

IN THE MATTER OF * BEFORE THE MARYLAND
MCKESSON DRUG COMPANY, * STATE BOARD OF
WHOLESALE DRUG DISTRIBUTOR * PHARMACY
APPLICANT * Permit No. D01839

* * * * *

**FINAL ORDER DENYING WHOLESALE DRUG DISTRIBUTOR
APPLICATION**

Background

On or about December 16, 2008, the Maryland Board of Pharmacy (the "Board") received an "Application for Maryland Wholesale Prescription Drug or Device Distributor Permit (COMAR 10.34.22)" from the Respondent, McKesson Drug Company, Permit #D01839 (the "Respondent"). On November 16, 2009, upon being notified by the Board's designee that the designee would be performing an inspection of the Respondent's facility pursuant to Md. Code, Health Occ., § 12-6C-05(d)(1) and COMAR 10.34.22.04.D.(1), the Respondent informed the Board's designee that it wished to "surrender" its Maryland wholesale drug distributor permit and canceled its scheduled inspection with the Board's designee. Therefore, an inspection of the Respondent's facility was unable to be performed, and its application is incomplete. On November 18, 2009, a quorum of the Board considered whether to grant the Respondent a wholesale drug distributor permit. The Board's findings of fact, conclusions of law, and order in this matter are set forth below.

FINDINGS OF FACT

The Board finds that the following facts are true:

1. The Respondent initially received a wholesale drug distributor permit from the Board on or about August 17, 2005.
2. The Respondent submitted an application to renew its wholesale drug distributor permit in Maryland on or about December 16, 2008.
3. The Respondent's facility, permit #D01839, is located at 2700 North America Drive, West Seneca, New York 14224.
4. By approximately June 24, 2009, the Respondent had satisfied all requirements of Md. Code, Health Occ., § 12-6C-05, except for having undergone an inspection by the Board or the board's designee.
5. On June 24, 2009, the Board provided notice to the Respondent, and all those similarly situated, that it could rely on its 2008 permit until such time as the Board conducted an inspection of its facility.
6. On or about November 3, 2009, the Board informed the Respondent that it had designated a third-party vendor to perform an inspection of the Respondent's facility on the Board's behalf.
7. On November 16, 2009, the Respondent's designated representative informed the Board's designee that it had made a business decision to "surrender" its Maryland wholesale drug distributor permit and canceled its scheduled inspection with the Board's designee.
8. Thus, the Respondent's wholesale drug distribution application is incomplete.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent has not satisfied the wholesale drug distributor application requirements, specifically Md. Code, Health Occ., § 12-6C-05(d)(1).

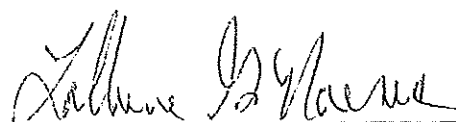
ORDER

Based on the foregoing, by a unanimous decision of a quorum of the Board, it is hereby:

ORDERED that the Respondent's wholesale drug distributor application is **DENIED** until such time as the Respondent completes a new application and complies with all of the requirements set forth in Md. Code, Health Occ., § 12-6C-05; and be it further ordered,

ORDERED that this is a final order of the Board and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code, State Gov't, §10-611, *et seq.*

Dec. 8, 2009
Date



LaVerne G. Naesea, Executive Director
for
Donald Taylor, P.D.
President, Board of Pharmacy