

IN THE MATTER OF
PIERRE FABRE
PHARMACEUTICALS
PERMIT NO. D06266

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BEFORE THE
MARYLAND STATE
BOARD OF PHARMACY

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CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received credible information indicating that Pierre Fabre Pharmaceuticals (the “Distributor”), a wholesale drug distributor licensed in Maryland under Permit No. D06266, had been disciplined by the Alabama Board of Pharmacy on December 6, 2017, for distributing drug products into Alabama without a current or valid permit. Subsequently, the Board received further information evidencing that the Distributor shipped prescription drugs into Maryland prior to obtaining a Maryland permit.

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

FINDINGS OF FACT

1. At all times relevant, the Distributor was a wholesale distributor located in Persippany, New Jersey.
2. On or about December 6, 2017, the Board issued a wholesale distributor’s permit to Pierre Fabre Pharmaceuticals. The Distributor’s permit is active and expires on

May 31, 2019.

3. On or about February 8, 2018, the Board received a self-report from the Distributor disclosing that it had been disciplined by the Alabama Board of Pharmacy on December 6, 2017, for distributing drug products into Alabama without a current or valid permit to do.
4. Subsequently, the Board obtained shipping records from the Distributor which revealed that the Distributor shipped approximately 103 prescription drug products, none of which were controlled dangerous substances, into Maryland prior to obtaining a wholesale distributor's permit from the Board.
5. The Distributor has since conducted a gap analysis of its operations and have engaged consultant services to appropriately manage its licensing processes.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Pierre Fabre Pharmaceuticals, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-6C-03 and 12-6C-11 and COMAR 10.34.22.05A(4).

ORDER

Based upon an affirmative vote of a majority of the Board under the authority of Md. Code Ann., Health Occ. § 12-6C-11 and COMAR 10.34.22.05, it this 17th day of September, 2018, hereby,

ORDERED that Pierre Fabre Pharmaceuticals, Permit No. D06266, 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 sent to:

Wells Fargo Bank
Attn: State of Maryland – Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, Maryland 21046
(Please include the Case Number 18-183 to ensure proper assignment.)

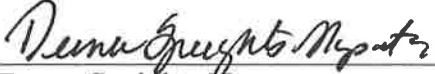
; and be it further,

ORDERED that Pierre Fabre Pharmaceuticals shall comply with all laws 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 in the event that Pierre Fabre Pharmaceuticals 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 Art. § 4-301 *et seq.*

9-17-18
Date


Deena Speights-Napata
Executive Director for:

Kevin Morgan, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Pierre Fabre Pharmaceuticals submits to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.

2. Pierre Fabre Pharmaceuticals 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. Pierre Fabre Pharmaceuticals acknowledges that, by entering into this Consent Order, Pierre Fabre Pharmaceuticals is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Pierre Fabre Pharmaceuticals acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. Pierre Fabre Pharmaceuticals signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Pierre Fabre Pharmaceuticals fully understands the language, meaning, and effect of this Consent Order.

03/12/2018

Date



Name: LAURENT-EMMANUEL SAFFRÉ

Title: PRESIDENT & CEO

STATE OF NEW JERSEY,
COUNTY/CITY OF Morris/Parsippany

I hereby certify that on this 12 day of September, 2018, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Laurent Emmanuel Saffre and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Pierre Fabre Pharmaceuticals.

Justine Westrich
Notary Public
My commission expires: 5/29/19

JUSTINE WESTRICH
NOTARY PUBLIC OF NEW JERSEY
ID # 2446777
My Commission Expires 5/29/2019