

EACH PHARMACY SHALL BE:

(1) EQUIPPED WITH THE MINIMUM EQUIPMENT AND APPLIANCES SPECIFIED BY THE BOARD UNDER THIS SECTION; AND

(2) KEPT IN A CLEAN AND ORDERLY MANNER.

(C) SUSPENSION OF PHARMACY PERMITS.

SUBJECT TO THE HEARING PROVISIONS OF § 12-410 OF THIS TITLE, IF A PHARMACY IS OPERATED IN VIOLATION OF THIS SECTION, THE BOARD MAY SUSPEND THE APPLICABLE PHARMACY PERMIT UNTIL THE PHARMACY COMPLIES WITH THIS SECTION.

REVISOR'S NOTE: This section is new language that combines without substantive change Art. 43, § 252 -- except the last clause of that section -- and § 253.

In subsection (a) of this section, the reference to "prepare and dispense" prescriptions is substituted for the present reference to "fill" a prescription to conform with the terminology used in the definition of "practice pharmacy" in § 12-101 of this title and the present reference to the proper compounding of "United States Pharmacopoeia and National Formulary preparations" is deleted as unnecessarily formal and, in any event, included in the broader reference to prescriptions being prepared and dispensed properly.

In subsection (c) of this section, the reference to the hearing provisions of § 12-410 of this title is added for clarity.

Also as to subsection (c) of this section, the revised language provides that the Board "may" suspend a pharmacy permit until the pharmacy complies with the section. Although present Art. 43, § 252 could be interpreted to mean that a suspension was mandatory, the Commission to Revise the Annotated Code concluded that it was more probable that the disciplinary power under this section was intended to be consistent with the comparable provision of § 12-409 of this title, which allows the Board discretion in exercising the power to suspend or revoke a pharmacy permit. Otherwise, the Board would be compelled to suspend a pharmacy permit for even the most minor offenses under this section. This revision is called to the attention of the General Assembly.