17A

## **NEVADA STATE BOARD OF PHARMACY**

985 Damonte Ranch Pkwy Suite 206, Reno, NV 89521

## **APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE**

\$500.00 Fee made payable to: Nevada State Board of Pharmacy

(non-refundable and not transferable money order or cashier's check only)

Application must be printed legibly or typed

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

☐New Pharmacy or ☐Ownership Change (Provide current license number if making check box below for type of ownership and complete all required forms. ☐ Publicly Traded Corporation — Pages 1,2,3,7 ☐ Partnership — Pages 1,2, ☐ Non Publicly Traded Corporation — Pages 1,2,4,7 ☐ Sole Owner — Pages 1,2, ☐ Sole Owner — Pages 1,2, ☐ Sole Owner — Pages 1,2, ☐ Drug Depot, LLC d/b/a APS Pharmacy  Physical Address: ☐ 34911 Us Hwy. 19 N., Suite 600  Mailing Address: ☐ Same as physical address.  City: ☐ Palm Harbor ☐ State: ☐ Florida ☐ Zip Code: ☐ Check box below for type of ownership → Pages 1,2,4,7 ☐ Sole Owner — Pages 1,2,4,7 ☐ S	5.7
☐ Publicly Traded Corporation – Pages 1,2,3,7 ☐ Non Publicly Traded Corporation – Pages 1,2,4,7 ☐ Sole Owner – Pages 1,2, ☐ Sole Owner – Pages 1,2,4,7 ☐ Sole Owner – Pages 1,2,4,7 ☐ GENERAL INFORMATION to be completed by all types of ownership  Pharmacy Name:	.5,7 .6,7
Pharmacy Name: Drug Depot, LLC d/b/a APS Pharmacy  Physical Address: 34911 Us Hwy. 19 N., Suite 600  Mailing Address: Same as physical address.	,6,7
Pharmacy Name: Drug Depot, LLC d/b/a APS Pharmacy  Physical Address: 34911 Us Hwy. 19 N., Suite 600  Mailing Address: Same as physical address.	
Physical Address: 34911 Us Hwy. 19 N., Suite 600  Mailing Address: Same as physical address.	
Mailing Address: Same as physical address.	
O'l Delm Herbert	
City: Palm Harbor State: Florida Zin Code:	
	34684
Telephone: 727-787-4137 Fax: 727-781-7361	
Toll Free Number: 855-787-4137 (Required per NAC 639.708)	<del></del>
E-mail: info@apsmeds.com/ Website: www.apsmeds.com	
nmarling@apsmeds.com Managing Pharmacist: George Chrysakis License Number:	PS36000 (PIC)
	PH 20986 (Pharm
TYPE OF PHARMACY AND SERVICES PROVIDED	·
Yes/No Yes/No	
☑ Retail ☐ ☑ Off-site Cognitive Set	rvices
☐ 图 Hospital (# beds) ☐ 图 Parenteral **	
☐ 图 Internet ☐ 图 Parenteral (outpatien	nt)
☐ শ Nuclear ☐	е
☐ 图 Ambulatory Surgery Center 图 ☐ Mail Service	
□ Community     □    □    □    □    □    □    □	
☐ 图 Other: 图 ☐ Sterile Compounding	**
☑ □ Non Sterile Compound	
All boxes must be checked   Mail Service Sterile C	•
For the application to be complete	terinary

<sup>\*\*</sup>If you check "yes" on any of these types of services, you will be <u>required</u> to make an appearance at the board meeting,

# APPLICATION FOR OUT-OF STATE PHARMACY LICENSE

This page must be submitted for all types of ownership.

