

IN THE MATTER OF
MIDWEST VETERINARY
SUPPLY, INC.
Norristown, Pennsylvania

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BEFORE THE
MARYLAND STATE
BOARD OF PHARMACY
CASE #PI-14-201

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CONSENT ORDER

Background

The Maryland Board of Pharmacy (the "Board") received a self-report from Midwest Veterinary Supply, Inc., the Respondent, indicating that it had distributed non-controlled substances into Maryland from its Pennsylvania warehouse without a permit between March 2005 and February 2014. Upon receiving this information, the Board opened an investigation and confirmed the unauthorized distribution of prescription drugs into Maryland by the Respondent.

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

FINDINGS OF FACT

1. At all times relevant herein, Respondent's Norristown, Pennsylvania warehouse facility did not hold a distributor's permit in Maryland and was not authorized to distribute prescription drugs into Maryland.
2. Respondent owns another warehouse facility in Sun Prairie, Wisconsin which is duly permitted to distribute both controlled and non-controlled substances into Maryland.

3. On or about June 2014, the Board received a self-report from the Respondent disclosing that the Respondent had distributed non-controlled drugs into Maryland from its Pennsylvania warehouse without a permit from March 2005 through February 2014.
4. The Board's investigation revealed that the Respondent's unauthorized distribution was inadvertent and the result of a lack of administrative diligence.
5. The Respondent has since instituted software adjustments to prevent shipments into states in which the Respondent does not hold a distributor's permit.
6. The Respondent's unauthorized distribution into Maryland totaled approximately \$20,000 in gross sales.
7. The Respondent acted in good faith in filing the self-report and fully cooperated with the Board's investigation.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Midwest Veterinary Supply, Inc., is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-6C-11 and COMAR 10.34.22.05A(3).

ORDER

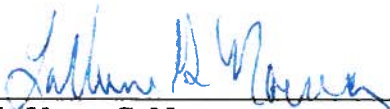
Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. § 12-6C-11 and COMAR 10.34.22.05, it this 28th day of October, 2015, hereby,

ORDERED that Midwest Veterinary Supply, Inc., shall pay a FINE in the amount of \$3,000.00, payable to the Maryland Board of Pharmacy within sixty (60) days of the date of this Order; and be it further,

ORDERED that Midwest Veterinary Supply, Inc., shall comply with all statutes and regulations governing the wholesale distribution of prescription drugs and devices into, out of, and within the State of Maryland; 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 Art. § 4-333 (2014).

10/28/15
Date



LaVerne G. Naesea
Executive Director for:

Mitra Gavgani, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Midwest Veterinary Supply, Inc. submits to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.

2. Midwest Veterinary Supply, Inc., acknowledges the validity of this 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. Midwest Veterinary Supply, Inc., acknowledges that, by entering into this Consent Order, Midwest Veterinary Supply, Inc., is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Midwest Veterinary Supply, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. Midwest Veterinary Supply, Inc., signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Midwest Veterinary Supply, Inc., fully understands the language, meaning, and effect of this Consent Order.

10-19-2015
Date

Guy H. Flickinger
Name: GUY FLICKINGER
Title: PRESIDENT

STATE OF Minnesota
COUNTY/CITY OF Dakota:

I hereby certify that on this 19th day of October, 2015, before me, a Notary Public of the State and County/City aforesaid, personally appeared Guy Flickinger, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Midwest Veterinary Supply, Inc.

[Signature]
Notary Public
My commission expires: 11/31/2020

