

IN THE MATTER OF	*	BEFORE THE
ST. MARY'S MEDICAL PARK PHARMACY, INC	*	STATE BOARD OF
RESPONDENT-CORPORATION	*	PHARMACY
APPLICANT	*	CASE NO.: PI-15-007

* * * * *

PRE-CHARGE CONSENT ORDER

In lieu of issuing charges against the Respondent-Corporation and conducting an evidentiary hearing under the Maryland Pharmacy Act (“the Act”) Md. Health Occ. Code Ann. II, (“H. O.”) §12- 315 (2014 Repl. Vol.), the Board agrees to resolve this case against the Respondent-Corporation by way of this Pre-Charge Consent Order. All parties to this Pre-Charge Consent Order agree that the Board would have charged the Respondent-Corporation with the following violations of the Act:

H.O. § 12-601. Disciplinary actions.

(a) *In general* - Subject to the hearing provisions of § 12–315 of this title, for a violation of this subtitle, Subtitle 6C of this title, or any regulation adopted under Subtitle 6C of this title, the Board may:

- (1) Deny a permit to an applicant;
- (2) Reprimand a permit holder;
- (3) Place a permit holder on probation; or
- (4) Suspend or revoke a permit.

H.O. §12–6C–03. Permit required.

(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.

**Code Md. Regs. Tit. 10 § 34.22:
.05 Violations and Penalties.**

A. After a hearing held under Health Occupations Article, §12-601, Annotated Code of Maryland, the Board may deny, suspend, revoke, or place on probation a permit holder, reprimand a permit holder, or impose a fine if the permit holder:

(3) Commits any of the following acts:

(d) Violates a provision of, or regulation promulgated under, Health Occupations Article, Title 12, Annotated Code of Maryland;

(n) Fails to obtain a license, or operates without a valid license when a license is required;

(v) Otherwise conducts the wholesale distribution of prescription drugs or devices in a manner not in accordance with the law [.]

ALLEGATIONS OF FACT¹

1. In or around October 2015, the Respondent-Corporation submitted an Application for Wholesale Distributor Permit (“October 2015 Application”) in anticipation of a change in ownership of the Respondent-Corporation.

2. On November 1, 2015, the Respondent-Corporation was acquired by a new corporate owner.

3. Under previous ownership, the Respondent-Corporation was issued a non-resident wholesaler permit, under permit number D00822. Permit number D00822 expired in May 2013.

4. On or about June 16, 2014, and under previous ownership, the Respondent-Corporation was issued a non-resident wholesaler permit, under permit number D05391.

¹ The statements contained in the allegations of fact are intended to provide the owners of Respondent -Corporation notice. They are not intended as and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent-Corporation in connection with the charges.

The Respondent-Corporation's permit, under permit number D05391, is due to expire on May 31, 2017.

5. The Respondent-Pharmacy is located at 10860 N. Mavinee Drive, Oro Valley, Arizona.

6. From the time that the Respondent-Corporation was acquired by its current owner on November 1, 2015 until June 15, 2016, the Respondent-Corporation distributed medication into Maryland without a permit.

7. The Respondent's conduct as set forth about is a violation of § H.O. § 12-6C-03; H.O. § 12-6C-11, § 12-12- 601, and Code Md. Regs. tit. 10 § 34.22.05.A (3) (d), (n), and (v).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent-Corporation violated of § H.O. § 12-6C-03; H.O. § 12-6C-11, § 12-12- 601, and Code Md. Regs. tit. 10 § 34.22.05.A (3) (d), (n), and (v).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20 day of July 2016 by a majority of the quorum of the Board, hereby

ORDERED that Respondent-Corporation shall pay a five thousand dollars (\$5,000) payable to the Maryland Board of Pharmacy no later than 30 (thirty) days from the date that this Order is signed by the Board; and it is further

ORDERED that the five thousand dollar (\$5,000) payment is to resolve this matter in accordance with the Maryland Pharmacy Act, Sec. 12-707; and it is further

ORDERED that Respondent-Pharmacy shall refrain from distributing medication and/or medical devices into Maryland, until such time as Respondent-Corporation has obtained a permit from the Board; and it is further

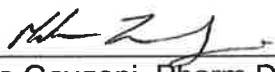
ORDERED that in the event Respondent-Corporation obtains a valid permit to operate a non-resident wholesaler in Maryland, it shall operate in accordance with the Maryland Pharmacy Act and all applicable laws and regulations; and it is further

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 consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to which the Board is obligated to report;

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

7/20/2016
Date



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

CONSENT OF St Mary's Medical Park Pharmacy, Inc. (Representative name, title)

I, Frank Juliano, Vice President of Pharmacy Services for St Mary's Medical Park Pharmacy Inc. by affixing my signature hereto, acknowledge that:

1. St Mary's Medical Park Pharmacy is represented by Larry P. Cote, of Quarles & Brady LLP.

2. I am aware that St Mary's Medical Park Pharmacy is entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. § 12-315 II (Repl. Vol. 2014) and Md. State Govt. Code Ann. I §§ 10-201 *et seq.* (Repl. Vol. 2014).

3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which St Mary's Medical Park Pharmacy 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 Vice President for St Mary's Medical Park Pharmacy, I am waiving those procedural and substantive protections.

4. I, as Vice President, 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 Vice President, waive St Mary's Medical Park Pharmacy's right to contest the findings of fact and conclusions of law, and I waive St Mary's Medical Park Pharmacy's right to a full evidentiary hearing, and any right to appeal this Consent Order as set forth in Md. Health Occ. Code Ann. II § 12-315 (Rep.

Vol.2014) and Md. State Govt. Code Ann. I §§ 10-201 *et seq.* (Rep. Vol.2014).

6. I, as Vice President, acknowledge that by failing to abide by the terms and conditions set forth in this Consent Order, and, following proper procedures, St Mary's Medical Park Pharmacy may be subject to disciplinary action.

7. I 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.

6/16/2016
Date



Frank Juliano
Vice President, Pharmacy Services
St Mary's Medical Park Pharmacy

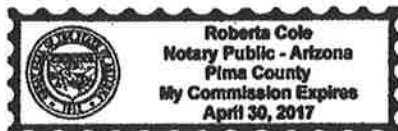
NOTARY

STATE OF Arizona

CITY/COUNTY OF Pima

I hereby certify that on this 16th day of June, 2016, before me, the undersigned, a Notary Public of said State, personally appeared (name, tile) for St Mary's Medical Park Pharmacy, made oath in due form of law and that signing the foregoing Consent Order was a voluntary act and deed.

AS WITNESS my hand and Notarial Seal.



Roberta Cole
Notary Public