

IN THE MATTER OF  
BOARD

\*

BEFORE THE STATE

TW WELLNESS COMPOUNDING  
PHARMACY & CLINIC

\*

OF PHARMACY

\*

Respondent

\*

\*

CASE NO: 18-090

\* \* \* \* \*  
\* \*

CONSENT ORDER

On October 17, 2018, the Maryland Board of Pharmacy (“the Board”) charged TW Wellness Compounding Pharmacy & Clinic (“the Respondent-Pharmacy”), with violating certain provisions of the Maryland Pharmacy Act, (“the Act”) Md. Code Ann., Health Occ., §§ 12-101 *et seq.* (2014 Repl. Vol., 2017 Supp).

The pertinent provisions of the Act state as follows:

**§ 12-403. Required Standards.**

(e.) *Nonresident pharmacy to hold permit and have licensed pharmacist on staff designated as responsible for in-State services.* A nonresident pharmacy shall:

- (1) Hold a pharmacy permit issued by the Board; and
- (2) Have a pharmacist on staff who is:
  - (i) Licensed by the Board; and
  - (ii) Designated as the pharmacist responsible for providing pharmaceutical services to patients in the State.

**§ 12-703. Operating a pharmacy without a permit.**

A person may not establish or operate a pharmacy in this State or a nonresident pharmacy unless the person holds a pharmacy permit issued by the Board.

On December 12, 2018, Thomas White, owner of the Respondent-Pharmacy, appeared through counsel, before members of the Board for a Case Resolution Conference (CRC) to discuss the potential resolution of the Charges by consent. The Administrative Prosecutor was also present. Thereafter, the Respondent-Pharmacy and the Board agreed to resolve the matter as set forth herein.

FINDINGS OF FACT

The Board finds the following:

1. At all times relevant to these charges, the Respondent-Pharmacy was located in Albuquerque, New Mexico.
2. At all times relevant to these charges, the Respondent-Pharmacy was licensed as a pharmacy and controlled substance facility.
3. At no time has the Respondent-Pharmacy been licensed as a non-resident pharmacy in Maryland pursuant to Md. Code Ann., Health Occ. § 12-703.
4. On or about November 7, 2017, the Board received a complaint that the Respondent-Pharmacy was dispensing prescription drugs into Maryland without a license to do so.
5. Thereafter, the Board initiated an investigation of the Respondent-Pharmacy.
6. According to the Respondent-Pharmacy’s website, it specializes in bio-identical hormones and hormone replacement therapy which are compounded by the pharmacist owner, who is licensed by the New Mexico Board of Pharmacy.
7. On or about February 1, 2018, the Board issued a subpoena to the Respondent-Pharmacy for its prescription drug dispensing reports for all prescriptions

dispensed/distributed/sold into Maryland for the time period between May 1, 2016 and February 1, 2018.

8. On or about February 20, 2018, the Respondent-Pharmacy provided a dispensing report detailing 70 prescriptions dispensed to Maryland residents between May 1, 2016 and February 5, 2018.
9. According to information provided by the Respondent-Pharmacy, these prescriptions were for a total of nine patients and were prescribed by six different physicians.
10. These prescriptions included the following medications:
  - a. Progesterone 5% topical gel
  - b. Testosterone 2mg/gm topical gel
  - c. Metformin 500mg ER
  - d. Levothyroxine 100mcg
  - e. Progesterone 3% topical gel
  - f. Clomiphene 25mg
  - g. Folate 5000 mcg
  - h. Adrenal energy (other-the-counter)
  - i. Vitamin D3-50,000IU
  - j. Healthy Hair Support (other-the-counter)
  - k. SAW Palmetto (other-the-counter)
  - l. Target Method Compounded Capsules
  - m. Target Method Oil DHEA 100 mg (other-the-counter)
  - n. Essentials "repair lotion"
  - o. Fenofibrate 160mg
  - p. Nature-throid 146.25mg
  - q. Oxytocin Troche 75 IU
  - r. Anastrozole 0.25mg
  - s. Liothyronine (T3) long acting
  - t. Biestrogen: Estriol/Estradiol

11. Testosterone products are controlled dangerous substances, for which the Respondent-Pharmacy does not hold a Maryland permit.

12. Based on the dispensing reports provided by the Respondent-Pharmacy, the Respondent-Pharmacy dispensed prescription medications into Maryland without a non-resident pharmacy permit, thus violating Md. Code Ann., Health Occ. §§ 12-403(e)(1) and 12-703.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent-Pharmacy violated the following provisions of the Act: § 12-403(e) and § 12-703.

#### ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this <sup>21st</sup> day of February, 2019, by the affirmative vote of a majority of the members of the Board then serving:

**ORDERED** that the Respondent-Pharmacy shall **CEASE AND DESIST** dispensing prescription medications into the State of Maryland until such time as the Respondent-Pharmacy submits and receives approval of its application to operate as a non-resident pharmacy from the Board and, if the Respondent-Pharmacy intends to dispense controlled dangerous substances into the State of Maryland, obtains a controlled dangerous substance permit from the Maryland Office of Controlled Substances Administration; and it is further

**ORDERED** that the Respondent-Pharmacy shall pay a fine in the amount of **\$1,000** prior to receiving its non-resident pharmacy permit; and it is further

**ORDERED** that upon receiving its non-resident pharmacy permit from the Board, the Respondent-Pharmacy shall be placed on **PROBATION** for a period of at least **ONE YEAR**, during which time the Respondent-Pharmacy shall submit to the Board all copies of inspection reports and correspondence prepared by the New Mexico State Board of Pharmacy within 10 business days of their receipt; and it is further

**ORDERED** that if the Respondent-Pharmacy violates any of the terms or conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for a hearing, may impose any other disciplinary sanctions the Board may have imposed under § 12-409 of the Act, including a suspension, revocation and/or a monetary fine, said violation being proven by a preponderance of the evidence; and it is further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of the Consent Order, and it is further

**ORDERED** that this Consent Order shall be a public document pursuant to Md. Code Ann., Gen. Prov. § 4-333(b)(6) (2014 Repl. Vol., 2017 Supp.).

*Kevin Morgan*  
2-21-19

Date  
President

Kevin Morgan, Pharm.D.,

State Board of Pharmacy

**CONSENT**

By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions:

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter.
2. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
4. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel.
5. I fully understand the language, meaning, and effect of this Consent Order.

*Thomas White*

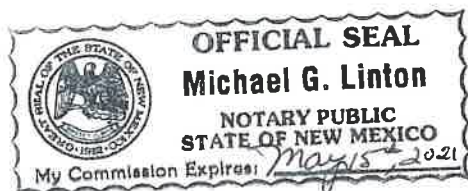
1/11/19  
Date

Thomas White for TW Wellness  
Pharmacy Compounding and Clinic

**NOTARY**

STATE OF NEW MEXICO  
COUNTY/CITY OF BERNALILLO :

I hereby certify that on this 11 day of January, 2019, before me, a Notary Public of the State of NEW MEXICO and County/City aforesaid, personally appeared Thomas White for TW Wellness Compounding Pharmacy and Clinic and made an oath in due form that the foregoing Consent was his voluntary act and deed.



*Michael G. Linton*

Notary Public

My commission expires: May 15, 2021