

IN THE MATTER OF * BEFORE THE
OK COMPOUNDING * STATE BOARD OF
RESPONDENT-PHARMACY * PHARMACY
PERMIT NUMBER: P06041 * CASE NO.: PI-15-014/15-014

FINAL CONSENT ORDER

The State Board of Pharmacy ("the Board") charged OK Compounding, permit number: P06041 (the "Respondent-Pharmacy"), with violating certain provisions of the Maryland Pharmacy Act, ("the Act") Md. Health Occ. Code Ann II., ("H. O.") § 12-101 *et seq.* (2014 Repl. Vol.). The pertinent provisions state:

H.O. § 12-409. Suspension and Revocation - Grounds.

(a) *In general* - Subject to the hearing provisions of § 12-411 of this subtitle, the Board may suspend or revoke any pharmacy permit, if the pharmacy:

- (1) Is conducted so as to endanger the public health or safety;
 - (2) Violates any of the standards specified in § 12-403 of this subtitle; or
 - (3) Otherwise is not conducted in accordance with the law.
- (b)
- (1) A nonresident pharmacy is subject to the disciplinary actions stated in this subtitle.
 - (2) The Board may fine a nonresident pharmacy in accordance with § 12-410 of this subtitle or deny, revoke, or suspend the permit of a nonresident pharmacy for any violation of § 12-403(e) through (h) of this subtitle.

H.O. § 12-401. Pharmacy permit required.

(a) A person shall hold a pharmacy permit issued by the Board before the person may establish or operate a pharmacy in this State.

H.O. § 12-403. Required Standards.

(c) *In general.* – Except as otherwise provided in this section, a pharmacy for which a pharmacy permit has been issued under this title:

- (1) Shall be operated in compliance with the law and with the rules and regulations of the Board;

(9) May not participate in any activity that is a ground for Board action against a licensed pharmacist under § 12-313 of this title, a registered pharmacy technician under § 12-6B-09 of this title, or a registered pharmacy intern under § 12-6D-11 of this title.

H.O. § 12-313. Denials, reprimands, suspensions, and revocations.

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(24) Is disciplined by a licensing or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;

(25) Violates any rule or regulation adopted by the Board.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent-Pharmacy was originally issued a non-resident permit to operate a pharmacy in Maryland on or about February 7, 2014. The Respondent-Pharmacy's permit is due to expire on May 31, 2016.
2. The Respondent-Pharmacy is located at 102 N. Broadway, Skiatook, Oklahoma.
3. On or about July 9, 2014, the Board received notification that the Respondent-Pharmacy was disciplined by the Oklahoma State Board of Pharmacy ("Oklahoma Board").
4. On or about June 12, 2014, the Respondent-Pharmacy entered into an consent order with the Oklahoma Board.

5. As part of the Oklahoma consent order, the Respondent-Pharmacy admitted to violating Oklahoma Pharmacy Act by failing to certify all prescriptions. The violation was based on Respondent-Pharmacy's on duty pharmacist's failure to review pharmacy technicians' work prior to dispensing medication to patients.

6. The Oklahoma Board fined the Respondent-Pharmacy approximately five hundred and twenty-three thousand dollars (\$523,000). The Oklahoma Board also ordered the Respondent-Pharmacy to cease business operations and filling prescriptions for five (5) days.

7. Upon investigation, the Board has further charged that between April 2013 and August 2013 the Respondent-Pharmacy filled and shipped into Maryland, eighty-two (82) prescriptions, constituting approximately three hundred and thirty-seven thousand dollars (\$337,000) of medications, which, if proven, would constitute additional grounds for discipline by the Board.

8. Respondent-Pharmacy ceased operations in October 2014 and returned its original permit to the Board at that time.

9. This case was voluntarily resolved as a result of a Case Resolution Conference held on September 2, 2015. Respondent-Pharmacy has agreed to pay a fine of Ten Thousand Dollars (\$10,000) and to permanently surrender its non-resident pharmacy permit in order to resolve this matter.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 12-409(a)(1), (2), and (3); (b) (1), (2), and (3); H.O. § 12-403 (1) and (9); § 12-313(b) (24) and (25).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of October 2015, by a majority of the quorum of the Board, hereby

ORDERED that the Respondent-Corporation shall pay a fine in the amount of ten thousand dollars (\$10,000). The fine is payable to the Maryland Board of Pharmacy no later than 90 (ninety) days from the date that this Order is signed by the Board; and it is further

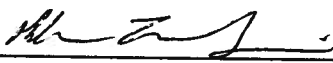
ORDERED that the Respondent-Pharmacy hereby permanently surrenders its non-resident pharmacy permit and the Board accepts Respondent-Pharmacy's prior return of the permit document as sufficient to constitute proof thereof; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. General Provisions §§ 4-101 *et seq.* (2014), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

10/21/15
Date



Mitra Gavvani, Pharm.D.
President
State Board of Pharmacy

CONSENT OF OK Compounding, LLC (Christopher Parks, Manager)

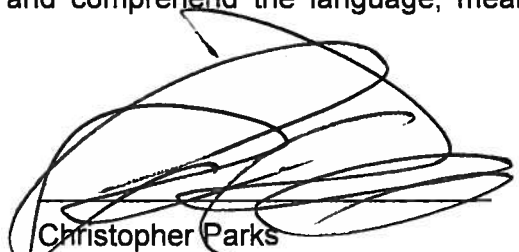
I, Christopher Parks, manager for OK Compounding LLC ("OK Compounding"), by affixing my signature hereto, acknowledge that:

1. OK Compounding has been represented in this proceeding by Susan Walker, Esquire and the law firm of McAfee & Taft A Professional Corporation.
2. I am aware that OK Compounding is entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 (2014 Repl. Vol.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.*(Repl. Vol.).
3. I, as manager for OK Compounding, acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which OK Compounding would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law. As manager for OK Compounding, I am waiving those procedural and substantive protections.
4. I, as manager for OK Compounding, voluntarily enter into and consent to 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 manager for OK Compounding, waive OK Compounding's right to contest the Consent Order, and I waive OK Compounding's right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. § 12-315 (2014 Rep. Vol.) and Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2014 Rep. Vol.).
6. I, as manager for OK Compounding, acknowledge that by failing to abide by the

terms and conditions set forth in this Consent Order, and, following proper procedures, OK Compounding may be subject to disciplinary action.

- 7. I execute 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.

10/13/15
Date


Christopher Parks
Manager
OK Compounding, LLC

NOTARY

STATE OF Oklahoma)
CITY/COUNTY OF Creek)

On the 13th day of October, 2015 before me appeared Christopher Parks, being first duly sworn, upon his/her oath, stated and affirmed that he has read the foregoing Consent of OK Compounding, LLC, and that the information contained therein was true and correct according to his best information and belief.

Subscribed and sworn to before me this 13th day of October, 2015.

Notary Public

My Commission Expires:
3-1-16

