

IN THE MATTER OF

*

BEFORE THE

**MIDWEST VETERINARY
SUPPLY, INC.**

*

MARYLAND STATE

*

BOARD OF PHARMACY

Permit No. D05598

*

Case No. 22-046

* * * * *

CONSENT ORDER

Background

On or about July 20, 2021, the Maryland Board of Pharmacy (the “Board”) received a self-report from Midwest Veterinary Supply, Inc. (the “Respondent”), indicating that it had entered into a settlement agreement with the Ohio Board of Pharmacy based on it selling drugs to an unlicensed entity. Upon receiving this information, the Board subpoenaed the Respondent for a report of all prescription drugs it shipped into Maryland. The report submitted by the Respondent indicated that it shipped drugs to three veterinarians who were not licensed by the Maryland Board of Veterinary Medical Examiners.

In lieu of instituting formal proceedings against the Respondent, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, a panel of the Board held a Case Resolution Conference (“CRC”) with the Respondent, the Respondent’s counsel, and Board counsel on June 8, 2022. Thereafter, the Board and the Respondent agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. At all times relevant herein, the Respondent was permitted with the Board as a wholesale distributor at its facility located in Lakeville, Minnesota. The

Respondent's permit is active and set to expire on May 31, 2023.

2. On or about July 20, 2021, the Respondent voluntarily reported to the Board that it had been subjected to disciplinary action in Ohio. Specifically, the Respondent entered into a settlement agreement with the Ohio Board of Pharmacy based on it selling drugs to an animal sanctuary in Ohio that was not authorized to receive those drugs at the time. The Respondent agreed to pay a \$700 fine to the Ohio Board.
3. Upon receipt of this information, the Board subpoenaed the Respondent for a report of all prescription drugs shipped into Maryland. The Respondent promptly responded to the Board's subpoena and disclosed in its response that it had sent a limited amount of drugs to three individuals who were not licensed in Maryland.
4. Specifically, the Respondent disclosed that a veterinarian client in Delaware requested that six orders be sent directly to a client in Maryland; a second veterinarian client in West Virginia requested that one shipment be sent directly to a client in Maryland; and the Respondent inadvertently sent shipments to a veterinarian client in Maryland who was licensed in Michigan (but not licensed in Maryland).
5. The Respondent provided a letter to the Board explaining what happened in each incident. The Respondent sent one product into Maryland on behalf of the West Virginia veterinarian in 2017, sale totaling \$8.42, and sent multiple shipments over 8 days into Maryland on behalf of the Delaware veterinarian in 2018, sales totaling \$91.73; at the time, the Respondent did not have a hard stop in its licensing system preventing shipments to a state where a client was not duly licensed. In the case of the Michigan-licensed veterinarian, human error led to her license being coded in

the Respondent's licensing system as MD instead of MI; shipments totaling \$2,371.88 were sent to her in Maryland between 2019 and 2021, before a customer due diligence check caught the error.

6. The Respondent disclosed to the Board steps it has taken to prevent such errors in the future. The Respondent's computer system now blocks any customer orders from being shipped to a state where the veterinarian client is not duly licensed. The Respondent has also established a process that requires a second employee to verify that a customer's licensing information has been accurately entered into the Respondent's computer system.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Midwest Veterinary Supply, Inc., is subject to discipline in accordance with Md. Code Ann., Health Occ. §§ 12-6C-09(b) & 12-6C-11 and COMAR 10.34.22.05A(3)(k).

ORDER

It is this 1st day of September, 2022, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

ORDERED that Midwest Veterinary Supply, Inc., shall pay a FINE in the amount of \$1,000.00, payable to the Maryland Board of Pharmacy, within ninety (90) days of the date of this Order; and be it further,

ORDERED that Midwest Veterinary Supply, Inc., shall ensure that it verifies licensure for all customers before shipping prescription drugs or devices into Maryland; and be it further,

ORDERED that Midwest Veterinary Supply, Inc., shall comply with all statutes 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 this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Md. Code Ann., Gen. Provisions § 4-333(b).

9-1-22

Date



Deena Speights-Napata, M.A.

Executive Director

for

Jennifer L. Hardesty, Pharm.D.

President

Maryland Board of Pharmacy

CONSENT

1. By signing this Consent, Midwest Veterinary Supply, Inc., hereby affirms the findings of fact contained herein and agrees to be bound by the foregoing Consent Order and its conditions.

2. By signing this Consent, Midwest Veterinary Supply, Inc., submits to the foregoing Consent Order as a resolution of this matter. By signing this Consent, Midwest Veterinary Supply, Inc., waives any rights it may have had to contest the findings and determinations contained in this Consent Order.

3. Midwest Veterinary Supply, Inc., acknowledges that this is a formal order of the Board and as such is a public document.

4. Midwest Veterinary Supply, Inc., acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

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

8/16/2022
Date

Janice Halvorsen
Name: Janice Halvorsen
Title: Chief Financial Officer
Midwest Veterinary Supply, Inc.

STATE OF Minnesota
COUNTY/CITY OF Dakota:

I hereby certify that on this 16 day of August, 2022, before me, a Notary Public of the State and County/City aforesaid, personally appeared Janice Halvorsen, and made an oath in due form that the foregoing Consent was their voluntary act and deed on behalf of Midwest Veterinary Supply, Inc.

Lori Lynn Brown
Notary Public
My commission expires: Jan. 31, 2024

