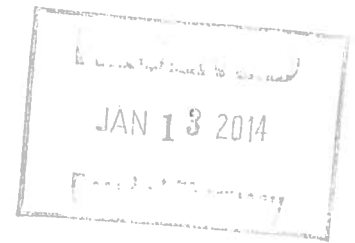


IN THE MATTER OF
ADVANTAGE PHARMACY, LLC.
APPLICANT

* BEFORE THE
* STATE BOARD OF
* PHARMACY
* Case No. PI-13-496



* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Code Ann. § § 12-101, *et seq.*, (2009 Repl. Vol.) (the "Act"), the Board notified **ADVANTAGE PHARMACY, LLC**, (the "Applicant"), that it was initially denying the Applicant's permit to operate as a non-resident pharmacy in Maryland due to the following violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of its Act and Code Md. Regs. (COMAR) thereunder.

§12-409. Suspensions and revocations—Grounds.

- (b) (1) A nonresident pharmacy is subject to the disciplinary actions stated in this subtitle.
- (2) The Board may fine a nonresident pharmacy in accordance with § 12-410 of this subtitle or deny, revoke, or suspend the permit of a nonresident pharmacy for any violation of § 12-403(d) through (g) of this subtitle.

§12-403. Required Standards.

- (f) Notwithstanding subsection (a) of this section, a nonresident pharmacy shall:
 - (1) Comply with the requirements of subsection (b) (2), (7) through (12), and (19) of this section when:
 - (i) Dispensing prescription drugs or prescription devices to a patient in this State; or

- (ii) Otherwise engaging in the practice of pharmacy in this State [;].
- (b) Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:
 - (1) Shall be operated in compliance with the law and with the rules and regulations of the Board;
 - (9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12–313 of this title...
- (f) Notwithstanding subsection (a) of this section, a nonresident pharmacy shall:
 - (4) Maintain at all times a valid, unexpired permit to conduct a pharmacy in compliance with the laws of the state in which it is located [;].

Section 12-313 of the Act states:

- (b) 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 for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:
 - (8) Willfully fails to file or record any report that is required by law;
 - (24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
 - (25) Violates any rule or regulation adopted by the Board [;].

The Board further basis its denial of a non-resident pharmacy permit based on its Pharmacist and Pharmacy Technician Code of Conduct, COMAR 10.34.10, (effective November 12, 2000):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03 [;].

The Respondent was given notice of the issues underlying the Board's denial by a letter dated October 16, 2013. Accordingly, a Case Resolution Conference was held on December 11, 2009.

Following the Case Resolution Conference, held on December 11, 2013, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. On or about September 28, 2012, the Board received information that the Applicant answered "yes" to Question 11h on the application, which asks: "Have you, or any person or entity having ownership in the pharmacy, or any of the licensed or registered staff ever been subject to any disciplinary action by any Board of Pharmacy in

your state or in any other state?" The application further stated: "(If yes, attached a detailed explanation)." The Applicant typed the following statement: ("We had an employee dishonesty Situation arise where employee was taking narcotics and selling. Employee was terminated, Tech license were (sic) revoked by MS STATE BOARD OF PHARMACY, and Pharmacy facility permit was placed on probation for a 2 year period.")

2. Subsequently, the Board received a copy from the Applicant of the Order of the Mississippi Board of Pharmacy, dated May 17, 2012, which found that the Applicant had violated certain laws regarding record-keeping of controlled substances from January 1, 1999-January 30, 2011 with regard to the receipt and disposal of hydrocodone and Alprazolam drugs. As a result of the failure of the Applicant to maintain accurate records of the acquisition and disposition of controlled drugs, the Applicant was given Probation for a period of two years, beginning May 17, 2012 and ending May 17, 2014; was assessed the cost of the investigation in the amount of \$1,383.35; and, was assessed a monetary penalty of \$5000.

3. As set forth above, by failing to comply with the laws of the State of Mississippi, the Applicant violated the laws and regulations of the State of Maryland.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Applicant violated §12-409(b)(1) and (2); §12-403(f) (1)(i), (ii), (b) (1), (9), (f)(4); §12-313(b)(8), (24), (25); and 10.34.10.02 A (1) (a) through (e).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 15th day of January, 2014, by a majority of a quorum of the Board,

ORDERED that the Applicant be issued a permit by the Board to operate in Maryland as a non-resident pharmacy;

ORDERED that the Applicant is hereby placed on **Probation** for one year.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

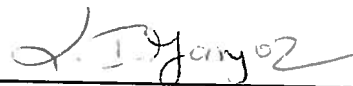
ORDERED that, should the Board receive a report that the Applicant has violated the Act or if the Applicant violates any conditions of this Order, after providing the Applicant with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Applicant, including suspension or revocation. The burden of proof for any action brought against the Applicant as a result of a breach of the conditions of the Order shall be on the Applicant to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Applicant shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, should the Applicant fail to demonstrate compliance, the Board may impose additional terms and conditions on the Order, as it deems necessary;

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't.

Code Ann. §10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Lenna Israbian-Jamgochian, P.D., Chair
State Board of Pharmacy *Pharm D.*

CONSENT OF ADVANTAGE PHARMACY, LLC

I, Doyle Beach, Co-Owner of Advantage Pharmacy, LLC, by affixing my signature hereto, acknowledge that:

I am not represented by counsel and have not consulted with counsel before entering into this Consent Order. I have knowingly and voluntarily waived my right to counsel. By this Consent, and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

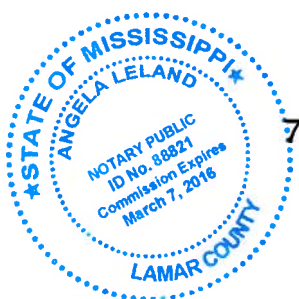
I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

01-09-2014

Date

Doyle Beach
Doyle Beach on behalf of
Advantage Pharmacy, LLC



STATE OF MS _____ :

CITY/COUNTY OF Lamar _____ :



I HEREBY CERTIFY that on this 9th day of January, 2014, before
me, Angela Leland
Doyle Beach, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Doyle Beach, Co-Owner of the Applicant, Advantage Pharmacy, LLC, , 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 WITNESSETH my hand and notarial seal.

Angela Leland
Notary Public

My Commission Expires: 3/7/2016