

IN THE MATTER OF * BEFORE THE
PARTNERS PHARMACY SERVICES * MARYLAND BOARD
LLC dba * OF PHARMACY
ADVANCED PHARMACY *
Permit No. PW0476 * CASE NO: PI-16-007

* * * * *

PRE-CHARGE CONSENT ORDER

Background

On July 2, 2015, the Maryland Division of Drug Control (“DDC”) performed an opening inspection of the operation owned by Partners Pharmacy Services, LLC, now doing business in Maryland as Advanced Pharmacy (the “Pharmacy”). The Maryland Board of Pharmacy (the “Board”) then issued a waiver pharmacy permit to the Pharmacy to operate under Permit No. PW0476. As a result of the DDC inspection, the Board learned that the Pharmacy purchased the Advanced Pharmacy operation from the previous pharmacy owner effective January 1, 2015, and had been operating the pharmacy using the previous pharmacy’s permit between January 1, 2015, and July 2, 2015.

In lieu of instituting formal proceedings against the Pharmacy, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference (“CRC”) with the Pharmacy on October 14, 2015. As a result, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The Pharmacy possesses an active Maryland pharmacy permit, Permit No. PW0476, and operates on the premises located at 8910 Route 108, Columbia, Maryland. The Pharmacy's permit expires on May 31, 2016.
2. On or around January 24, 2015, the Pharmacy submitted to the Board an application for a pharmacy permit. On February 22, 2015, Board staff contacted the Pharmacy to inform them that it had submitted the application with a signature missing; the Pharmacy submitted the correct application on or about February 25, 2015. Subsequently, on April 1, 2015, Board staff notified the Pharmacy to schedule an opening inspection with DDC.
3. Due to a misunderstanding of the process, the Pharmacy did not have the opening inspection conducted until July 2, 2015, at which time the Pharmacy was issued the new pharmacy permit.
4. At the opening inspection, DDC learned that the Pharmacy purchased the operation from the previous pharmacy owner on January 1, 2015, and had been operating under the old pharmacy permit since that time.
5. Pharmacy permits are not transferrable in Maryland.
6. Partners operates approximately 20 pharmacies in other states and mistakenly believed that it could operate under the old pharmacy's permit while the Pharmacy's application was under review by the Board.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-401(a), 12-703, and 12-707(e), and COMAR 10.34.11.09D.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 22nd day of February 2016, hereby:

ORDERED that the Pharmacy shall pay a fine in the amount of \$500.00, payable to the Maryland Board of Pharmacy, within sixty (60) days of the date of this Order; and be it further,

ORDERED that failure to pay in full the above fine within sixty (60) days of the date of this Order shall be considered a violation of this Order, and after notice and opportunity for a show cause hearing shall subject the Pharmacy to further discipline such as suspension, revocation or further fines based on the violations cited in this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., Gen. Provisions § 4-333(b).

2/22/16
Date


Mitra Gavvani
Mitra Gavvani, Pharm. D.
President, Maryland Board of Pharmacy

CONSENT

1. The Pharmacy submits to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, in order to avoid the cost and uncertainty of litigation and without admitting that its conduct violated any law, code or regulation. Had the Pharmacy been served with formal charges, it understands that the Board would have afforded the Pharmacy the right to a full evidentiary hearing.
2. By signing this Consent, the Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. The Pharmacy acknowledges that this is a formal order of the Board and as such is a public document.
4. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. The Pharmacy signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

Partners Pharmacy Services, LLC
dba Advanced Pharmacy
Permit No. PW0467

2/10/2016
Date




John Walker, R.Ph.
Executive Vice President

STATE OF New Jersey
COUNTY/CITY OF Hudson :

I hereby certify that on this 10th day of February, 2016,
before me, a Notary Public of the State of New Jersey and County/city aforesaid,
personally appeared JOHN WALKER, on behalf of PARTNERS PHARMACY SERVICES
LLC, dba ADVANCED PHARMACY, and made an oath in due form that the foregoing
Consent was his voluntary act and deed.

Sworn to and subscribed
before me this
10th day of 2, 2016



Notary Public
My commission expires: 10/2/2020

KARINA MARINO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 10/2/2020