

IN THE MATTER OF	*	BEFORE THE
MIDSOUTH MEDICAL	*	MARYLAND STATE
SPECIALTIES, LLC, dba	*	BOARD OF PHARMACY
SUPER DRUGS III	*	
PERMIT NO: NONE	*	Case No. 20-472
	*	

* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received a complaint from the Arkansas Board of Pharmacy on April 3, 2020, alleging that Midsouth Medical Specialties, LLC, dba Super Drugs III (the “Pharmacy”), located in Hot Springs, Arkansas, had dispensed medications into Maryland without a Maryland permit. The Board subsequently investigated the matter and determined that the Pharmacy had dispensed prescription medications into Maryland from approximately April 2017 through September 2019 without obtaining a non-resident pharmacy permit in Maryland.

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. Midsouth Medical Specialties, LLC, dba Super Drugs III, is a pharmacy located and licensed in Hot Springs, Arkansas under Permit Number AR20752.
2. On or about April 3, 2020, the Board received a complaint from the Arkansas

Board of Pharmacy alleging that, during an inspection of the Pharmacy, it was noted that the Pharmacy was dispensing medications into Maryland, without a Maryland permit.

3. The Board subsequently opened an investigation that revealed that the Pharmacy had dispensed approximately 19 prescriptions, primarily compounded topical medications, for six (6) patients in Maryland from April 2017 to September 2019.
4. The Pharmacy's records indicate that it did not dispense any controlled dangerous substances into Maryland.
5. The Pharmacy did not possess, nor has ever possessed, a non-resident pharmacy permit in Maryland that would authorize the Pharmacy to dispense prescription drugs to Maryland patients.
6. The Pharmacy asserts that it has ceased solicitation and dispensing of prescription drugs into Maryland as of June 2, 2020.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Midsouth Medical Specialties, LLC, dba Super Drugs III, 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 16th day of April, 2020¹, hereby,

ORDERED that the Pharmacy, shall pay a FINE in the amount of \$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
c/o State of Maryland - Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

NOTE: Please include the case number 20-472, on your check or money order to ensure proper assignment to this case; and be it further,


ORDERED that the Pharmacy shall immediately cease and desist any and all pharmacy operations in the State of Maryland including the dispensing of prescription drugs and devices unless and until the Pharmacy duly obtains a non-resident pharmacy permit issued by the Board; and be it further,

ORDERED that should the Pharmacy apply for a permit to operate in Maryland, it 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 the Pharmacy violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose a civil fine not to exceed \$50,000, 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 § 4-301, *et seq.*, and reported and posted in accordance with State and federal laws.

4-16-21
Date


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

Kevin Morgan, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Midsouth Medical Specialties, LLC, dba Super Drugs III 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. Midsouth Medical Specialties, LLC, dba Super Drugs III, 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. Midsouth Medical Specialties, LLC, dba Super Drugs III, 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. Midsouth Medical Specialties, LLC, dba Super Drugs III, acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

5. Midsouth Medical Specialties, LLC, dba Super Drugs III, signs this Pre-Charge Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Midsouth Medical Specialties, LLC, dba Super Drugs III, fully understands the language, meaning, and effect of this Pre-Charge Consent Order.

11-17-2020
Date


Name: Eddie O'Bannon
Title: owner/operator

STATE OF Mississippi
COUNTY/CITY OF De Soto:

I hereby certify that on this 17th day of Nov, 2020, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Eddie O'Bannon, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Midsouth Medical Specialties, LLC., dba Super Drugs III.



Deborah F Taylor
Notary Public
My commission expires: 3-7-2022