

IN THE MATTER OF \* BEFORE THE MARYLAND  
CARDINAL HEALTH \* STATE BOARD OF  
WHOLESALE DRUG DISTRIBUTOR \* PHARMACY  
APPLICANT \* Permit No. D01277

\* \* \* \* \*

**FINAL ORDER DENYING WHOLESALE DRUG DISTRIBUTOR  
APPLICATION**

**Background**

On or about December 16, 2008, the Maryland Board of Pharmacy (the "Board") received an "Application for Maryland Wholesale Prescription Drug or Device Distributor Permit (COMAR 10.34.22)" from the Respondent, Cardinal Health, Permit #D01277 (the "Respondent"). On or about November 15, 2009, upon being notified by the Board's designee that the designee would be performing an inspection of the Respondent's facility pursuant to Md. Code, Health Occ., § 12-6C-05(d)(1) and COMAR 10.34.22.04.D.(1), the Respondent informed the Board that it is no longer engaged in wholesale distribution activities into the State of Maryland and did not consent to an inspection of their facility. Therefore, the Respondent did not meet the minimum qualifications for obtaining a wholesale distributor permit in Maryland.

On November 18, 2009, a quorum of the Board considered whether to grant the Respondent a wholesale drug distributor permit. The Board's findings of fact, conclusions of law, and order in this matter are set forth below.

## FINDINGS OF FACT

The Board finds that the following facts are true:

1. The Respondent initially received a wholesale drug distributor permit from the Board on or about November 22, 2000.
2. The Respondent submitted an application to renew its wholesale drug distributor permit in Maryland on or about December 16, 2008.
3. The Respondent's facility, permit #D01277, is located at 6012 Molloy Road, Syracuse, New York 13211.
4. By approximately June 24, 2009, the Respondent had satisfied all requirements of Md. Code, Health Occ., § 12-6C-05, except for having undergone an inspection by the Board or the board's designee.
5. On June 24, 2009, the Board provided notice to the Respondent, and all those similarly situated, that it could rely on its 2008 permit until such time as the Board conducted an inspection of its facility.
6. On or about November 3, 2009, the Board informed the Respondent that it had designated a third-party vendor to perform an inspection of the Respondent's facility on the Board's behalf.
7. On or about November 10, 2009, the Respondent's designated representative informed the Board's designee that it was no longer engaged in wholesale distribution activities into the State of Maryland from its 6012 Molloy Road facility and did not consent to an inspection of its facility. The Respondent's designated representative then notified the Board of the same in a letter dated October [sic] 15, 2009.

8. The Respondent's wholesale drug distribution application is incomplete since neither the Board nor the Board's designee is able to conduct an inspection of the Respondent's facility, and the Respondent asserts that it is no longer distributing drugs into the State of Maryland.

### CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes that the Respondent has not satisfied the wholesale drug distributor application requirements, specifically Md. Code, Health Occ., § 12-6C-05(d)(1).

### ORDER

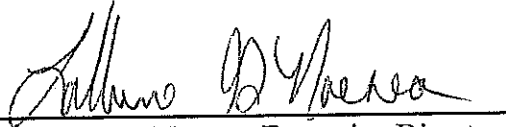
Based on the foregoing, by a unanimous decision of a quorum of the Board, it is hereby:

**ORDERED** that the Respondent's wholesale drug distributor application is **DENIED** until such time as the Respondent completes a new application and complies with all of the requirements set forth in Md. Code, Health Occ., § 12-6C-05; and be it further,

**ORDERED** that this is a final order of the Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code, State Gov't, §10-611, *et seq.*

Date

12/8/09

  
LaVerne G. Naesea, Executive Director  
for  
Donald Taylor, P.D.  
President, Board of Pharmacy