

IN THE MATTER OF

*

BEFORE THE

McKESSON MEDICAL-
SURGICAL, INC.

*

MARYLAND STATE

*

BOARD OF PHARMACY

Wholesale Distributor Applicant

*

Case No. 25-033

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland State Board of Pharmacy (the “Board”) received a self-report from McKesson Medical-Surgical, Inc., (the “McKesson”) on July 29, 2024, disclosing that McKesson had distributed four (4) prescription products into Maryland without an appropriate permit. The Board subsequently opened an investigation and received documents indicating that McKesson had distributed approximately 400 prescription orders into Maryland without a Maryland wholesale distributor’s permit. The Board is currently processing an application submitted by McKesson for a wholesale distributor’s permit.

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

FINDINGS OF FACT

1. McKesson Medical-Surgical, Inc., is a wholesale distributor located and licensed in Suwanee, Georgia.
2. On or about July 29, 2024, McKesson self-reported to the Board that it distributed four (4) prescription products into Maryland without a wholesale distributor’s

permit. McKesson discovered the error with respect to the four (4) prescription products while it was undergoing an inspection conducted by the National Association of Boards of Pharmacy (NABP).

3. The Board subsequently opened an investigation and obtained information from McKesson indicating that it had distributed approximately 400 prescription products into Maryland between September 2019 and September 2024 without a Maryland wholesale distributor's permit.
4. McKesson asserts that the prescription products at issue were miscoded as non-prescription in McKesson's system and thus inadvertently shipped. McKesson further asserts that product classifications have been updated and additional checks have been implemented to ensure accuracy of product information.
5. A wholesale distributor located outside of Maryland must hold a wholesale distributor permit issued by the Board before it may distribute any prescription drugs or prescription devices into Maryland.
6. McKesson has submitted to the Board an application for a wholesale distributor permit, which is pending the resolution of the matter herein.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that McKesson Medical-Surgical, Inc., is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-601, 12-6C-03 and 12-6C-11.

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. § 12-101, *et seq.*, it this 19th day of March, 2025, hereby,

ORDERED that McKesson 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, 25-033, on your check or money order in order to ensure proper assignment to this case; and be it further,

ORDERED that upon payment of the fine assessed above, the Board shall process the application submitted by McKesson for a wholesale distributor's permit and shall issue such permit provided that all application requirements are otherwise satisfied; and be it further,

ORDERED that in the event that McKesson 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. §§ 12-601 and 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 Art. § 4-101, *et seq.*

3-19-25
Date


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

Kristopher Rusinko, Pharm.D.,
Board President

CONSENT

1. McKesson Medical-Surgical, 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.


2. McKesson Medical-Surgical, Inc., 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. McKesson Medical-Surgical, Inc., acknowledges the legal authority and jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

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

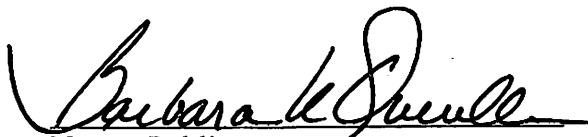
5. By signing this Consent, McKesson Medical-Surgical, Inc., makes no admission to the facts but submits to the foregoing Pre-Charge Consent Order as a resolution of this matter in lieu of formal charges, and agrees to be bound by its terms and conditions.

3/17/2025
Date


Name: Kevin DeBorde, Esq.
Title: Asst. General Counsel, MMS

STATE OF Virginia,
COUNTY/CITY OF Henrico:

I hereby certify that on this 17th day of March, 2025, before me, a Notary Public of the State and County/City aforesaid, personally appeared Kevin DeBorde, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of McKesson Medical-Surgical, Inc.


Notary Public
My commission expires: 11/30/2026

