

IN THE MATTER OF
JP MEDICAL SUPPLY, INC
RESPONDENT

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BEFORE THE
STATE BOARD OF
PHARMACY
CASE NO.: PI 11-114

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FINAL CONSENT ORDER

The State Board of Pharmacy ("the Board") charges JP Medical Supply, Inc. (the "Respondent-Corporation"), with violating certain provisions of the Maryland Pharmacy Act, ("the Act") Md. Health Occ. Code Ann., ("H.O.") § 12-101 *et seq.*, (Repl. Vol. 2009). The pertinent provisions state:

H.O. § 12-6C-03.

(a) A wholesale distributor shall hold a permit issued by the Board before the wholesale distributor engages in wholesale distribution in the State.

H.O. § 12-6C-11. Violations; penalties.

(a) *Fine.* - (1) If a person knowingly violates any provisions of this subtitle or any regulation adopted under this subtitle, the Board may impose a fine not to exceed \$500,000.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant herein, the Respondent-Corporation was and is not authorized to engage in wholesale distribution in the State of Maryland.
2. The Respondent-Corporation does not hold a wholesale distributor permit issued in the State of Maryland.

3. The Respondent-Corporation is a corporation, whose offices are located in Baltimore, Maryland.

4. In the fall 2009, the Board received a complaint alleging that the Respondent Corporation was distributing drugs and/or medical supplies to a medical practice located in Maryland.

5. After receiving the complaint, the Board issued a *subpoena duces tecum* to physicians working at medical practice ("Medical Practice A"), located in Baltimore, Maryland requesting invoices relating to the purchase of repackaged prescription drugs and/or medical devices.

6. In response to the Board's subpoena, Medical Practice A provided invoices for the period between August 2009 and March 2010.¹

7. The invoices provided by Medical Practice A showed that on approximately forty-seven (47) occasions, between August 2009 and March 2010, the Respondent-Corporation distributed Ibuprofen 800 mgs, Ibuprofen 600 mgs, Naproxen, and Cyclobenzaprine to Medical Practice A.

8. The Respondent-Corporation and Medical Practice A have a common ownership.

9. The Respondent-Corporation denies and disputes the allegations made against it and denies any wrongdoing on its part. Nevertheless, the Respondent-Corporation wishes to amicably resolve this matter, and, as such, voluntarily consents to this Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent

¹ The name of the medical practice has been omitted in order to protect identity of the practice. The invoices were in the names of the medical practice and in the name of a physician.

violated H.O. §§ 12-6C-03(a) and/or 12-6C-11.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11th day of December 2013, by a majority of the Board hereby:

ORDERED that the Respondent-Corporation shall pay a fine in the amount of Seven Thousand Five Hundred Dollars (\$7,500). The fine is payable to the Maryland Board of Pharmacy no later than six (6) months from the date that this Order is signed by the Board; and it is further

ORDERED that the Respondent-Corporation shall not distribute prescription drugs in the State of Maryland without a wholesale distributor permit; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Order; 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 constitutes an action of the State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to Md. State Govt. Code Ann. §§ 10-611 *et seq.* (Repl. Vol. 2009 & Supp. 2012).

December 11, 2013
Date

Lenna Israbian-Jamgochian
Lenna Israbian-Jamgochian, Pharm.D., President
Maryland Board of Pharmacy

CONSENT OF JP MEDICAL SUPPLY, INC.
BY JULIA FRIEDMAN-PEREMEL, PRESIDENT

I, Julia Friedman-Peremel, as President of JP Medical Supply, Inc., by affixing my signature hereto, I acknowledge that:

1. JP Medical Supply, Inc. is represented by David B. Applefeld, Esquire.
2. I am aware that JP Medical Supply, Inc. is entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (Repl. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Repl. Vol. 2009).
3. I, as President of JP Medical Supply, Inc., acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which JP Medical Supply, Inc. would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on its own behalf, and to all other substantive and procedural protections provided by law. As President of JP Medical Supply, Inc., I am waiving those procedural and substantive protections.
4. I, as President of JP Medical Supply, Inc. 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 President of JP Medical Supply, Inc., waive my right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, and any right to appeal this Consent Order, as set forth in Md. Health Occ. Code Ann. § 4-319 (Rep. Vol. 2009) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (Rep. Vol. 2009).
6. I, as President of JP Medical Supply, Inc., acknowledge that by failing to abide by

the terms and conditions set forth in this Consent Order, and, following proper procedures, JP Medical Supply, Inc. may be subject to disciplinary action.

7. I, as President of JP Medical Supply, Inc., sign 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.

11-19-13
Date

Julia Friedman-Peremel
Julia Friedman-Peremel, President JP
Medical Supply, Inc.

STATE OF MARYLAND)
) TO WIT:
CITY/COUNTY OF ANNE ARUNDEL)

I HEREBY CERTIFY that on this 19 day of October, 2013, before me, the undersigned, a Notary Public of said State, personally appeared **Julia Friedman-Peremel**, who acknowledged herself to be the President of **JP Medical Supply, Inc.**, a Maryland corporation, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within agreement, and acknowledged that she executed the same for the purposes therein contained as the duly authorized President of said Corporation by signing her name as President.

WITNESS my hand and Notarial Seal.

Branislav Jocić
Notary Public
MY COMMISSION EXPIRES: 01/21/2017

