rubin, P.D., Pharmacist Board Member, Margie Bonnett, Consumer Board Member, LaVerne Naesea, Executive Director, and, Linda Bethman, Assistant Attorney General, Board Counsel. Also in attendance were Tina Hart-Lawson and her husband, Samuel Lawson, owners of the Respondent-Pharmacy, and Roberta Gill, Assistant Attorney General, Administrative Prosecutor. The Respondent-Pharmacy waived its right to be represented by counsel.

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. The Respondent-Pharmacy is authorized by the Board to operate as a pharmacy in Maryland. The Respondent-Pharmacy was originally licensed by the Board on January 31, 1994. The Respondent-Pharmacy operates in Cheverly, Maryland. The Respondent-Pharmacy's permit expires on December 31, 2005.

2. The Respondent-Pharmacy is owned and operated by Tina Hart-Lawson, Pharm.D., who is the chief dispensing pharmacist, and her husband, Samuel D. Lawson, who is not a pharmacist.¹

3. According to a Federal Indictment, on or about February 9, 2000, an undercover officer purchased 40 Percocet tablets from Ms. Hart-Lawson at the Respondent-Pharmacy using a false and fraudulent prescription in the name of a physician that did not exist. Ms. Hart-Lawson knew that the prescription was fake and that the doctor did not exist. Nevertheless, she dispensed the Percocet, a Schedule II Controlled Dangerous Substance.

4. On January 10, 2002, Ms. Hart-Lawson agreed to plead guilty to Count One of the Indictment.

5. On April 24, 2002, Ms. Hart-Lawson pled guilty to Count One, unlawful distribution of oxycodone on February 9, 2000, and was found guilty in the United States District Court, District of Maryland, by Deborah K. Chasanow, United States District Judge. Ms. Hart-Lawson was imprisoned for a total of five months, in community confinement with work release. Thereafter Ms. Hart-Lawson was placed on supervised release for three years.

6. On Ms. Hart-Lawson's July 2003 application for renewal, she informed the Board of this guilty plea.

¹ On the 11/11/04 application for renewal, the Respondent-Pharmacy listed Samuel Lawson, as "M.D." Pursuant to § 12-213 (b)(13), it is a violation of the Act for, except as to an association that has remained in continuous existence since July 1, 1963, to associate as a partner, co-owner, or employee of a pharmacy that is owned wholly or substantially by an authorized prescriber or group of authorized prescribers[.]. As a pharmacist, Ms. Hart-Lawson would be in illegal ownership with Samuel Lawson, inasmuch as he is a prescriber. However, it was determined that Samuel Lawson is not licensed in Maryland, or anywhere else in the United States. Thus, the initials following his name are factually untrue.

7. As set forth above, having the chief dispensing pharmacist and co-owner of the Respondent-Pharmacy convicted of a felony and a crime of moral turpitude, as a result of illegally dispensing oxycodone from the Respondent-Pharmacy, is a violation of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent-Pharmacy violated § 12-409 (a) (2); § 12-403 (9); and, §§ 12-313 (a) and (b) (21).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 15th day of August, 2005, by a majority of a quorum of the Board,

ORDERED that the Respondent-Pharmacy's permit to practice pharmacy is hereby **SUSPENDED** for three years, with all three years immediately Stayed; and it is further

ORDERED that the Respondent-Pharmacy pay a fine to the Board in the amount of \$2,500 (Two thousand five hundred dollars) by December 31, 2005; and it is further

ORDERED that the Board be immediately notified if the Respondent-Pharmacy obtains a DEA permit; and be it further

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

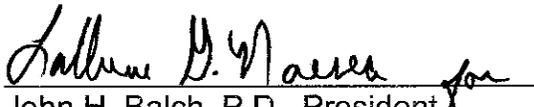
ORDERED that if the Board receives information that the Respondent-Pharmacy is filing fraudulent prescriptions, the Board may immediately lift the Stay of the Suspension.

The Respondent-Pharmacy shall be entitled to a show cause hearing within a reasonable time thereafter.

ORDERED that should the Board receive information that the Respondent-Pharmacy has violated the Act or if the Respondent-Pharmacy violates any conditions of this Order, with the exception of filling fraudulent prescriptions, after providing the Respondent-Pharmacy with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent-Pharmacy, including suspension or revocation. The burden of proof for any action brought against the Respondent-Pharmacy as a result of a breach of the conditions of the Order shall be on the Respondent-Pharmacy to demonstrate compliance with the Order or conditions; and be it

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

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 2004), 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.



John H. Balch, P.D., President
State Board of Pharmacy

CONSENT OF THE LAWSON'S, INC., d/b/a THE MEDICINE SHOPPE PHARMACY

The Lawson's, Inc., d/b/a The Medicine Shoppe Pharmacy, by the undersigned, owner/officer, by affixing my signature hereto, acknowledge that:

1. Lawson's Inc., d/b/a The Medicine Shoppe Pharmacy, is not represented by an attorney and waived its rights to be so represented;

2. I am aware that without my consent, the Respondent-Pharmacy's permit to operate as a 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., (2004 Repl. Vol.).

3. I am aware that the Respondent-Pharmacy is 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, the Respondent-Pharmacy waives its 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. The Respondent-Pharmacy acknowledges that its failure to abide by the conditions set forth in this Order and following proper procedures, it may suffer disciplinary action, possibly including revocation, against its permit to operate as a pharmacy in the State of Maryland.

08 / 05 / 2005

Date

Samuel Lawson

Owner/Officer of
The Lawson's, Inc., d/b/a
The Medicine Shoppe Pharmacy

STATE OF

CITY/COUNTY OF Montgomery :

I HEREBY CERTIFY that on this 1 day of August, 2005, before me, Lydina M. Battle, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Samuel Lawson, Officer of The Lawson's, Inc., d/b/a The Medicine Shoppe Pharmacy, Permit No. P01814, and made oath in due form of law that signing the foregoing Consent Order was his/her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Notary Public

LYDINA M BATTLE
Notary Public, Montgomery County, MD
My Commission Expires August 14, 2007

My Commission Expires: _____