

**IN THE MATTER OF**  
**BDI PHARMA, INC.**  
**PERMIT NO. D01144**  
**(Non-active)**

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**BEFORE THE**  
**MARYLAND STATE**  
**BOARD OF PHARMACY**  
**Case No. PI-17-180**

\* \* \* \* \*

**PRE-CHARGE CONSENT ORDER**

**Background**

The Maryland Board of Pharmacy (the "Board") received a self-report from BDI Pharma Inc., (the "Respondent") notifying the Board of disciplinary action imposed against the Respondent by the State of Illinois Department of Professional Regulation for dispensing prescription drugs into Illinois prior to obtaining Illinois licensure. Based on that information, the Board obtained further information from the Respondent which indicated that the Respondent similarly distributed prescription drugs into Maryland prior to obtaining a Maryland permit.

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

**FINDINGS OF FACT**

1. At all relevant times, the Respondent was a wholesale distributor located and licensed in Columbia, South Carolina.
2. The Respondent obtained a Maryland distributor permit, Permit No. D01144, on July 28, 1999.

3. On January 5, 2017, the Respondent reported to the Board that it had been disciplined by the Illinois Department of Professional Regulation on July 18, 2000, for dispensing prescription drugs to Illinois residents prior to obtaining an Illinois license.
4. Based on the above report, the Board requested information from the Respondent regarding the Respondent's distribution activity in Maryland from 1998 to July 27, 1999.
5. The Respondent provided information indicating that it had distributed certain prescription plasma drug products into Maryland in 1998-1999 prior to obtaining a Maryland wholesale distributor permit.
6. The Respondent submitted to the Board a change of ownership to BDI Pharma, LLC, in July 2017. As a result, the Respondent's Maryland Permit No. D01144 is non-active.

### CONCLUSIONS OF LAW

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

### ORDER

Based upon an affirmative vote of the Maryland Board of Pharmacy under the authority of Md. Code Ann., Health Occ. § 12-101, *et seq.*, it this 25<sup>th</sup> day of October, 2018, hereby,

ORDERED that the Respondent, shall pay a FINE in the amount of \$5,000.00, payable to the Maryland Board of Pharmacy within sixty (60) days of the date of this Order, and mailed to:


Wells Fargo Bank  
Attn: State of Maryland - Board of Pharmacy  
Lockbox 2051  
7175 Columbia Gateway Drive  
Columbia, MD 21046

*NOTE: Please include the case number, PI-17-180, on your check or money order to insure proper assignment to this case; and be it further,*

ORDERED that in the event the Respondent 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 a fine not to exceed \$500,000, 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 § 4-333.

10-25-18  
Date

  
Deena Speights-Napata  
Executive Director for:

Kevin Morgan, Pharm.D.  
Board President

CONSENT

1. By signing this Consent, BDI Pharma, Inc., 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. BDI Pharma, 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.

3. BDI Pharma, 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.

4. BDI Pharma, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

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

10/15/2018  
Date

  
Name: Michele Lau  
Title: VP & Secretary

