

IN THE MATTER OF	*	BEFORE THE
RX PRO PHARMACY AND COMPOUNDING	*	STATE BOARD OF
RESPONDENT-PHARMACY	*	PHARMACY
PERMIT NUMBER: P06119	*	CASE NO.: PI-14-197

* * * * *

FINAL CONSENT ORDER

The State Board of Pharmacy (“the Board) charged RX Pro Pharmacy and Compounding (“Respondent-Pharmacy”), with violating certain provisions of the Maryland Pharmacy Act, (“the Act”) Md. Health Occ. Code Ann. II (“H. O.”) §§12-101, *et seq.* (Repl. Vol. 2014). The pertinent provisions state:

H.O. § 12-401. Pharmacy permit required.

(a) A person shall hold a pharmacy permit issued by the Board before the person may establish or operate a pharmacy in this State.

H.O. § 12-403. Required Standards.

(e) A nonresident pharmacy shall:

- (1) Hold a pharmacy permit issued by the Board [.]

H.O. § 12-409. Suspension and Revocation - Grounds.

(a) *In general* - Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (1) Is conducted so as to endanger the public health or safety;
- (2) Violates any of the standards specified in § 12-403 of this subtitle; or
- (3) Otherwise is not conducted in accordance with the law.

(b) (1) A nonresident pharmacy is subject to the disciplinary actions stated in this subtitle.

- (2) The Board may fine a nonresident pharmacy in accordance with § 12-410 of this subtitle or deny, revoke, or suspend the permit of a nonresident pharmacy for any violation of § 12-403(e) through (h) of this subtitle.

H.O §12-410. Penalty instead of suspension or in addition to suspension or revocation.

(a) If after a hearing under § 12-411 of this subtitle the Board finds that there are grounds under § 12-409 of this subtitle to suspend or revoke a permit, the Board may impose a penalty not exceeding \$10,000:

- (1) Instead of suspending the permit; or
- (2) In addition to suspending or revoking the permit.

FINDINGS OF FACT

The Board finds that:

1. On or about October 16, 2013, the Respondent-Pharmacy was originally issued a non-resident permit to operate a pharmacy in Maryland. The Respondent-Pharmacy's permit is due to expire on May 31, 2016.
2. The Respondent-Pharmacy is located at 1485 Livingston Lane, Jackson, Mississippi.
3. On or about June 2, 2014, the Board received information that the Respondent-Pharmacy dispensed medication to Maryland residents, prior to receiving a permit from the Board.
4. An investigation by Board staff revealed that between October 25, 2012 and October 4, 2013, the Respondent-Pharmacy filled and shipped into Maryland, approximately thirty-one (31) prescription medications for identified patients. Respondent-

Pharmacy shipped into Maryland approximately forty thousand, seven hundred and eighty-four dollars (\$40,784.20) worth of medications.

5. The conduct, as described above, is a violation of H.O. § 12-401 (a); H.O. § 12-403 (e) (1); and H.O. § 12-409 (b) (1).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Pharmacy violated H.O. § 12-401 (a); H.O. § 12-403 (e) (1); and H.O. § 12-409 (a)(2) and (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of April 2016 by a majority of the quorum of the Board, hereby

ORDERED that Respondent-Pharmacy shall pay a ten thousand dollars (\$10,000) payable to the Maryland Board of Pharmacy no later than 60 (sixty) days from the date that this Order is signed by the Board; and it is further

ORDERED that the Respondent-Pharmacy shall operate in accordance with the Maryland Pharmacy Act and all applicable laws and regulations; and it is further


ORDERED that for purposes of public disclosure and as permitted by Md. General Provisions §§ 4-101 *et seq.* (2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to which the Board is obligated to report;

ORDERED that this Order is final and a public document pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

4/20/16
Date


Mitra Gavgani, Pharm.D.
President
State Board of Pharmacy

CONSENT OF RX Pro Pharmacy and Compounding, (Jason Rutland, Vice President)

I, Jason Rutland, Vice President, for Rx Pro Pharmacy and Compounding (“Rx Pro”), by affixing my signature hereto, acknowledge that:

1. Rx Pro is represented by Erin M. Healy, Esquire.
2. I am aware that Rx Pro is entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (2014 Repl. Vol.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol.).
3. I, Vice President for Rx Pro acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which Rx Pro would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. As Vice President for Rx Pro, I am waiving those procedural and substantive protections.

4. I, as Vice President voluntarily enter into and consent to the foregoing findings of fact, conclusions of law, and order and agree to abide by the terms and conditions set forth in this Consent Order, as a resolution of the Board's case, based on the findings set forth herein.

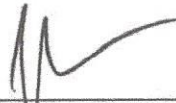
5. I, as Vice President waive Rx-Pro's right to contest the findings of fact and conclusions of law, and I waive Rx-Pro's right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. § 12-315 (2014 Rep. Vol.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2014 Rep. Vol.).

6. I as Vice President acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, OK Compounding may be subject to disciplinary action.

7. I as Vice President this consent order, without reservation, as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

3-18-16

Date



Jason Rutland
Vice President
RxPro Pharmacy and Compounding

NOTARY

STATE OF Mississippi

CITY/COUNTY OF Jackson, Hinds

I hereby certify that on this 18 day of March, 2016, before me, the undersigned, a Notary Public of said State, personally appeared Jason Rutland, Vice President for Rx Pro Pharmacy and Compounding, made oath in due form of law and that signing the foregoing Consent Order was a voluntary act and deed.

AS WITNESS my hand and Notarial Seal.

Tamara S. Glaze
Notary Public

