

REVISOR'S NOTE: This section presently appears as the third paragraph of Art. 43, § 268(b) -- except for the second clause of the second sentence of that paragraph, which now appears in § 12-407 of this subtitle.

The only changes are in style.

12-409. SUSPENSIONS AND REVOCATIONS -- GROUNDS AVAILABLE.

SUBJECT TO THE HEARING PROVISIONS OF § 12-410 OF THIS SUBTITLE, THE BOARD MAY SUSPEND OR REVOKE ANY PHARMACY PERMIT, IF THE PHARMACY:

(1) IS CONDUCTED SO AS TO ENDANGER THE PUBLIC HEALTH OR SAFETY;

(2) VIOLATES ANY OF THE STANDARDS SPECIFIED IN § 12-403 OF THIS SUBTITLE; OR

(3) OTHERWISE IS NOT CONDUCTED IN ACCORDANCE WITH THE LAW.

REVISOR'S NOTE: This section is new language derived without substantive change from the last half of the second sentence of Art. 43, § 268(c) -- except for the reference to hearings and notice, which now appears in § 12-410 of this subtitle.

Item (2) of this section is new language added to coordinate with the new language of § 12-403 of this subtitle. Read together, these sections clearly provide that the standards for pharmacies set forth in present Art. 43, § 268 are requisites for retaining a pharmacy permit.

As to the introductory language of this section, the present reference to the power of the Board to revoke a pharmacy permit, "when examination or inspection of the pharmacy" discloses a basis, is deleted as misleadingly limited. The Board may act on pertinent information obtained in any legal manner.

Also as to the introductory language of this section, a reference to the power of the Board to "suspend" a pharmacy permit is added to conform to present practice and to state explicitly a power that is inherent in the power of the Board to revoke a pharmacy permit. This interpretation is consistent with the determination that present Art. 43, §§ 251, 252, and 253 (now §§ 12-503 and 12-504 of this title) provide the power to suspend a pharmacy permit under certain circumstances. This revision is called to the attention of the General Assembly.