

IN THE MATTER OF	*	BEFORE THE MARYLAND
MARYLAND WELLNESS ACCESS	*	NATALIE M. LAPRADE
DBA REMEDY COLUMBIA	*	MEDICAL CANNABIS COMMISSION
Respondent	*	
	*	
License No.: D17-0008	*	Case No.: 18-00033
* * * * *	*	* * * * *

CONSENT ORDER

On February 26, 2019, members of the Maryland Medical Cannabis Commission (the “Commission”) held a pre-charge Case Resolution Conference (CRC) with Maryland Wellness Access, dba Remedy Columbia (the “Respondent”), license number D17-0008, and its counsel, pursuant to its authority to regulate medical cannabis dispensaries under the Natalie M. LaPrade Medical Cannabis Commission Act (the “Act”) codified at Md. Code Ann., Health-Gen. § 13-3301 *et seq.* (2015 Repl. Vol. and 2018 Supp.). The purpose of the CRC was to attempt to reach resolution of allegations against the Respondent prior to the issuance of formal charges

The pertinent provisions of the Act provide the following:

§ 13-3307. Dispensary License Requirements

- (f) The Commission shall establish requirements for security and product handling procedures that a dispensary must meet to obtain a license under this section, including a requirement for a product-tracking system.
- (g) The Commission may inspect a dispensary licensed under this section to ensure compliance with this subtitle.
- (h) The Commission may impose penalties or rescind the license of a dispensary that does not meet the standards for licensure set by the Commission.



§ 13-3316. Regulations

The Commission shall adopt regulations to implement the provisions of this subtitle.

The pertinent Code of Maryland Regulations (COMAR) (2018) provide as follows:

10.62.30.03 Procedure for Dispensing Medical Cannabis

B. Before any distribution of medical cannabis, a dispensary agent shall query the Commission data network and verify that:

- (1) The qualifying patient or caregiver is currently registered;
- (2) A certifying physician issued a valid written certification to the qualifying patient, and
- (3) The amount of medical cannabis that has already been dispensed pursuant to the written certification.

10.62.30.07 Limit or Transfer of Medical Cannabis

A licensee or registered dispensary agent may not transfer any medical cannabis to any person if the licensee or registered dispensary agent knows, or may have reason to know, that the transfer or the medical cannabis does not comply with any provision of the Health-General Article, Title 13, Subtitle 33, Annotated Code of Maryland or this subtitle.

10.62.34.03 Violation of Requirements

In the event the Commission finds that a licensee, registrant, agent or employee violated a requirement of this subtitle, after written notice and a hearing in accordance with the State Government Article, §§10-201—10-226, Annotated Code of Maryland, the Commission may:

- A. Impose a fine of up to \$5,000 per violation on a licensed grower, licensed processor, licensed dispensary or independent testing laboratory;
 - B. Suspend the license, registration, licensee, registrant, employee or agent;
- or

C. Revoke the license or registration.

In lieu of proceeding with an evidentiary hearing in this matter, the parties agreed to the following Findings of Fact, Conclusions of Law and Order as set forth herein.

FINDINGS OF FACT

The Commission finds that:

1. The Respondent was initially licensed to dispense medical cannabis on November 20, 2017, license number D-17-00008, and operates a dispensary in Columbia, Maryland.
2. On July 11, 2018, the Commission received a complaint that a purchase history check indicated that a patient had been able to make a purchase from the Respondent on June 30, 2018 despite an expired provider's certification.
3. On the same date Commission investigators responded to the dispensary to speak with two members of Respondent's staff, Employee A and Employee B.
4. The investigation revealed that on June 30, 2018, the Patient arrived at Remedy and presented an unexpired Patient ID Card to the staff on duty. Despite the facially valid card, in fact the Patient's written certification had expired 10 days earlier on June 20, 2018.
5. The Patient was known to the staff and was a frequent visitor. The staff queried the MMCC patient verification system and bypassed a notice regarding the