vvitnir	i the last five (5) years:		
1)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)?	Yes □ No 🖄	
2)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been denied a license, permit or certificate of registration?	Yes □ No ⊠	
3)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been the subject of an administrative action, board citation, site fine or proceeding relating to the pharmaceutical industry?	Yes □ No 🖄	
4)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances?	**Please see attached supplemental response.	
5)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)?	Yes □ No ☒ Yes □ No ☒	
If the a	inswer to question 1 through 5 is "yes", a signed statement of explanation me s of any documents that identify the circumstance or contain an order, agree ition may be required.	ust be attached	
conect	by certify that the answers given in this application and attached documental . I understand that any infraction of the laws of the State of Nevada regulat on of an authorized pharmacy may be grounds for the revocation of this pe	ing the	
have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of the business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.			
Origina	Signature of Person Authorized to Submit Application, no copies or stamps	<u> </u>	
Jaime	Rios 3/22/20		
Print Na	ame of Authorized Person Date		
		Page 2	
Board L	Jse Only Date Processed: 4 20 2020 Amount: 500	· · · · · · · · · · · · · · · · · · ·	

# APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE

## OWNERSHIP IS A NON PUBLICY TRADED CORPORATION

ate of Incorporation: To be supplemented	
arent Company if any: <u>See attached ownership information</u>	
ailing Address: 34911 US Hwy. 19 N., Suite 600	
ty: <u>Palm Harbor</u> State: <u>Florida</u> Zip: <u>34684</u>	
elephone: 727-787-4137 Fax: 727-781-7361	
ontact Person: George Chrysakis, Pharmacist In Charge	
or any corporation non publicly traded, disclose the following:	
List top 4 persons to whom the shares were issued by the corporation?	
a) N/A See attached Corporate Information and Structure Chart	
Name Address	
b)	
Name Address	
c)	
Name Address	
d) Name Address	
7.001.000	
Provide the number of shares issued by the corporation. N/A	
What was the price paid per share? N/A	
What date did the corporation actually receive the cash assets? N/A	
Provide a copy of the corporation's stock register evidencing the above information	
t any physician shareholders and percentage of ownership.	
me: N/A %:%	
me:%:	
urs of Operation for the pharmacy:	
onday thru Friday 8:30 am 5:00 pm Saturday N/A am	pn
Sunday N/A am pm 24 Hours N/A	
Nevada business license is not required, however if the pharmacy has a Nevada business ense please provide the number:	
Page	∍ 4

## STATEMENT OF RESPONSIBILITY FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, Jaime Rios

Responsible Person of Drug Depot, LLC d/b/a APS Pharmacy
hereby acknowledge and understand that in addition to the corporation's, any owner(s),
shareholder(s) or partner(s) responsibilities, may be responsible for any violations of pharmacy law
that may occur in a pharmacy owned or operated by said corporation.
I further acknowledge and understand that the corporation's, any owner(s), shareholder(s)
or partner(s)may be named in any action taken by the Nevada State Board of Pharmacy against a
pharmacy owned by or operated by said corporation.
I further acknowledge and understand that the corporation's, any owner(s), shareholder(s)
or partner(s) cannot require or permit the pharmacist(s) in said pharmacy to violate any provision
of any local, state or federal laws or regulations pertaining to the practice of pharmacy.
James 115
7 m
Original Signature of Person Authorized to Submit Application, no copies or stamps
31/
Date / /

## AFFIDAVIT for Out-of-State Pharmacy License

STATE OF OHD )
STATE OF OHD ) ss. COUNTY )
I, Jaime Rios , hereby certify that the assertions in this Affidavit
are true and correct to the best of my knowledge and belief, and state as follows:
1. I am the <u>Corporate President</u> for <u>Drug Depot, LLC d/b/a APS</u> (the Pharmacy
Pharmacy), and in that capacity, I am authorized to speak on the Pharmacy's behalf.
2. I certify that upon licensure, the Pharmacy will not sell or ship compounded sterile
products unto the state of Nevada, as indicated on the Pharmacy's application for a Nevada Out- of-
State Pharmacy License.
3. I understand and acknowledge that the Pharmacy and any of its Nevada-
registered/licensed staff members may be subject to discipline by the Board if the Pharmacy sells or
ships any compounded sterile product into Nevada without first obtaining written authorization from
the Board to do so.
4. I certify that if the Pharmacy ever decides to sell or ship any compounded sterile
product into Nevada, the Pharmacy, through an authorized representative, will first notify the Board
and obtain written approval to sell and ship such products into Nevada.
5. I understand that if the Pharmacy seeks approval to sell or ship compounded sterile
product into Nevada, an authorized representative of the Pharmacy may be required to appear
before the Board to answer questions before such approval is granted.
FURTHER AFFIANT SAYETH NOT.
I, Jaime Rios, do hereby swear under penalty of perjury that the assertions of this
affidavit are true.
SUBSCRIBED AND SWORN TO before me, a notary public this 23 day of Many, 20 20 10 10 10 10 10 10 10 10 10 10 10 10 10
WILLIAM BRAUN Noton Public State of Out
NOTARY PUBLIC  ** Notary Public, State of Ohio  My Commission Evolves 13 23 2020

