

IN THE MATTER OF  
DICKSON NWOSU, R.Ph.  
LICENSE NO. 12238,  
RESPONDENT

\* BEFORE THE  
\* MARYLAND STATE  
\* BOARD OF PHARMACY

\*

\* \* \* \* \*

**CONSENT ORDER**

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board") and subject to the Health Occupations Article, Code Ann. §12-101 et seq. Repl. Vol. (1994) under the Maryland Pharmacy Act (the "Act"), the Board charged **Dickson Nwosu, R.Ph., License No. 12238** (the "Respondent"), with having violated certain provisions of the Act under §12-313 (b).

Specifically, the Board charged the Respondent with violation of the following provisions of §12-313(b) of the Act:

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 :

(14) Without first having received a written or oral prescription for the drug from an authorized prescriber, dispenses any drug for which a prescription is required;

(20) Is professionally, mentally, or physically incompetent.

**BACKGROUND**

The Respondent was given notice of the charges and the issues underlying those charges by letter and charging document sent to Respondent on October 30, 1997. A case resolution conference was held on November 18, 1997. In attendance were the

Respondent, and his attorney, Joseph C. Asensio, Esq., George Voxakis, Pharm. D., Board member; Paul Ballard, Assistant Attorney General, Board Counsel; and Lisa B. Hall, Administrative Prosecutor.

The parties have entered into this Consent Order in order that the matter be resolved without further litigation. The parties hereto make the following Findings of Fact and Conclusions of Law.

#### **FINDINGS OF FACT**

The Board finds:

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland.
2. Respondent dispensed controlled drugs on a number of forged prescriptions from the Revco pharmacy located at 1301 E. Fayette Street, Baltimore where he was employed. This pharmacy has since become a CVS pharmacy.
3. Among the forged prescriptions reviewed in an audit and determined to have been dispensed by Respondent were scripts for: Percocet (a Schedule II controlled substance), Dolophine (a Schedule II controlled substance), Percodan (a Schedule II controlled substance), Endocet (a Schedule II controlled substance), Endodan (a Schedule II controlled substance). The 18 prescriptions which were audited totalled 1,886 to 1,916 tablets of controlled scheduled drugs.
4. Employee A<sup>1</sup>, a pharmacist, reportedly instructed

Respondent on at least one occasion that Respondent was filling forged prescriptions. Notwithstanding this information, Respondent proceeded to fill the scripts.

5. Many of the forged prescriptions were clearly marked "Not Valid for Controlled Substances." The audited scripts were filled by Respondent between 5/24/97 and 6/24/97 with most of the dispensing by the Respondent of these 18 audited scripts occurring on 6/12/97 and 6/19/97.

6. Prescriptions numbered 502136 and 502138 are for the same person, "Jacqueline Thomas<sup>2</sup>," and allegedly were signed by two different physicians. Neither of these two prescriptions totalling 300 dosage units of controlled substances was a valid prescription. Prescriptions numbered 502139 and 502134 are for the same person "Carrie Mears," and were allegedly signed by two different physicians. Neither of these two prescriptions totalling 200 dosage units of controlled substances was a valid prescription. Prescriptions 502140 and 502135 are for the same person "Jacqueline Mears," and were allegedly signed by two different physicians. Neither of these two prescriptions totalling 200 dosage units of a controlled substance was a valid prescription. On each of these prescriptions was noted in large, bold lettering the statement **"NOT VALID FOR CONTROLLED**

---

<sup>1</sup> Names of witnesses are confidential and are not public information. The names of any and all witnesses are available to Respondent upon written request for the same.

<sup>2</sup> The names of patients on the scripts, are believed to be aliases.

**SUBSTANCES."**

7. A set of ten prescriptions included signatures purporting to be those of Dr. Ronald S. Potosky's, however, the physician signature on these scripts varies greatly from prescription to prescription. Dr. Potosky identified each of these ten prescriptions as being forgeries.

8. Respondent's initials appear on each of the audited 18 forged prescriptions as being the pharmacist who filled the scripts.

9. On July 7, 1997 Respondent provided a voluntary written statement wherein he stated that the filling of these prescriptions "occurred by accident."

**CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that the Respondent dispensed drugs for which a written or oral prescription was required, thereby violating §12-313 (b) (14) for failing to determine whether the prescriptions were legitimate, for not investigating the authenticity of the prescriptions when confronted by a colleague, and for dispensing several prescriptions for controlled substances which were clearly labelled "**NOT VALID FOR CONTROLLED SUBSTANCES.**" The Board further finds that Respondent violated §12-313 (b) (20) of the Act for dispensing drugs as described above in that his conduct is professionally incompetent.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of

Law, it is this 18th day of FEBRUARY, ~~1997~~<sup>1998</sup>, by a majority of the Board, hereby

**ORDERED** that Respondent be and is hereby **REPRIMANDED** and placed on **PROBATION** for a period of **2 years** under the following conditions;

a) Respondent shall notify the Maryland State Board of Pharmacy, in writing, prior to resuming the practice of pharmacy in the State of Maryland;

b) The period of Probation shall begin upon Respondent's return to the State of Maryland and his resumption of the practice of pharmacy within the State of Maryland;

c) During the period of Probation, Respondent shall have his immediate supervisor review his Class II prescriptions that Respondent dispenses every ninety (90) days;

d) Under paragraph (c) above the immediate supervisor shall forward to the Maryland State Board of Pharmacy a letter regarding the review of Respondent's Class II prescriptions;

e) Respondent shall take a continuing education course, pre-approved by the Board, in the area of fraud, the course to specifically cover counterfeit prescriptions. This course to be taken by the Respondent and completed with a passing grade. Respondent shall provide the Board with sufficient documentation of the successful completion of this course. This course cannot be counted towards any continuing education credits which Respondent must earn under the Act.

(f) In the event that the Respondent cannot determine the

immediate supervisor, the Respondent shall contact the Board for assistance in determining the immediate supervisor.

**ORDERED** that Respondent may **Petition** the Board for termination of Probation after one (1) year from the effective date of this Order. A pre-requisite of Respondent's Petition from Termination of Probation is his successful completion of the probationary conditions as described herein.

**ORDERED**, that the Respondent shall **petition** the Board for termination of Probation at the conclusion of the **two (2)** years of Probation imposed by this Order; and it is further

**ORDERED** that Respondent shall immediately notify the Board in writing of any change in his residential and/or business address; and it is further

**ORDERED** that in the event the Board finds for any reason in good faith the Respondent has substantially violated any provision of Title 12 of the Health Occupations Article, Maryland Annotated Code or the regulations thereunder, or if the Respondent violated any of the foregoing Consent Order conditions, the Board, *after notification to the Respondent, and an opportunity to be heard*, may take immediate action or impose any lawful disciplinary sanction it deems appropriate, including but not limited to revocation or suspension of Respondent's licensee to practice pharmacy; and be it further

**ORDERED** that the conditions of the Consent Order be, and the same hereby are, effective as of the date of the Board's execution on this Order; and be it further

**ORDERED** that for purposes of public disclosure, as permitted by §10-617 (h), State Government Article, Maryland Code Annotated, this document constitutes the Board's Findings of Fact, Conclusions of Law, and Order, resulting from formal disciplinary proceedings.

8/2/99  
Date

W. Irving Lottier, Jr.  
~~David Russo, P.D., M.B.A.~~  
President SECRETARY

**CONSENT of Dickson Nwosu, R. Ph.**

I, Dickson Nwosu, R. Ph., by affixing my signature hereto, acknowledge that:

1. I am aware that I have the right to have an attorney to consult with me, whether or not I have chosen to seek the assistance of an attorney.

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 §12-315 of the Act and §10-201 et seq. of the Administrative Procedure Act, State Government Article, Annotated Code of Maryland.

3. I am aware that I am entitled to a formal evidentiary hearing before the Board or an Administrative Law Judge.

4. I understand that by agreeing to enter into this Consent Order I cannot challenge the Findings of Fact and Conclusions of Law in any future hearing before the Board.

By this Consent Order, I hereby consent and submit to the foregoing Findings of Fact, Conclusions of Law, and Order provided the Board adopts the foregoing Final 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 Administrative Procedure Act except in connection with any alleged violation of this Order. I acknowledge that by failing to abide by the conditions set forth in this Order, I may, after an opportunity to be heard, suffer disciplinary action, including revocation of my license to practice pharmacy in the State of Maryland.

7/23/99

DATE



Dickson Nwosu, P.D.

STATE OF MARYLAND

CITY/COUNTY OF: Anne Arundel

I HEREBY CERTIFY that on this 23<sup>rd</sup> day of July, 199<sup>9</sup><sub>SEL</sub>, a Notary of the State of Maryland and (City/County), Anne Arundel, personally appeared Dickson Nwosu, P.D. License No. 12238, 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 WITNESS** my hand and notarial seal.

Susan E. Leese

Notary Public

My commission expires:

July 1, 2002

