

**IN THE MATTER OF
MARLEY DRUG, INC.
PERMIT NO. P07484**

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**BEFORE THE
MARYLAND STATE
BOARD OF PHARMACY**

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PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received credible information indicating that Marley Drug, Inc., a pharmacy located and licensed in North Carolina, had dispensed prescription drugs to patients in Maryland prior to obtaining a non-resident pharmacy permit from the Board.

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

FINDINGS OF FACT

1. Marley Drug, Inc., is a pharmacy located and licensed in Winston Salem, North Carolina under Permit Number 08320.
2. Marley Drug, Inc.’s, pharmacy permit in North Carolina is active and in good standing.
3. On or about February 6, 2017, the Board received credible information from the North Carolina Board of Pharmacy that Marley Drug, Inc., had dispensed prescription drugs to patients in Maryland without a Maryland pharmacy permit.
4. The Board further received documentation from the North Carolina Board of

Pharmacy indicating that Marley Drug, Inc., dispensed approximately 112 prescriptions to patients residing at various locations throughout Maryland.

5. Marley Drug, Inc., dispensed the above prescription drugs between November 2014 and December 2016, prior to obtaining a Maryland pharmacy permit.
6. Marley Drug, Inc., obtained a non-resident pharmacy permit from the Maryland Board on February 3, 2017, which will expire on May 31, 2018.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Marley Drug, Inc., 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 18th day of June, 2017, hereby,

ORDERED that Marley Drug, Inc., Permit No. P07484, 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:

Maryland Board of Pharmacy
P.O. Box 2051
Baltimore, MD 21203-2051

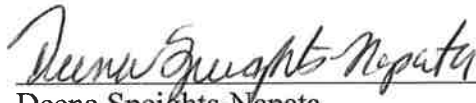
NOTE: Please include the case number, PI-17-181, on your check or money order to insure proper assignment to this case; and be it further,

ORDERED that Marley Drug, Inc., 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 Marley Drug, Inc., 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 disciplinary sanction it deems appropriate, including suspension, revocation, and fines, 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 § 4-333.

6-28-17
Date


Deena Speights-Napata
Executive Director for:

Mitra Gavgani, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Marley Drug, Inc., submits to the foregoing Pre-Charge Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.

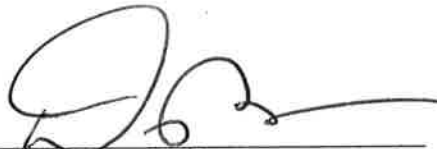
2. Marley Drug, Inc., acknowledges the validity of this Pre-Charge Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

3. Marley Drug, Inc., acknowledges that, by entering into this Pre-Charge Consent Order, Marley Drug, Inc., is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Marley Drug, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

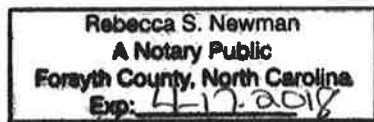
5. Marley Drug, Inc., signs this Pre-Charge Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Marley Drug, Inc., fully understands the language, meaning, and effect of this Pre-Charge Consent Order.


6/21/17
Date


Name: DAVID MARLEY
Title: CEO

STATE OF North Carolina
COUNTY/CITY OF Forsyth:

I hereby certify that on this 21 day of June, 2017, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared David Marley, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Marley Drug, Inc.




Notary Public
My commission expires: 4-17-2018