

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>THE PHARMACY PERMIT</b>	*	<b>MARYLAND STATE</b>
<b>APPLICATION OF:</b>	*	<b>BOARD OF PHARMACY</b>
<b>WELLCARE, INC. dba</b>	*	
<b>WELLCARE PHARM RX</b>	*	

\* \* \* \* \*

**CONSENT ORDER FOR ISSUANCE OF A  
PHARMACY PERMIT**

**Background**

The pharmacy permit applicant, WellCare, Inc., dba WellCare Pharm Rx (hereinafter referred to as either "WellCare, Inc." or the "Applicant") has applied to the Board of Pharmacy (the "Board") for a permit to operate a pharmacy at 5530 Wisconsin Avenue, Chevy Chase, Maryland. WellCare, Inc. has purchased the assets of Bellview Ltd. t/a Medical Pharmacy of Chevy Chase, which previously operated a pharmacy at the same location. The Board of Pharmacy revoked the permit issued to Medical Pharmacy of Chevy Chase on June 26, 2006. The owner of Medical Pharmacy of Chevy Chase, Arthur Weinstein, P.D., had his license revoked by the Board on April 26, 2006.

Upon receiving the application for WellCare, Inc., the Board obtained information indicating that the sole shareholder and officer of WellCare, Inc., is Linda Weinstein, the wife of Arthur Weinstein. Mrs. Weinstein has indicated to the Board that she will be operating the pharmacy, with the assistance of a licensed pharmacist and a CPA. Mrs. Weinstein has further indicated to the Board that her husband, Mr. Weinstein, is not an officer, shareholder, or consultant to WellCare, Inc., and that he will have no involvement in the operation or management of WellCare, Inc.

The Board is entering into this Consent Order to insure that Arthur Weinstein, as a pharmacist and permit holder who has been revoked by the Board, does not practice pharmacy or operate a pharmacy under the permit issued to Linda Weinstein, as the permit holder for WellCare, Inc.

**ORDER**

Based upon an affirmative vote of a majority of the Board under the authority of Health Occupations Article § 12-405, it this 3 day of November, 2006, hereby,

ORDERED that the pharmacy permit application filed by Wellcare, Inc., shall be immediately GRANTED upon the following conditions:

1. WellCare, Inc. shall insure that Arthur Weinstein is not present on the premises, to include the storefront, pharmacy area, and office;
2. WellCare, Inc. shall insure that its pharmacy operation maintains separate and distinct business premises, records, and telephone numbers from any other business operation;
2. WellCare, Inc. shall not hire Arthur Weinstein as a temporary or permanent employee, contractor or consultant;
3. WellCare, Inc. shall not permit Arthur Weinstein to act as a technician or pharmacist for Wellcare, Inc.;
4. WellCare, Inc. shall not permit Arthur Weinstein, or any entity owned in part or in whole by Mr. Weinstein, to purchase, own, or control any shares of Wellcare, Inc.;

5. WellCare, Inc. shall insure that Arthur Weinstein does not have access to prescription records, billing records, patient profiles, or any other records relating to the operation or management of WellCare, Inc. for the pharmacy;

6. WellCare, Inc. shall insure that Arthur Weinstein does not interact with patients, pharmaceutical representatives, vendors, other health professionals, or any other person or governmental entity on behalf of Wellcare, Inc., and

7. WellCare, Inc. shall not permit Arthur Weinstein to participate, or be involved in any capacity, in the pharmacy operation of Wellcare, Inc., and it is further,

ORDERED that in the event that the Applicant violates any of the conditions or terms above, or any state or federal law governing the operation of a pharmacy, 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).

Nov. 3, 2006  
Date

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

Mark Levi, P.D.  
Board President

**CONSENT**

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

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

3. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

11/2/06  
Date

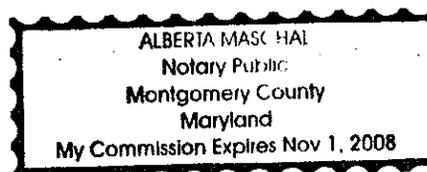
Linda Weinstein, President  
Linda Weinstein, President  
WellCare, Inc.

**STATE OF MARYLAND**  
**COUNTY/CITY OF MONTGOMERY:**

I hereby certify that on this 2nd day of NOVEMBER, 2006, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Linda Weinstein, President of WellCare, Inc., and made an oath in due form that the foregoing Consent was her voluntary act and deed.

Albert Maschal  
Notary Public  
My commission expires: 11-1-2008

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