

IN THE MATTER OF
MID-ATLANTIC MEDICAL SUPPLY
COMPANY, INC.

BEFORE THE
MARYLAND BOARD
OF PHARMACY

Respondent

Case No.: PI-11-095/295

Permit Number: D01638

* * * * *

CONSENT ORDER

On April 18, 2012, the State Board of Pharmacy (the "Board") charged MID-ATLANTIC MEDICAL SUPPLY (the "Respondent-Distributor") (Permit Number: D01638) with violations of the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 and 2011 Repl. Vol.).

The pertinent provisions of the Act provide as follows:

H.O. §12-6C-03. Permit required.

(a) *Wholesale Distributor.* – 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 provision of this subtitle or any regulation adopted under this subtitle, the Board may impose a fine not to exceed \$500,000.

On June 20, 2012, the Respondent-Distributor appeared before members of the Board and the Board's counsel for a Case Resolution Conference (CRC) to discuss the potential resolution of the Charges by consent. At the conclusion of the CRC, the Respondent-Distributor agreed to enter into this Consent Order to resolve the pending charges and to avoid the expense and time of proceeding to an administrative hearing. The Respondent-Distributor and the Board agreed to the inclusion of Findings of Fact and

Conclusions of Law as required by the Board, and with the terms and conditions set forth herein.

FINDINGS OF FACT

1. The Respondent-Distributor is located at One Easter Court, Suite G in Owings Mills, Maryland.
2. The Respondent-Distributor was initially licensed as a wholesale distributor in the State of Maryland on April 8, 2004. The Respondent-Distributor's permit is currently active and is scheduled to expire on December 31, 2012.
3. The Board received information that the Respondent-Distributor's license lapsed from January 1, 2011 to March 1, 2011. During that time, the Respondent-Distributor continued to operate as a wholesale distributor.
4. The Board subsequently initiated an investigation.
5. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center A on January 5, 2011, January 12, 2011, January 28, 2011, and February 25, 2011.¹
6. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center B on January 24, 2011, January 31, 2011, February 7, 2011, February 8, 2011, February 14, 2011, February 21, 2011, and February 28, 2011.

¹ Naproxen is a nonsteroidal anti-inflammatory drug (NSAID). Cyclobenzaprine HCL is a muscle relaxer. Ibuprofen is a NSAID.

7. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center C on January 4, 2011, February 21, 2011, February 23, 2011, and February 28, 2011.
8. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center D on January 3, 2011, January 11, 2011, January 17, 2011, January 24, 2011 and February 14, 2011.
9. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center E on January 5, 2011, January 21, 2011, January 24, 2011, February 8, 2011, February 9, 2011, February 11, 2011, February 21, 2011, and February 25, 2011.
10. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center F on February 25, 2011.
11. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center G on January 10, 2011, January 17, 2011, January 31, 2011, February 7, 2011, February 14, 2011, February 22, 2011, February 25, 2011, and February 28, 2011.
12. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center H on January 26, 2011, February 8, 2011 and February 15, 2011.²

² The invoice list for sales to Medical Center H is missing page one, which includes the date on which the Respondent-Distributor supplied Cyclobenzaprine to Medical Center H.

13. The Respondent-Distributor supplied Naproxen 500 mg, Cyclobenzaprine HCL 10 mg, and/or Ibuprofen 600 mg to Medical Center I on dates that were not supplied to the Board.³

14. On or about December 25, 2010, the Respondent-Distributor submitted an application to renew its permit.⁴ The Respondent-Distributor erroneously believed that if it submitted an application for renewal prior to December 31, 2010, there would be no lapse in licensure. Once the Board renewed the Respondent-Distributor's permit, it was backdated to January 1, 2011.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated H.O. § 12-6C-03(a).

ORDER

Based on agreement of the parties, it is therefore this 20th day of July, 2012, by an affirmative vote of the Board, hereby:

ORDERED that within **SIXTY (60) DAYS** from the date of this Order, the Respondent-Distributor shall pay a fine in the amount of \$2,500, payable to the Maryland Board of Pharmacy; and it is further

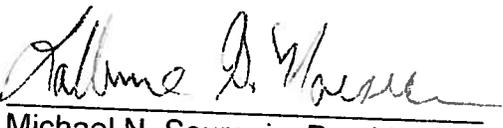
ORDERED that the Respondent-Pharmacy shall bear all expenses associated with this Order; and it is further

³ The Respondent-Distributor provided the Board with only a list of items supplied to Medical Center I, but not individual invoice numbers and dates.

⁴ Due to the holidays, the Board did not receive the Respondent-Distributor's application until January 11, 2011.

ORDERED that the Respondent-Pharmacy shall operate according to the Maryland Pharmacy Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of pharmacy; and it is further

ORDERED that this document constitutes a formal disciplinary action of the State Board of Pharmacy and is therefore a public document for purposes of public disclosure, pursuant to the Public Information Act, State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

for 
Michael N. Souranis, President
State Board of Pharmacy

CONSENT

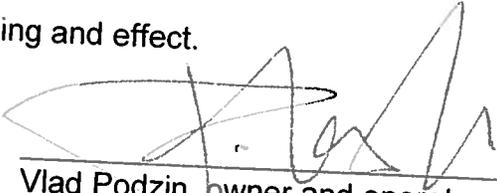
I, Vlad Podzin, owner and operator of Mid-Atlantic Medical Supply & Equipment, acknowledge that I had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I 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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and

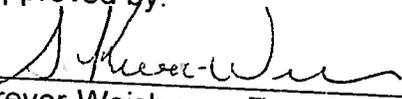
enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

7/3/2012
Date


Vlad Podzin, owner and operator
Mid-Atlantic Medical Supply & Equipment,
Respondent-Distributor

Read & Approved by:


Sharon Krevor-Weisbaum, Esq.
Attorney for the Respondent-Distributor

NOTARY

STATE OF MARYLAND
CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 3 day of July, 2012, before me, a Notary Public of the foregoing State personally appeared Vlad Podzin, owner and operator of Mid-Atlantic Medical Supply & Equipment, Permit Number D01638, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.


Notary Public

My Commission Expires: 3/7/2014