

IN THE MATTER OF * BEFORE THE MARYLAND
JOHNS HOPKINS MEDICAL * STATE BOARD OF
SERVICES CORPORATION * PHARMACY
PERMIT NO. PW0070 *
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PRE-CHARGE CONSENT ORDER

HISTORY

On or about July 19, 2007, the Maryland State Board of Pharmacy (the "Board") conducted an annual inspection of Johns Hopkins Medical Services Corporation, Permit No. PW0070 ("JHMS"), located at 3100 Wyman Park Drive, Baltimore. Based on the Board's review of the inspection report, it was noted that JHMS was located on the same premises as another retail pharmacy yet the inspector only noted one DEA Registration number and one CDS Permit number. Further investigation revealed that the DEA Registration and the CDS Permit belonged to JHMS although JHMS did not order, stock or dispense controlled dangerous substances. Furthermore, the other retail pharmacy utilized JHMS' DEA Registration and the CDS Permit to order, stock and dispense controlled dangerous substances for its retail pharmacy. The Board believes that JHMS knew or should have known of such activity and asserted that this constituted an improper transfer of the CDS permit from JHMS to the other pharmacy.

In lieu of instituting formal proceedings against JHMS in accordance with the Maryland Pharmacy Act, Health Occ., §12-101 *et seq.*, the Board held a Pre-charge Case Resolution Conference ("CRC") with JHMS and its counsel on May 6, 2009. As a result, the Board and JHMS have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times, relevant hereto, JHMS possessed a waiver pharmacy permit, Permit No. PW0070, and was located at 3100 Wyman Park Drive, Baltimore, Maryland 21211. JHMS did not order, stock, or dispense controlled dangerous substances.
2. JHMS shared a location with a retail pharmacy which ordered, stocked, and dispensed controlled dangerous substances. The retail pharmacy did not possess a DEA Registration or a CDS Permit. JHMS knew or should have known that the retail pharmacy did not possess a DEA Registration or a CDS permit. However, the retail pharmacy had made representations and warranties in its contract with JHMS that the retail pharmacy held all appropriate licenses, permits and registrations.
3. From 1995 until at least 2006, the retail pharmacy utilized the DEA Registration and CDS Permit belonging to JHMS to order, stock and dispense controlled dangerous substances for the retail pharmacy.
4. JHMS and the retail pharmacy were inspected from 2000-2006. The inspections noted the DEA and CDS permit numbers, but did not indicate to which pharmacy the permit numbers were assigned.
5. CDS permits are not transferable.

CONCLUSIONS OF LAW

1. Based on the foregoing Findings of Fact, the Board concludes that JHMS may be subject to discipline pursuant to Md. Code Ann., Health Occ., § 12-403(b)(1): *to wit*: COMAR 10.19.03.03.F.

PRE-CHARGE ORDER UPON CONSENT

Based upon an affirmative vote of a majority of the Board, it is this 29th day of Oct., 2009, hereby:

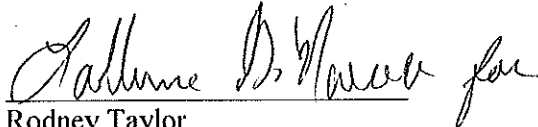
ORDERED that JHMS, Permit No. PW0070, shall pay a fine in the amount of \$10,000, payable to the Maryland Board of Pharmacy; and be it further,

ORDERED that JHMS shall pay the above fine within sixty (60) days of the date of the Pre-Charge Order Upon Consent; and be it further,

ORDERED that failure to pay in full the above fine within sixty (60) days of the date of this Order shall be considered a violation of this Order, and after notice and opportunity for a hearing shall subject JHMS to further discipline such as suspension, revocation or further fines based on the violations cited in this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Maryland Annotated Code, State Government Article, Section 10-617(h).

Date: 10/29/09


Rodney Taylor
Secretary

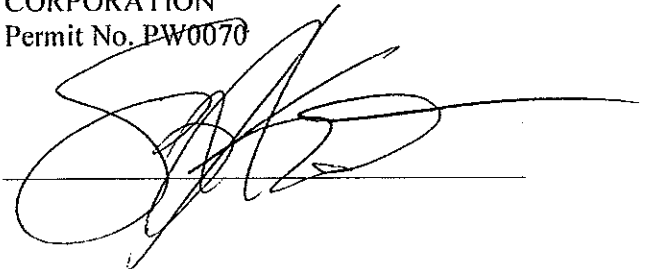
CONSENT

1. JHMS is willing to enter into this Consent Order in settlement of the violations alleged above. However, entering into the Consent Order and carrying out of its terms shall not in any event be construed as, or deemed to be evidence of or an admission by JHMS of the violation.
2. By signing this Consent, Johns Hopkins Medical Services Corporation ("JHMS") submits to the foregoing Pre-Charge Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded JHMS the right to a full evidentiary hearing. JHMS consents and submits to the foregoing Findings of Fact, Conclusions of Law, and Pre-Charge Order Upon Consent as if made after a full evidentiary hearing in which JHMS would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on JHMS's behalf and to all other substantive and procedural protections provided by law.
3. By signing this Consent, JHMS waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
4. JHMS acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. JHMS executes this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. JHMS fully understands the language, meaning, and effect of this Consent Order.

JOHNS HOPKINS MEDICAL SERVICES
CORPORATION
Permit No. PW0070

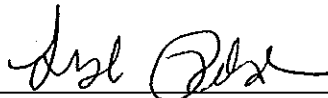
10/20/09

Date



STATE OF MARYLAND
COUNTY/CITY OF Baltimore

I hereby certify that on this 20 day of October, 2009, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Steve Kravt for JOHNS HOPKINS MEDICAL SERVICES CORPORATION, and made an oath in due form that the foregoing Consent was his voluntary act and deed.



Notary Public

My commission expires: 12/17/2012

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