

IN THE MATTER OF	*	BEFORE THE
SAFE CHAIN SOLUTIONS	*	MARYLAND STATE
10113 Production Court	*	BOARD OF PHARMACY
Louisville, KY 40299	*	
Unlicensed	*	Case No. 19-123
* * * * *	*	* * * * *

PRE-CHARGE CONSENT ORDER

Background

The Maryland Board of Pharmacy (the “Board”) received notification from the Kentucky Board of Pharmacy on September 25, 2018, that the Safe Chain Solutions facility located in Louisville, Kentucky (the “Respondent”) may be distributing prescription drug products into Maryland without a wholesale distributor’s permit from the Board. Based on that information, the Board obtained further information from the Respondent which confirmed that the Respondent distributed prescription drugs to Maryland customers from approximately April 2016 to September 2018 without a Maryland permit.

In lieu of instituting formal proceedings against Safe Chain Solutions, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and Safe Chain Solutions, 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 Louisville, Kentucky.
2. The Respondent does not possess a Maryland distributor permit. However, Safe

Chain Solutions operates another distribution facility in Cambridge, Maryland, under Permit No. D03211.

3. On September 25, 2018, the Board received notification from the Kentucky Board of Pharmacy indicating that the Respondent's Louisville, Kentucky facility may be distributing prescription drug products into Maryland without a Maryland permit.
4. Based on the above report, the Board requested information from the Respondent regarding the Respondent's distribution activity in Maryland.
5. The Respondent provided information indicating that it had distributed approximately 329 prescription drug shipments to Maryland customers from April 2016 to September 2018. The Respondent did not distribute controlled dangerous substances during that time. The Respondent fully cooperated with the investigation, not only providing all requested records, but also directing its counsel to assist investigators in identifying potential violations. The investigation did not identify any harm to patients.
6. The Respondent states that it had "virtually" distributed the prescription products to its licensed facility in Cambridge, Maryland, although the prescription products were physically distributed from the Respondent's unlicensed distribution facility in Kentucky directly to Maryland customers.
7. The Respondent states that the above distribution model was based on a misunderstanding of Maryland law.
8. The Respondent has since implemented changes to its distribution model that comply with Maryland wholesale distribution laws.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Safe Chain Solutions, 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 28th day of May, 2019, hereby,

ORDERED that the Respondent, shall pay a FINE in the amount of FIVE THOUSAND DOLLARS (\$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, 19-123, on your check or money order to insure proper assignment to this case; and be it further,

ORDERED that in the event the Respondent fails to pay the fine as set forth above, the Board may pursue disciplinary action against the Respondent for the underlying violations in this Order, which action shall include notice and an opportunity for a hearing, and 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 § 4-101, *et seq.*

5-28-19
Date

Deena Speights Napata
Deena Speights Napata
Executive Director for:

Kevin Morgan, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Safe Chain Solutions, 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. Safe Chain Solutions 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. Safe Chain Solutions 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. Safe Chain Solutions acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Pre-Charge Consent Order.

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

5/11/19
Date

Melissa Johnson
Name: Melissa Johnson
Title: President, Benchmark

STATE OF MARYLAND,
COUNTY/CITY OF hent:

I hereby certify that on this 11th day of Apr. 1, 2019, before me, a Notary Public of the State of Maryland, County/City aforesaid, personally appeared _____, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Safe Chain Solutions.



Notary Public

My commission expires: 7-10-21