

IN THE MATTER OF	*	BEFORE THE
WICKLIFFE PHARMACEUTICAL, INC. dba WICKLIFFE VETERINARY PHARMACY	*	MARYLAND STATE BOARD OF PHARMACY
PERMIT NO. P05309	*	Case No. PI-15-052
* * * * *	*	* * * * *

CONSENT ORDER

Background

Wickliffe Pharmaceutical, Inc. (the “Respondent”) advised the Maryland Board of Pharmacy (the “Board”) that the Respondent had been disciplined by the Kentucky Board of Pharmacy as a result of stipulated violations of Kentucky law regarding the operation of a pharmacy, and specifically, the compounding of animal drugs.

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

FINDINGS OF FACT

1. On or about March 25, 2010, the Respondent was issued a non-resident pharmacy permit to operate in Maryland under Permit Number P05309. The Respondent’s permit is active and will expire on May 31, 2018.
2. The Respondent primarily dispenses patient-specific sterile and non-sterile compounded animal drugs to Maryland veterinary practices and animal owners.
3. On or about October 23, 2015, the Respondent entered into an Agreed Order with the Kentucky Board of Pharmacy. The disciplinary order was based on various violations of the Kentucky Revised Statutes related to compounding of animal

drugs, specifically Toltrazuril 227mg/Pyrimethamine 340mg/ml paste and Toltrazuril 416 mg/Pyrimethamine 17 mg/ml suspension in or around March 2014.

4. Samples of both of these products indicated sub-potency and super-potency, respectively. As a result, four horses died and six were hospitalized in Kentucky and Florida.
5. The Kentucky Board of Pharmacy imposed against the Respondent probation for three (3) years with numerous conditions, and a fine of \$100,000.
6. On November 5, 2015, the Respondent duly notified the Board of the Kentucky Board of Pharmacy action.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Wickliffe Pharmaceutical, Inc., Permit Number P05309, is subject to discipline in accordance with Md. Code Ann., Health Occ. § 12-403(g).

ORDER

Based upon an affirmative vote of the Board under the authority of Md. Code Ann., Health Occ. Art. § 12-409, it this 27 day of June, 2016, hereby,

ORDERED that Wickliffe Pharmaceutical, Inc., Permit No. P05309, shall be placed on immediate PROBATION for THREE (3) YEARS, beginning October 23, 2015; and be it further,

ORDERED that Wickliffe Pharmaceutical, Inc., shall comply with all laws and regulations governing the operation of a non-resident pharmacy in the State of Maryland,

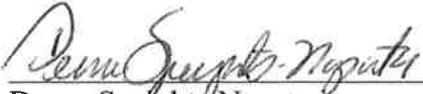
to include Maryland laws governing compounding of prescription drugs; and be it further,

ORDERED that Wickliffe Pharmaceutical, Inc., shall fully comply with all terms and conditions imposed by the Kentucky Board of Pharmacy in its Agreed Order, effective October 23, 2015; and be it further,

ORDERED that in the event that Wickliffe Pharmaceutical, Inc., 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., General Provisions Article § 4-333.

10/27/16
Date


Deena Speights-Napata,
Executive Director for:

Mitra Gavgani, Pharm.D.
Board President

CONSENT

1. By signing this Consent, Wickliffe Pharmaceutical, Inc., submits to the foregoing Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.

2. Wickliffe Pharmaceutical, Inc., 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. Wickliffe Pharmaceutical, Inc., acknowledges that, by entering into this Consent Order, it is waiving its right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.

4. Wickliffe Pharmaceutical, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

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

6/21/2012
Date


Name: KENNETH UKAOMA
Title: Pharmacist In Charge

STATE OF Kentucky
COUNTY/CITY OF Fayette:

I hereby certify that on this 21st day of June, 2016, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Kenneth Ukaawa, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of Wickliffe Pharmaceutical, Inc.



Cara Gallagher 497168
Notary Public
My commission expires: 9/13/2017