

IN THE MATTER OF	*	BEFORE THE
DIABETES CORPORATION OF AMERICA	*	MARYLAND STATE
	*	BOARD OF PHARMACY
PERMIT NO. P05661	*	Case No. 21-180

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received information from the National Association of Boards of Pharmacy (“NABP”) indicating that Diabetes Corporation of America (the “Pharmacy”) had been fined by the Texas Board of Pharmacy for operating without a pharmacist-in-charge. The Board subsequently opened an investigation which revealed that the Pharmacy had dispensed prescription medications into Maryland from approximately October 1, 2019, through March 23, 2020, without a designated Maryland licensed pharmacist.

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. Diabetes Corporation of America is a pharmacy located and licensed in Franklin, Tennessee.
2. The Pharmacy obtained a non-resident pharmacy permit (Permit Number P05661) in Maryland on March 9, 2012.

3. On or about January 20, 2021, the Board received a report from NABP indicating that the Pharmacy had been fined by the Texas Board of Pharmacy on November 3, 2020, for operating in Texas without a supervising pharmacist-in-charge.
4. The Board subsequently opened an investigation which revealed that the Pharmacy had dispensed approximately 508 prescription medications into Maryland from October 1, 2019 through March 23, 2020, without a designated Maryland licensed pharmacist on staff as required by Health Occ., Sec. 12-403(e)(2).
5. The Pharmacy currently staffs a designated Maryland licensed pharmacist.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Diabetes Corporation of America is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-403(e) and 12-409(b).

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 6th day of August, 2021, hereby,

ORDERED that the Pharmacy, Permit No. P05661, shall pay a FINE in the amount of \$2,500.00, payable to the Maryland Board of Pharmacy within ninety (90) 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 21-180, on your check or money order to ensure proper assignment to this case; and be it further,

ORDERED that the Pharmacy shall comply with all laws and regulations governing the operation of a non-resident pharmacy in the State of Maryland, to include Maryland laws requiring a designated Maryland licensed pharmacist on staff; and be it further,

ORDERED that if the Pharmacy 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 Md. Code Ann., General Provisions Article § 4-301, *et seq.*, and reported and posted in accordance with State and federal laws.

8-6-21

Date



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

Jennifer Hardesty, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Diabetes Corporation of America, 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. Diabetes Corporation of America 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. Diabetes Corporation of America 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. Diabetes Corporation of America acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

5. Diabetes Corporation of America signs this Pre-Charge Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Diabetes Corporation of America fully understands the language, meaning, and effect of this Pre-Charge Consent Order.

8/2/21
Date

Name: West Cowan
Title: Pharmacist in Charge

STATE OF Tennessee
COUNTY/CITY OF Williamson

I hereby certify that on this 2nd day of August, 2021, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared West Cowan, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Diabetes Corporation of America.



[Signature]
Notary Public
My commission expires: 9.26.2023