

**IN THE MATTER OF  
GENRX PHARMACY  
Permit No. P06911**

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**BEFORE THE  
MARYLAND BOARD  
OF PHARMACY  
Case No. 18-214**

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**PRE-CHARGE CONSENT ORDER**

**Background**

Between August 2016 and July 2018, the Maryland Board of Pharmacy (the “Board”) received self-reports of disciplinary actions taken in six other states against GenRx Pharmacy (the “Pharmacy”), Permit No. P06911. Because most of the other disciplinary actions concerned practicing pharmacy in those states without an active pharmacy permit, the Board subpoenaed the Pharmacy’s records of prescription drugs dispensed into Maryland between January 1, 2010, and August 21, 2015. The information provided by the Pharmacy indicated that the Pharmacy dispensed 7,354 prescriptions into Maryland before it received a permit from the Board on August 22, 2015.

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 held a Pre-Charge Case Resolution Conference (“CRC”) with the Pharmacy on August 22, 2018. As a result, the Board and the Pharmacy have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. The Pharmacy began operating as a pharmacy in Maryland under Permit No. P06911 on August 22, 2015. The Pharmacy’s permit is currently active and is set to expire on May 31, 2020.

2. **Between August 2016 and July 2018, the Pharmacy self-reported to the Board disciplinary actions taken by Boards of Pharmacy in Oregon, Kentucky, South Carolina, and Minnesota, all for shipping prescription drugs to patients in those states without a permit. The Pharmacy also disclosed reciprocal disciplinary actions taken by Boards of Pharmacy in Alabama and California based on the other disciplinary actions reported to the Board.**
3. **On April 25, 2018, the Board issued a *subpoena duces tecum* to the Pharmacy, requesting dispensing records for all prescriptions dispensed by the Pharmacy into Maryland between January 1, 2010, and August 21, 2015. The responsive documents submitted by the Pharmacy indicated that it dispensed 7,354 prescriptions into Maryland without an active pharmacy permit between July 28, 2014, and August 21, 2015.**
4. **At the CRC, the Pharmacy admitted to dispensing prescription drugs into Maryland without an active permit, although it noted that it did not dispense any compounded drugs or controlled dangerous substances into Maryland. The Pharmacy stated that after it learned of its licensing deficiencies in several states, it discharged some senior staff and brought in a new chief executive officer to clean up any quality assurance issues. The Pharmacy noted that the root causes of its licensure issues were a knowledge deficit and certain system deficiencies.**
5. **The Pharmacy also stated that it took several steps to ensure that no further licensing deficiencies occur. Specifically, the Pharmacy stated that it implemented a shipping software system that does not allow it to print labels for shipping into states where it does not have a permit, hired general counsel to survey its compliance with various state laws, and created an anonymous ethics hotline. The Pharmacy also received URAC mail order accreditation on August 1, 2018.**

**CONCLUSION OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-401(a), 12-703, and 12-707(e), and COMAR 10.34.11.09D(1)(b).

**ORDER**

Based on an affirmative vote of a majority of the Board, it is this 19<sup>th</sup> day of December, 2018, hereby:

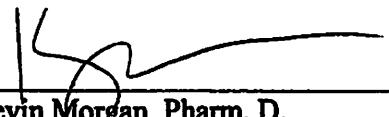
**ORDERED** that the Pharmacy shall pay a fine in the amount of \$10,000.00, payable to the Maryland Board of Pharmacy, within thirty (30) days of the date of this Order; and be it further,

**ORDERED** that failure to pay in full the above fine within thirty (30) days of the date of this Order shall be considered a violation of this Order, and after notice and opportunity for a show cause hearing may subject the Pharmacy to further discipline such as suspension, revocation or further fines based on the violations cited in this Order; and be it further,

**ORDERED** that the Pharmacy shall practice in Maryland at all times in accordance with the Maryland Pharmacy Act; and be it further

**ORDERED** that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., Gen. Provisions § 4-333(b).

12/19/18  
Date

  
Kevin Morgan, Pharm. D.  
President, Maryland Board of Pharmacy

CONSENT

1. By signing this Consent, the Pharmacy submits to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy the right to a full evidentiary hearing. The Pharmacy consents and submits to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing in which the Pharmacy would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its behalf, and to all other substantive and procedural protections provided by law.
2. By signing this Consent, the Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. The Pharmacy acknowledges that this is a formal order of the Board and as such is a public document.
4. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. The Pharmacy signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

GenRx Pharmacy  
Permit No. P06911

12/7/2018  
Date

J. Aldrich  
Jay Aldrich, President and Secretary  
GenRx Pharmacy

STATE OF Arizona  
COUNTY/CITY OF Maricopa :

I hereby certify that on this 7<sup>th</sup> day of December, 2018,  
before me, a Notary Public of the State of Arizona and County/city aforesaid,  
personally appeared Jay Aldrich, on behalf of GENRX PHARMACY, and made an oath in  
due form that the foregoing Consent was his voluntary act and deed.

Allyson L. Snow  
Notary Public  
My commission expires: 6.7.22

