

IN THE MATTER OF

*

BEFORE THE

MED-PRO DISTRIBUTORS, LLC

*

MARYLAND BOARD

*

OF PHARMACY

*

CASE NO. PI-14-159/14-559

* * * * *

PRE-CHARGE CONSENT ORDER

Background

On or about February 20, 2014, the Maryland Board of Pharmacy (the "Board") received a complaint indicating that Med-Pro Distributors, LLC ("Med-Pro") was distributing prescription drugs into Maryland without a permit to operate as a wholesale distributor. Upon investigation, the Board discovered that Med-Pro did in fact distribute prescription drugs to several hospitals throughout Maryland without a permit from approximately January 1, 2011, through March 7, 2014.

In lieu of instituting formal proceedings against Med-Pro, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, the Board held a Pre-Charge Case Resolution Conference ("CRC") with a representative from Med-Pro and counsel on July 23, 2014. As a result, the Board and Med-Pro have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant hereto, Med-Pro operated at a facility located at 3415 Westinghouse Boulevard, Charlotte, North Carolina. Med-Pro has never possessed a permit to operate as a wholesale distributor in Maryland.

2. On or about February 20, 2014, the Board received a complaint indicating that Med-Pro distributed prescription drugs into Maryland without a permit.
3. Upon investigation, the Board determined that Med-Pro distributed prescription drugs to 12 hospitals in Maryland without a permit between January 1, 2011, and March 7, 2014. None of the drugs distributed in Maryland by Med-Pro were controlled dangerous substances.
4. At the CRC, Med-Pro described itself as a relatively small company that specializes in selling hard-to-find pharmaceuticals to hospitals. Med-Pro admitted to distributing prescription drugs into Maryland without a permit, stating that it was a mistake that the company was taking very seriously.
5. Med-Pro informed the Board of the numerous steps it was taking to rectify the situation and prevent anything similar from happening in the future, including retaining counsel, re-training staff, and obtaining additional state license to operate as a wholesale distributor. Med-Pro also stated it was planning on obtaining national wholesale distributor verified status.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Med-Pro is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§12-6C-03(a) and 12-6C-11, and COMAR 10.34.11.10.

ORDER

Based on an affirmative vote of a majority of the Board, it is this 21st day of October, 2014, hereby:

ORDERED that Med-Pro shall pay a fine in the amount of \$6,500.00, payable to the Maryland Board of Pharmacy, within sixty (60) days of the date of this Order; and be it further,

ORDERED that Med-Pro shall refrain from the wholesale distribution of prescription drugs or devices into, out of, or within Maryland, until such time as Med-Pro has obtained a permit to do so from the Board; and be it further,

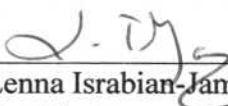
ORDERED that in the event Med-Pro obtains a valid permit to operate as a wholesale distributor in Maryland, it shall operate in accordance with the Maryland Pharmacy Act and all applicable laws and regulations; and be it further,

ORDERED that failure to pay in full the above fine within sixty (60) days of the date of this Order, or failure to otherwise comply with this Order, shall be considered a violation of this Order, and after notice and opportunity for a hearing shall subject Med-Pro to further sanction; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Maryland Annotated Code, State Government Article, Section 10-617(h).

Date

01/17/2014


Lenna Israbian-Jamgochian
President
Maryland Board of Pharmacy


CONSENT

1. By signing this Consent, Med-Pro submits to the foregoing Consent Order as a resolution of this matter in lieu of formal charges, which process would have afforded Med-Pro the right to a full evidentiary hearing. Med-Pro consents and submits to the foregoing Findings of Fact, Conclusions of Law, and Order as if made after a full evidentiary hearing at which Med-Pro would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on its behalf, and to all other substantive and procedural protections provided by law.
2. By signing this Consent, Med-Pro waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
3. Med-Pro acknowledges that this is a formal order of the Board and as such is a public document.
4. Med-Pro acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
5. Med-Pro signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. Med-Pro fully understands the language, meaning, and effect of this Consent Order.

9/19/14

Date

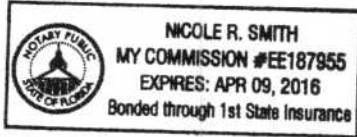
MED-PRO DISTRIBUTORS, LLC



David Somberg, President

STATE OF FLORIDA
COUNTY/CITY OF PALM BEACH:
DELRAY BEACH

I hereby certify that on this 19th day of September, 2014,
before me, a Notary Public of the State and County/city aforesaid, personally appeared
DAVID SOMBERG, on behalf of MED-PRO DISTRIBUTORS, LLC, and made an oath in
due form that the foregoing Consent was his voluntary act and deed.



N. R. Smith
Notary Public
My commission expires: April 9, 2016