

**IN THE MATTER OF
NEB DOCTORS
OF MARYLAND, LLC**

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**BEFORE THE
MARYLAND BOARD
OF PHARMACY
CASE NO: PI-17-051**

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PRE-CHARGE CONSENT ORDER

Background

On August 4, 2016, the Board of Pharmacy (the "Board") performed an annual inspection of the distribution operation owned by Neb Doctors of Maryland, LLC. At that time, the Board inspector was informed that Neb Doctors of Maryland, LLC, had undergone a change of ownership in May 2015, and had been operating under the previous owner's distributor's permit between May 2015, and September 2016.

In lieu of instituting formal proceedings against the distributor, 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 the distributor on November 2, 2016. As a result, the Board and the distributor have agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. The distributor has applied for a Maryland wholesale distributor's permit, Permit No. D06006, and wishes to operate on the premises located at 10839 Philadelphia Road, Suite B, White March, Maryland.

2. During an annual inspection on August 4, 2016, the Board inspector was advised that the distributor had undergone a change of ownership on May 2015. The current owner of the distributor did not submit an application to the Board for a wholesale distributor's permit but was operating under the prior owner's permit.
3. During the sale of the distribution operation, the buyers/current owners, mistakenly believed that the seller/previous owner had obtained the appropriate permit from the Board as part of the closing transaction. The distributor has appropriately completed new change of ownership applications with Medicaid, the Joint Commissions and the Washington, D.C. board of pharmacy.
4. Wholesale distributor permits are not transferrable in Maryland.

CONCLUSION OF LAW

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

ORDER

Based on an affirmative vote of a majority of the Board, it is this 17th day of January, 2017, hereby:


ORDERED that the distributor applicant shall pay a fine in the amount of \$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 failure to pay in full the above fine within sixty (60) days of the date of this Order shall be considered a violation of this Order, and after notice and opportunity for a show cause hearing shall subject the Pharmacy to further discipline such as suspension, revocation or further fines based on the violations cited in this Order; and be it further,

ORDERED the distributor applicant shall cease all distribution operations unless and until such time that the Board approves and issues a wholesale distributor permit authorizing the distributor applicant to engage in wholesale distribution; 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 Md. Code Ann., Gen. Provisions § 4-333(b).

1-17-17
Date


Deena Speights-Napata,
Executive Director
Maryland Board of Pharmacy

CONSENT


1. By signing this Consent, Neb Doctors of Maryland, LLC, submits to the foregoing Consent Order as a resolution of this matter and agrees to be bound by its terms and conditions.
2. Neb Doctors of Maryland, LLC, 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. Neb Doctors of Maryland, LLC, 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. Neb Doctors of Maryland, LLC, acknowledges the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

5. Neb Doctors of Maryland, LLC, signs this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. Neb Doctors of Maryland, LLC, fully understands the language, meaning, and effect of this Consent Order.

Neb Doctors of Maryland, LLC

1/13/2017
Date


Bryan Carter
Chief Operating Officer

STATE OF Georgia
COUNTY/CITY OF DeKalb :

I hereby certify that on this 13th day of January, 2017, before me, a Notary Public of the State of Georgia and County/city aforesaid, personally appeared BRYAN CARTER, on behalf of NEB DOCTORS OF MARYLAND, LLC, and made an oath in due form that the foregoing Consent was his voluntary act and deed.


Patricia A. Evers
Notary Public
Georgia
Commission expires: June 9, 2020