

IN THE MATTER OF * BEFORE THE
JAMIL A. MANNA, P.D. * MARYLAND STATE BOARD
RESPONDENT * OF PHARMACY
License No.: 13963 *

* * * * *

CONSENT ORDER

The Maryland State Board of Pharmacy (“the Board”) charged **Jamil A. Manna, P.D., License Number: 13963** (“the Respondent”), with violating certain provisions of the Maryland Pharmacy Act, (“the Act”) Md. Health Occ. Code Ann., (“H. O.”) §§ 12-101 et seq. (2000). Specifically, the Board charged the Respondent with violating the following provision of the Act:

H.O. § 12- 701. Practicing without license.

Except as otherwise provided in this title, a person may not practice, attempt to practice, or offer to practice pharmacy in this State unless licensed by the Board.

FINDINGS OF FACT

1. The Respondent was originally issued his license to practice as a pharmacist in the State of Maryland on August 2, 1995. The Respondent last renewed his license in September 1997.
2. At all times relevant herein, the Respondent was employed as a part-time pharmacist for Giant Food Incorporated, (“Giant”) located in Landover, Maryland. The Respondent began working at Giant as a pharmacist in November 1997. Since 1999, the Respondent has worked as a part-time pharmacist at Giant Pharmacy #1132 located at 10040 Old Georgetown Road, Bethesda, Maryland.

3. On or about August 22, 2001, the Maryland Division of Drug Control ("Drug Control") conducted a routine inspection of Giant Pharmacy #1132. While the pharmacy was being inspected, the Respondent appeared for work. The Drug Control investigator noticed that the Respondent did not have his pharmacist license posted in Giant Pharmacy #1132. The Respondent could not produce his pharmacy license when it was requested by the investigator.

4. Since the Respondent did not have his license, the investigator contacted Board personnel to verify the status of the Respondent's license. The investigator was informed by Board personnel that the Respondent's license expired on January 31, 1999 and it had not been renewed.

CONCLUSIONS OF LAW

The Board finds that the Respondent violated the following provision of the Maryland Pharmacy Act, Md. Health Occ. Code Ann. § 12-701.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this _____
19th day of June 2002, the Board, on the affirmative vote of a majority of its
members then serving, hereby

ORDERED that the Respondent is hereby **REPRIMANDED**; and be it further

ORDERED that the Respondent's license to practice pharmacy shall not be
reinstated until the Respondent:

1. Provides the Board with documentation that he has successfully completed sixty (60) continuing education credits. These continuing education credits shall not be applied to any current or future renewal periods.
2. Takes and passes the pharmacy reinstatement examination.

3. Takes and passes the Maryland law examination; and be it further

ORDERED that once the Respondent has taken and passed the reinstatement examination, that Respondent shall be placed on **PROBATION** for a period of two (2) years, subject to the following condition:

1. The Respondent complete sixty (60) continuing education credits, of which thirty (30) continuing education credits shall be completed during the first year of the Respondent's probation and the remaining thirty (30) continuing education credits shall be completed during the second year of the Respondent's probationary period. Following the end of each year of probation, the Respondent shall submit documentation that he has completed the continuing education requirement set forth in this paragraph. The continuing education credits described in this paragraph are in addition to the continuing education credits required for renewal of a pharmacy license; and be it further

ORDERED that the Respondent shall be subject to continuing education credit audits for the next two (2) renewal cycles following the probationary period. The renewal cycles are January 2005 and January 2007; and be it further

ORDERED that the Respondent shall pay a fine to the Maryland Board of Pharmacy in the amount of three thousand (\$3000) dollars. The fine shall be due quarterly in payments of three hundred seventy-five (\$375) dollars each. The first payment shall be due when this Consent Order is signed by the Respondent and returned to the Board. The remaining payments shall be due on September 1, 2002, December 1, 2002, March 1, 2003, June 1, 2003, September 1, 2003, December 1, 2003, March 1, 2004, and June 1, 2004. The Respondent shall not be released from probation until he has satisfied the requirements of payment set forth in this paragraph; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, then the Board, after determination of violation and notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including revocation, said violation of probation being proved by a preponderance of evidence; and be it further

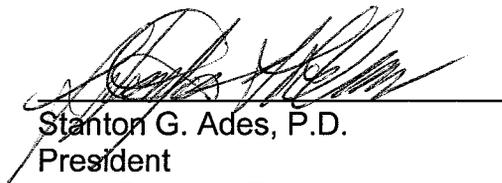
ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Consent Order; and be it further

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

ORDERED that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. § 10-617(h) (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 bank to whom the Board is mandated to report; and be it further

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

6/19/02
Date


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

CONSENT OF JAMIL A. MANNA, P.D.

I, Jamil A. Manna, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Jack L. B. Gohn. I have been advised by and have consulted with my attorney in regards to signing this Consent Order.
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 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 Consent 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 failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action which may include revocation of my license to practice pharmacy in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

6/5/02
Date



Jamil A. Manna, P.D.
Respondent

Read and Approved:

5/28/02
Date



Jack L. B. Gohn, Esquire
Attorney for Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY THAT on this 5 day of June, 2002, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Jamil A. Manna, P.D., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Waheda Kailani
Notary Public

My Commission Expires: July 2005