### STATE OF FLUKIUA DEPARTMENT OF HEALTH DIVISION OF MEDICAL QUALITY ASSURANCE

DATE	LÌCENSE NO.	CONTROL NO.
11/09/2018	PH 20986	104254

he PHARMACY

amed below has met all requirements of ie laws and rules of the state of Florida.

xpiration Date: **RUG DEPOT INC** 

PS PHARMACY 4911 US 19 N, SUITE 600 ALM HARBOR, FL 34684 QUALIFICATION(S):

SCHEDULE II & III COMMUNITY PHARMACY 3:1 PHARMACY TECHNICIAN RATIO APPROVED

CONTROL NO DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE LICENSE NO. AC# PH 20986 STATE OF FLORIDA 11/09/2018 DATE

Expiration Date: The PHARMACY named below has met all requirements of the laws and rules of the state of Florida

DRUG DEPOT INC

1212

2021

FEBRUARY 28,

QUALIFICATION(S):

Rick Scott **GOVERNOR** 

**FEBRUARY 28, 2021** 

Celeste M. Philip, M.D., M.P.H. Surgeon General and Secretary

DISPLAY IF REQUIRED BY LAW

XPIRATION DATE: FEBRUARY 28, 2021

Your license number is PH 20986. Please use it in all correspondence with your board/council. Each licensee is solely responsible for notifying the Department in writing of the licensee's current mailing address and practice location address. If you have not received your renewal notice 90 days prior to the expiration date shown on this license, please visit www.FLHealthSource.gov and click "Renew A License" to renew online.

Medical Quality Assurance has a new and improved Online Services Portal. In the new system, you have the ability to renew your license, update your mailing and practice location addresses, request a name change, request a duplicate license and update your profile information all from the convenience of your online account.

- 1. Go to www.FLHealthSource.gov.
- Click on "Provider Services" and select "Manage Your License."
- Select your profession and license type and click "Submit."
- The question "Have you Registered in Our New Online Service System?" will display.
  - a. Click on "No" if you have not registered for an account in the new system and follow the instructions provided for new user
  - Click on "Yes" if you are a returning user. Enter the user ID and password you selected during the registration process, then select "Sign In" to access your MQA Online Services Portal account.

#### **IMPORTANT ANNOUNCEMENTS**

Are You Renewal Ready?

The Department of Health will now review your continuing education records at the time of license renewal.

> To learn more, please visit www.FLHealthSource.gov/AYRR

Grounds for Discipline

You should be familiar with the Grounds for Discipline found in Section 456.072(1). Florida Statutes, and in the practice act for the profession in which you are licensed. Florida Statutes can be accessed at www.leg.state.fl.us/Statutes

## STATE OF FLORIDA DEPARTMENT OF HEALTH DIVISION OF MEDICAL QUALITY ASSURANCE

**FEBRUARY 28, 2021** 

DATE	LICENSE NO.	CONTROL NO.
11/09/2018	PH 27903	104257

he PHARMACY amed below has met all requirements of

ne laws and rules of the state of Florida.

xpiration Date: RUG DEPOT, INC PS Pharmacy 4911 US HWY 19N

**UITE 600** ALM HARBOR, FL 34684 QUALIFICATION(S):

SPECIAL STERILE COMPOUNDING 3:1 PHARMACY TECHNICIAN RATIO APPROVED

CONTROL NO တ DIVISION OF MEDICAL QUALITY ASSURANCE LICENSE NO. AC# DEPARTMENT OF HEALTH DATE

STATE OF FLORIDA

QUALIFICATION(S):

Expiration Date: The PHARMACY named below has met all requirements of he laws and rules of the state of Florida.

