

IN THE MATTER OF	*	BEFORE THE
STROHECKER’S PHARMACY, INC.	*	MARYLAND STATE
PERMIT NO. P05423	*	BOARD OF PHARMACY
	*	Case No. PI-16-087

* * * * *

CONSENT ORDER

Background

Strohecker’s Pharmacy, Inc. (the “Respondent”) advised the Maryland Board of Pharmacy (the “Board”) that the Respondent had been disciplined by the Oregon Board of Pharmacy as a result of violations of Oregon state law regarding the operation of a pharmacy, and specifically, the compounding of human drugs.

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

FINDINGS OF FACT

1. On or about December 8, 2010, the Respondent was issued a non-resident pharmacy permit to operate in Maryland under Permit Number P05423. The Respondent’s permit is active and will expire on May 31, 2018.
2. The Respondent dispenses, among other things, patient-specific sterile testosterone cypionate.
3. On or about November 12, 2015, the Respondent entered into a Consent Order with the Oregon Board of Pharmacy. The Oregon order was based on various violations of the Oregon Revised Statutes related to the compounding of

testosterone cypionate, Lot #T-1201S14.

4. Specifically, the Oregon Board found that Respondent inadvertently mixed estradiol valerate into the above compound. This resulted in misbranded testosterone cypionate, Lot #T-1201S14, being dispensed to 351 patients in 35 states.
5. One Maryland physician administered the misbranded product to a patient.
6. The Oregon Board of Pharmacy imposed against the Respondent a civil penalty of \$10,000, stayed pending no further similar violations for three years and compliance with the terms of the order. The Respondent disputed the allegations.
7. On November 20, 2015, the Respondent duly notified the Board regarding the Oregon Board of Pharmacy action.
8. On February 24, 2016, the Wisconsin Pharmacy Examining Board issued a Final Decision and Order against the Respondent based on the violations found by the Oregon Board of Pharmacy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Strohecker's Pharmacy, Inc., Permit Number P05423, is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-403(g).

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-409, it this 1st day of August, 2016, hereby,

ORDERED that Strohecker's Pharmacy, Inc., Permit No. P05423, shall be assessed a civil monetary penalty in the amount of \$10,000, all of which is STAYED

pending no further similar violations for three (3) years beginning November 12, 2015, and compliance with the terms of this Order; and be it further,

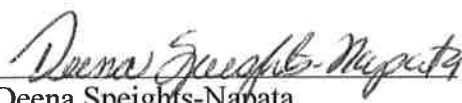
ORDERED that Strohecker's Pharmacy, Inc., shall comply with all laws and regulations governing the operation of a non-resident pharmacy in the State of Maryland, to include Maryland laws governing the compounding of prescription drugs; and be it further,

ORDERED that Strohecker's Pharmacy, Inc., shall fully comply with all terms and conditions imposed by the Oregon Board of Pharmacy in its Consent Order, effective November 12, 2015; and be it further,

ORDERED that in the event that Strohecker's Pharmacy, Inc., violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may lift the stay of the civil monetary penalty assessed above and impose any further disciplinary sanction it deems appropriate, including suspension and revocation, 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.

8/1/16
Date


Deena Speights-Napata,
Executive Director for:

Mitra Gavvani, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Strohecker's Pharmacy, Inc., submits to the foregoing Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.


2. Strohecker's Pharmacy, Inc., 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. Strohecker's Pharmacy, Inc., acknowledges that, by entering into this Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Strohecker's Pharmacy, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

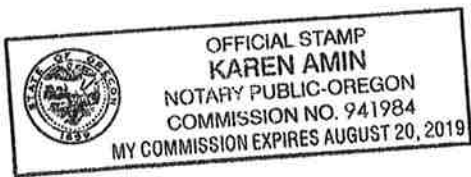
5. Strohecker's Pharmacy, Inc., signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Strohecker's Pharmacy, Inc., fully understands the language, meaning, and effect of this Consent Order.

2/27/16
Date


Name: DONALD DULWICK
Title: PRESIDENT

STATE OF Oregon
COUNTY/CITY OF Multnomah

I hereby certify that on this 27th day of July, 2016, before me, a Notary Public of the State of Oregon and County/City aforesaid, personally appeared Ronald Dulwick, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Strohecker's Pharmacy, Inc.



Karen Amin
Notary Public
My commission expires: August/20th/2019