Patient's expired provider's certification, and the Patient was allowed to purchase the following products:

- a. 5 quantity of Sour Diesel bud;
 - b. 1 quantity of Nolt-D bud;
 - c. 1 quantity of pre rolls;
 - d. 1 quantity of Shark Shock concentrate; and
 - e. 1 quantity Kalm Chewable THC tablets.
6. On request of the investigator, Employee A recovered a transaction report for that particular sale. The patient information screen indicated in red print "Patient does not have a current certification. Patient not eligible to purchase cannabis."
 7. Employee B advised that there are two opportunities to check on a patient's status. The first time is when the patient checks in at the dispensary and his/her name is run through the computer system. The second time the patient's status is to be verified is at the time of sale.
 8. Employee B advised Commission investigators that both of these measures were bypassed due to "employee oversight."
 9. The investigator requested a corrective action plan regarding this matter to be provided via email to the Commission within 10 days of the inspection.
 10. The Dispensary provided an updated set of standard operating procedures for the dispensary regarding procedures for verifying a patient's status prior to sale,

revised training curriculum for all dispensary agents regarding the same, and proof that all dispensary agents have been retrained on the revised SOPs.

11. SOPs, revised training curriculum, and evidence of retraining of all dispensary agents within 10 days of the request. The corrective action plan was satisfactory to the Commission.

12. Records further demonstrate that Remedy has conducted more than 73,000 patient transactions since beginning operations in December 2017.

13. The following mitigating factors were taken into account when resolving this matter: a) the isolated nature of the incident; b) the lack of actual diversion; c) the lack of a pattern of misconduct or violations; and d) the prompt corrective action taken by the Respondent.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Commission concludes as a matter of law that there are grounds for discipline of the Respondent's medical cannabis dispensary license pursuant to COMAR 10.62.30.03, 10.62.30.07 and 10.62.34.03.

ORDER

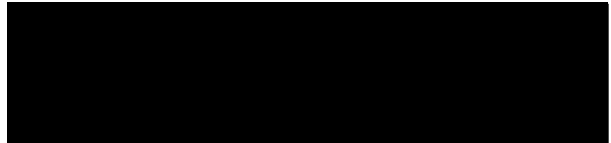
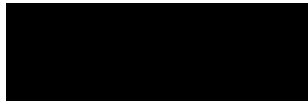
Based on the foregoing Findings of Fact and Conclusions of Law by the Commission, it is hereby

ORDERED that the Respondent's license to dispense medical cannabis shall be **REPRIMANDED**; and it is further

ORDERED within five days of the date of this Order, the Respondent shall pay to the Commission a **fine of \$2,500**; and it is further

ORDERED that the Respondent shall incur all costs associated with this Consent Order; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. § 4-401 *et seq.* (2014 Repl. Vol. and 2018 Supp.)



CONSENT

I, Blaize Connelly-Duggan, on behalf of Maryland Wellness Access, dba Remedy Columbia, acknowledge that I have had the opportunity to seek advice of counsel in this matter. By this Consent, I agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of 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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Commission to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Commission that might have followed any such hearing.



I sign this Consent Order after having been advised by counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

3-29-19

Date



Blaize Connelly Duggan, on behalf of
Maryland Wellness Access, dba Remedy
Columbia
Respondent

NOTARY

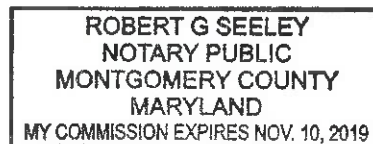
STATE OF MARYLAND

CITY/COUNTY OF: MONTGOMERY

I HEREBY CERTIFY that on this 29 day of MARCH 2019, before me, a Notary Public of the State and County aforesaid, personally appeared Blaize Connelly-Duggan, on behalf of Maryland Wellness Access, dba Remedy Columbia, and gave oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.


Notary Public



My commission expires: 11/10/19

