

IN THE MATTER OF

*

BEFORE THE

BUY-RITE DRUGS, INC.
dba BRD VetRX

*

MARYLAND STATE

*

BOARD OF PHARMACY

PERMIT NO: NONE

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Case No. 20-449

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received a self-report from Buy-Rite Drugs, Inc. dba BRD VetRX (the “Pharmacy”), located in Hartselle, Alabama, indicating that it had dispensed medications into Maryland without a Maryland pharmacy permit. The Board subsequently investigated the matter and determined that the Pharmacy had dispensed prescription medications into Maryland from approximately January 2018 through April 2020 without obtaining a non-resident pharmacy permit in Maryland.

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 and the Pharmacy have agreed to resolve this matter as set forth in this Pre-Charge Consent Order.

FINDINGS OF FACT

1. Buy-Rite Drugs, Inc. dba BRD VetRX, is a pharmacy located and licensed in Hartselle, Alabama under Permit Number 101957.
2. On or about April 24, 2020, the Board received a self-report from the Pharmacy

advising that the Pharmacy, due to insufficient administrative oversight, dispensed prescription medications into Maryland without a Maryland permit.

3. The Board subsequently opened an investigation which revealed that the Pharmacy had dispensed approximately 770 prescriptions, primarily compounded veterinarian products, into Maryland from January 2018 to March 2020.
4. The Pharmacy's records indicate that it did not dispense any controlled dangerous substances into Maryland.
5. The Pharmacy did not possess, nor has ever possessed, a non-resident pharmacy permit in Maryland that would authorize the Pharmacy to dispense prescription drugs to Maryland patients.
6. The Pharmacy asserts that it has ceased dispensing of prescription drugs into Maryland as of April 2020.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Buy-Rite Drugs, Inc., dba BRD VetRX, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-401, 12-403(e), 12-703, and 12-707(e).

ORDER

Based upon an affirmative vote of a majority of the Board under the authority of Md. Code Ann., Health Occ. § 12-101, *et seq.*, it this 4th day of February, 2020, hereby,

ORDERED that the Pharmacy, shall pay a FINE in the amount of \$5,000.00, payable to the Maryland Board of Pharmacy within thirty (30) days of the date of this Order, and mailed to:

Wells Fargo Bank

c/o State of Maryland - Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

NOTE: Please include the case number 20-449, on your check or money order to ensure proper assignment to this case; and be it further,

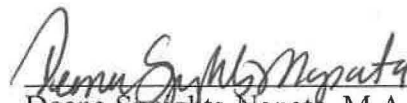
ORDERED that the Pharmacy shall immediately cease and desist any and all pharmacy operations in the State of Maryland including the dispensing of prescription drugs and devices unless and until the Pharmacy duly obtains a non-resident pharmacy permit issued by the Board; and be it further,

ORDERED that should the Pharmacy apply for a permit to operate in Maryland, it shall comply with all laws and regulations governing the dispensing of prescription drugs and devices into the State of Maryland by non-resident pharmacies; and be it further,

ORDERED that in the event that the Pharmacy violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose a civil fine not to exceed \$50,000, said violation being proven by a preponderance of the evidence; and be it further,

ORDERED that this is a formal order and as such is a public document pursuant to Md. Code Ann., General Provisions Article § 4-301, *et seq.*, and reported and posted in accordance with State and federal laws.

2-4-21
Date


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

Kevin Morgan, Pharm.D.
Board President

STATE OF Alabama
COUNTY/CITY OF Madison :

I hereby certify that on this 27th day of January, ²⁰²¹2020, before me, a Notary Public of the State of ~~Maryland~~ and County/City aforesaid, personally appeared Mike Strickland ^{Alabama}, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Buy-Rite Drugs, Inc., dba BRD VetRX.



Sha'lena Black
Notary Public
My commission expires: October 16, 2024

CONSENT

1. By signing this Consent, Buy-Rite Drugs, Inc., dba BRD VetRX submits to the foregoing Pre-Charge Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.


2. Buy-Rite Drugs, Inc., dba BRD VetRX, acknowledges the validity of this Pre-Charge 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.

3. Buy-Rite Drugs, Inc., dba BRD VetRX, acknowledges that, by entering into this Pre-Charge Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Buy-Rite Drugs, Inc., dba BRD VetRX, acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

5. Buy-Rite Drugs, Inc., dba BRD VetRX, signs this Pre-Charge Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Buy-Rite Drugs, Inc., dba BRD VetRX, fully understands the language, meaning, and effect of this Pre-Charge Consent Order.

1/27/2021
Date


Name: MIKE Strickland
Title: Pres/owner