

IN THE MATTER OF	*	BEFORE THE
FISHER SCIENTIFIC	*	MARYLAND STATE
COMPANY, LLC	*	BOARD OF PHARMACY
dba FISHER SCIENTIFIC AND	*	
FISHER HEALTHCARE	*	
Distributor Permit: D06316	*	Case No. 24-344
(Non-Renewed)	*	

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received credible information from the National Association of Boards of Pharmacy (“NABP”) on May 20, 2024, indicating that Fisher Scientific Company, LLC (the “Distributor”) was distributing prescription device products into Maryland without a Maryland wholesale distributor’s permit. The Board subsequently opened an investigation and received documents confirming that the Distributor had distributed prescription device products into Maryland with a wholesale distributor’s permit that expired in May 2021.

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

FINDINGS OF FACT

1. Fisher Scientific Company, LLC, the Distributor, is a wholesale drug distributor located and licensed in Florence, Kentucky.
2. The Distributor was originally issued a wholesale distributor’s permit by the

Maryland Board on March 2, 2018. The Distributor's Maryland permit expired on May 31, 2021, and is currently non-renewed.

3. On May 20, 2024, the Board received a NABP Supply Chain Inspection report of the Distributor indicating that the Distributor was distributing prescription devices into Maryland without an active wholesale distributor's permit.
4. Upon receiving the NABP inspection report, the Board opened an investigation into the matter.
5. The Distributor cooperated with the Board's investigation and provided the requested documents. The Board's investigation determined that the Distributor distributed certain prescription device products into Maryland after the expiration of its Maryland permit.
6. Specifically, between June 1, 2021, and May 1, 2024, the Distributor distributed prescription device products to various healthcare entities in Maryland without an active Maryland wholesale distributor's permit.
7. Wholesale distributors must hold an active permit issued by the Board before a wholesale distributor may engage in the wholesale distribution of prescription drugs or prescription devices in Maryland.
8. The Distributor submitted a reinstatement application for a Maryland wholesale distributor's permit on January 4, 2024.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Fisher Scientific Company, LLC, is subject to a sanction in accordance with Md. Code Ann., Health Occ. §§ 12-6C-03 and 12-6C-11.

ORDER

Based upon an affirmative vote of the Maryland Board of Pharmacy under the authority of Md. Code Ann., Health Occ. § 12-101, *et seq.*, it this 29th day of October, 2024, hereby,

ORDERED that Fisher Scientific Company, LLC, shall pay a FINE in the amount of FIVE THOUSAND DOLLARS (\$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
Attn: State of MD - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 24-344, on the check or money in order to ensure proper assignment to this case; and be it further,

ORDERED that in the event that Fisher Scientific Company, LLC, violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose any sanction it deems appropriate, including the imposition of further fines in accordance with Health Occ. § 12-6C-11; and be it 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.*

10-29-24
Date


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

Kristopher Rusinko, Pharm.D.
Board President

CONSENT


1. Fisher Scientific Company, LLC, 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.

2. Fisher Scientific Company, LLC, 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.

3. Fisher Scientific Company, LLC, acknowledges the legal authority and jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

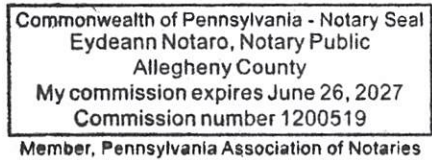
4. Fisher Scientific Company, LLC, signs this Pre-Charge Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Fisher Scientific Company, LLC, fully understands the language, meaning, and effect of this Pre-Charge Consent Order.

10/15/24
Date


Name: John Sabo
Title: VP and General Counsel

STATE OF PENNSYLVANIA,
COUNTY OF ALLEGHENY:

I hereby certify that on this 15TH day of October, 2024, before me, a Notary Public of the State of Pennsylvania, Allegheny County aforesaid, personally appeared John Sabo, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Fisher Scientific Company, LLC.



Notary Public

My commission expires: June 26, 2027