DRUG DEPOT, INC

1213

2021

FEBRUARY 28,

Rick Scott **GOVERNOR** 

Celeste M. Philip, M.D., M.P.H. Surgeon General and Secretary

DISPLAY IF REQUIRED BY LAW

XPIRATION DATE: FEBRUARY 28, 2021

Your license number is PH 27903. Please use it in all correspondence with your board/council. Each licensee is solely responsible for notifying the Department in writing of the licensee's current mailing address and practice location address. If you have not received your renewal notice 90 days prior to the expiration date shown on this license, please visit www.FLHealthSource.gov and click "Renew A License" to renew online.

Medical Quality Assurance has a new and improved Online Services Portal. In the new system, you have the ability to renew your license, update your mailing and practice location addresses, request a name change, request a duplicate license and update your profile information all from the convenience of your online account.

- 1. Go to www.FLHealthSource.gov.
- 2. Click on "Provider Services" and select "Manage Your License."
- 3. Select your profession and license type and click "Submit."
- 4. The question "Have you Registered in Our New Online Service System?" will display.
  - a. Click on "No" if you have not registered for an account in the new system and follow the instructions provided for new user registration.
  - Click on "Yes" if you are a returning user. Enter the user ID and password you selected during the registration process, then select "Sign In" to access your MQA Online Services Portal account.

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# License Verification

## DRUG DEPOT INC APS PHARMACY

Printer Friendly Version

License Number: PH20986

Data As Of 2/20/2020

License Information	Secondary Locations	Discipline/Admin Action	Supervising Practitioners	Subordinate Practitioners	
	Profession	Pharmacy			Back
<b>2</b> L	License icense Status	PH20986 CLEAR/			For instructions on
(	Qualifications	Schedule II & III Community Pharms	acy		how to request a
	piration Date	2/28/2021			of your Florida license to be sent to
License (	Original Issue Date	11/23/2004			another state from the Florida
Addr	ess of Record	34911 US 19 N, SU			Department of Health, please visit
Disc	ipline on File	PALM HARBOR, FL Yes - <i>Click on Disci</i>		tion tab to see more (	the License details
2 Pub	lic Complaint	Yes - Click on Disci	inline/Admin Ac	tion tab to see more	Certifications web







## License Verification

## DRUG DEPOT, INC APS Pharmacy

Printer Friendly Version

License Number: PH27903

Data As Of 2/20/2020

License Information Secondary Locations

Discipline/Admin Action

Supervising **Practitioners** 

Profession

Pharmacy

License

PH27903

2 License Status

CLEAR/

Qualifications Special Sterile Compounding

License Expiration Date

2/28/2021

License Original Issue

03/22/2014

Date

Address of Record

34911 US HWY 19N

**SUITE 600** 

PALM HARBOR, FL 34684

Discipline on File 2 Public Complaint

No

Back

For instructions on how to request a license

certification of your Florida license to be sent to

another state from the Florida Department of Health, please visit the License Certifications web page.



Within the last five (5) years:

3) Has the corporation, any owner(s), shareholder(s), partner(s), with any interest, ever been the subject of an administrative action, board citation, site fine, or proceeding relating to the pharmaceutical industry?

First, the applicant, Drug Depot, LLC d/b/a APS Pharmacy ("Applicant"), wishes to clarify that, as a new entity, it has never been the subject of an administrative action, board citation, site fine or another other type of proceeding by any board or agency in any jurisdiction. Out of an abundance of caution, we have elected to disclose the below disciplinary history for the predecessor entity, Drug Depot, Inc. d/b/a APS Pharmacy ("Predecessor Entity"). Copies of all materials related to the below are enclosed for your reference.

We wish to note that in 2018 the Pennsylvania Board of Pharmacy granted the Predecessor Entity's renewal application, but subjected its license to an indefinite period of probation due to sister-state administrative actions from 2012-2017. The Pennsylvania Board initially chose not to list the probation on its website as a disciplinary action, nor was there language in the Proposed Order characterizing the probation as a discipline. Accordingly, the Predecessor Entity was under the impression that the Pennsylvania Board did not consider the probation to be a discipline and did not report the event as a discipline. Nevertheless, we are reporting it here out of an abundance of caution.

