

**IN THE MATTER OF
BET PHARM, LLC
PERMIT NO. P04724**

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**BEFORE THE
MARYLAND STATE
BOARD OF PHARMACY
Case No. 21-072**

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received reliable information indicating that BET Pharm, LLC (the “Pharmacy”) was formally disciplined by the Kentucky Board of Pharmacy on August 5, 2020, based on deficient sterile compounding practices. The Board then opened an investigation into the matter which revealed that the Pharmacy was placed on probation by the Kentucky Board based on its dispensing of sterile and non-sterile products that failed to adhere to USP 797 and 795, respectively. The Pharmacy failed to report the Kentucky Board disciplinary action to the Board as required by the Board’s regulations.

In lieu of instituting formal proceedings against BET Pharm, LLC, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and BET Pharm, LLC, have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The Pharmacy is currently located at 1501 Bull Lea Road, Lexington, Kentucky, and obtained a non-resident pharmacy permit to operate in Maryland under Permit Number P04724 on or about August 14, 2008. The Pharmacy’s permit is active and will expire on May 31, 2022.

2. The Pharmacy dispenses compounded sterile and non-sterile products pursuant to patient-specific prescriptions.
3. On or about August 5, 2020, the Kentucky Board of Pharmacy and the Pharmacy entered into an Agreed Order of Probation.
4. The Kentucky Board found that the Pharmacy had, among other things, engaged in unprofessional and unethical conduct by failing to compound sterile preparations pursuant to USP 797 and non-sterile preparations pursuant to USP 795, and failed to maintain complete and accurate compounding records.
5. The Kentucky Board fined the Pharmacy in the amount of \$40,500.00 and placed the Pharmacy's permit on probation for a period of five (5) years with various terms and conditions focused on monitoring the Pharmacy's compounding processes.
6. The Board's investigation revealed that the Pharmacy dispensed approximately seven (7) compounded products into Maryland that were included in the affected lots determined by the Kentucky Board to not have met USP 797 and 795 standards.
7. The Pharmacy failed to report the disciplinary action taken by the Kentucky Board to the Board within five (5) calendar days as required by COMAR 10.34.19.18.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that BET Pharm, LLC, Permit Number P04724, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-403(e)(1), (g)(1) and (10), 12-313(b)(24) and COMAR 10.34.19.18.

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-409, it is this 17 day of June, 2021, hereby,

ORDERED that BET Pharm, LLC, Permit No. P04724, shall pay a FINE in the amount of FIVE THOUSAND DOLLARS (\$5,000.00) within sixty (60) days, in the form of a check made payable to the Maryland Board of Pharmacy, and sent to:

Wells Fargo Bank
c/o State of Maryland – Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, Maryland 21046
(Please include the Case No. 21-072 to ensure proper assignment.)

and be it further;

ORDERED that BET Pharm, LLC, shall fully comply with the terms and conditions of the Kentucky Board of Pharmacy Agreed Order of Probation, dated August 5, 2020; and be it further,

ORDERED that BET Pharm, LLC, shall immediately notify the Board in writing in the event that BET Pharm, LLC, is alleged by the Kentucky Board to be in violation of the August 5, 2020, Agreed Order of Probation; and be it further,

ORDERED that BET Pharm, LLC, shall comply with all laws and regulations governing the operation of a non-resident pharmacy in the State of Maryland, to include Maryland laws governing sterile compounding and the reporting of adverse events and disciplinary actions to the Board; and be it further,

ORDERED that if BET Pharm, LLC, violates any of the terms and conditions of this Pre-Charge Consent Order, the Board, in its discretion and after notice and an

opportunity for a hearing, may impose any sanction which the Board may have imposed in this case, including suspension, revocation and/or a monetary penalty; and it is further

ORDERED that this is a formal order and as such is a public document pursuant to the Maryland Public Information Act, Md. Code Ann., General Provisions Article § 4-101, *et seq.*

6-17-21
Date


Deena Speights-Mapata, M.A.
Executive Director for:

Jennifer L. Hardesty, Pharm.D.
Board President

CONSENT

1. BET Pharm, LLC, acknowledges the validity of this Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

2. BET Pharm, LLC, acknowledges that, by entering into this Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

3. BET Pharm, LLC, acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

4. BET Pharm, LLC, signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. BET Pharm, LLC, fully understands the language, meaning, and effect of this Consent Order.

6/8/21
Date

WJL
Name: Micah Cheak
Title: PIC

STATE OF Kentucky
COUNTY/CITY OF Fayette/Lexington

I hereby certify that on this 8th day of June, 2021, before me, a Notary Public of the State of Kentucky and County/City aforesaid, personally appeared Micah Cheak, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of BET Pharm, LLC.

[Signature]
Notary Public
My commission expires: 01/06/2024