

IN THE MATTER OF \* BEFORE THE  
CELGENE CORPORATION \* MARYLAND STATE  
PERMIT NO. D02255 \* BOARD OF PHARMACY  
\*

\* \* \* \* \*

**CONSENT ORDER**

**Background**

The Maryland Board of Pharmacy (the "Board") was advised by State License Servicing, LLC, on behalf of by Celgene Corporation, a wholesale drug distributor licensed in Maryland under Permit No. D02255, that Celgene had been disciplined by the Maine Board of Pharmacy on May 17, 2013, for failing to disclose disciplinary action taken against Celgene by the Oregon Board of Pharmacy on July 17, 2008. Upon receiving this information, the Board reviewed previous applications filed by Celgene and determined that Celgene also did not previously disclose the Oregon disciplinary action to the Board.

In lieu of instituting formal proceedings against Celgene, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board and Celgene have agreed to resolve this matter as set forth in this Consent Order.

**FINDINGS OF FACT**

1. On or about June 2013, the Board received credible information from State License Services, on behalf of Celgene Corporation, that Celgene had been disciplined by the Maine Board of Pharmacy on May 17, 2013, for failing to disclose prior discipline it received from the Oregon Board of Pharmacy in 2008. The Maine Board issued a Warning, and a civil penalty of \$500 against Celgene.

2. The Oregon Board of Pharmacy entered into a Consent Order with Celgene Corporation on July 17, 2008, based on Celgene's unauthorized distribution of drugs into Oregon without duly registering as a drug outlet. The Oregon Board issued a civil penalty against Celgene in the amount of \$500.
3. Upon receipt of the above information, the Board reviewed the renewal application filed by Celgene Corporation on December 29, 2008. Based on the Board's review, it determined that Celgene failed to disclose the disciplinary action taken against it by the Oregon Board of Pharmacy in July 2008.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Celgene Corporation, is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-6C-11 and COMAR 10.34.22.05A(3) and (4).

#### ORDER

Based upon an affirmative vote of a majority of the Board under the authority of Md. Code Ann., Health Occ. § 12-6C-11 and COMAR 10.34.22.05, it this 30<sup>th</sup> day of May, 2014, hereby,

ORDERED that Celgene Corporation, Permit No. D02255, shall pay a FINE in the amount of \$500.00, payable to the Maryland Board of Pharmacy within ninety (90) days of the date of this Order; and be it further,

ORDERED that Celgene Corporation shall comply with all laws and regulations governing the wholesale distribution of prescription drugs and devices into, out of, and within the State of Maryland; and be it further,

ORDERED that in the event that Celgene Corporation violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose any disciplinary sanction it deems appropriate, including suspension, revocation, and fines, said violation being proven by a preponderance of the evidence; and be it further,

ORDERED that this is a formal order and as such is a public document pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2004).

May 30, 2014  
Date

LaVerne G. Naesea  
LaVerne G. Naesea  
Executive Director for:

Lenna Israbian-Jamgochian, Pharm.D.  
Board President

### CONSENT

1. By signing this Consent, Celgene Corporation submits to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.

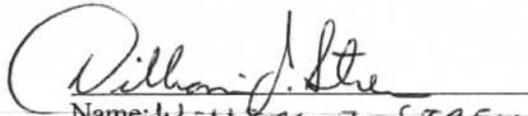
2. Celgene Corporation acknowledges the validity of this Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.

3. Celgene Corporation acknowledges that, by entering into this Consent Order, Celgene Corporation is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Celgene Corporation acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

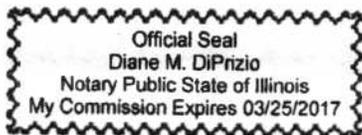
5. Celgene Corporation signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Celgene Corporation fully understands the language, meaning, and effect of this Consent Order.

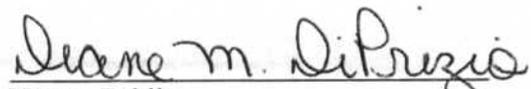
5/20/14  
Date

  
Name: WILLIAM J. STREL  
Title: ASSOC DIR SEM-COMPLIANCE

STATE OF ILLINOIS  
COUNTY/CITY OF COOK:

I hereby certify that on this 20<sup>th</sup> day of MAY, 2014, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared William J. Strel, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Celgene Corporation.



  
Notary Public  
My commission expires: 3/25/2017