- Alabama In September 2015, the Alabama Board of Pharmacy ("Alabama BOP") entered a Consent Order directing the Predecessor Entity to pay a fine of \$500. The Predecessor Entity paid the fine and its license remains in good standing today.
- Oklahoma In February 2016, the Oklahoma Board of Pharmacy ("Oklahoma BOP") placed the Predecessor Entity's license on probation for three years and imposed a fine and Plan of Correction. The Oklahoma BOP released the Predecessor Entity's license from probation in February 2019 and that license remains in good standing today.
  - Kansas (sister-state action) In January 2017, the Kansas Board of Pharmacy ("Kansas BOP") placed the Predecessor Entity's license on probation for a period not to exceed five years as a result of the 2016 Oklahoma Consent Order. The Predecessor Entity is nevertheless permitted to dispense into the state.
  - Michigan (sister-state action) In February 2017, the Michigan Board of Pharmacy ("Michigan BOP") entered a Consent Order against the Predecessor Entity in a sister-state action for disciplinary actions from Iowa (2016, below) and Oklahoma (2016, above). The Predecessor Entity was ordered to pay a fine of \$2500 and its license was placed on probation for a period of six months. The Predecessor Entity paid the fine, its license is no longer under probation, and it remains in good standing today.
  - California (sister-state action) In July 2017, the California Board of Pharmacy ("California BOP") brought a sister-state action against the Predecessor Entity based on disciplinary actions from Iowa (2016, below) and Oklahoma (2016, above). The California BOP received a citation and issued a fine. The Predecessor Entity's California license remains in good standing today.
  - o Oregon (sister-state action) In March 2018, the Oregon Board of Pharmacy ("Oregon BOP") entered a Consent Order that placed the Predecessor Entity's license

- on probation for the duration of the Oklahoma probation. The Oregon BOP released the Predecessor Entity's license from probation in May 2019 and it remains in good standing today.
- Oklahoma Bureau of Narcotics (sister-agency action) In April 2018, the Oklahoma Bureau of Narcotics assessed a fine against the Predecessor Entity's controlled substance registration as a result of the Oklahoma probation. The Predecessor Entity's controlled substance registration remains in good standing today.
- **Iowa** In March 2016, the Iowa Board of Pharmacy ("Iowa BOP") issued a citation and ordered a fine against the Predecessor Entity. The Predecessor Entity's Iowa license remains in good standing today.
- Colorado In October 2016, the Colorado BOP issued a Letter of Admonition for the 2015 Alabama discipline and failure to report said action.
- Texas In November 2016, the Texas BOP issued a fine against the Predecessor Entity for failure to report the 2012 Colorado disciplinary action on a 2014 renewal application. The Texas BOP further initiated a sister-state action based on the Colorado (2012), Iowa (2016), and Oklahoma (2016) disciplinary actions. The Predecessor Entity's Texas license remains in good standing today.
- Colorado In December 2016, Colorado BOP placed the Predecessor Entity's license on indefinite probation for the Oklahoma (2016) and Iowa (2016) disciplinary actions and for failure to timely report said actions. The Predecessor Entity's license is active and it is permitted to dispense into the state.
- Louisiana In April 2017, the Louisiana Board of Pharmacy ("Louisiana BOP") issued a Letter of Reprimand and ordered a fine against the Predecessor Entity for failure to report disciplinary actions from Alabama (2015), Colorado (2012, 2016), and Texas (2012). The Predecessor Entity's Louisiana license remains in good standing today.
- Michigan In December 2017, the Michigan BOP issued a fine and suspended the Predecessor Entity's license as a result of the 2015 Alabama disciplinary action and failure to timely report said action. The Predecessor Entity's Michigan license was reinstated in January 2018 and remains in good standing today.
- Minnesota In January 2018, the Minnesota Board of Pharmacy ("Minnesota BOP") issued a reprimand and ordered a fine against the Predecessor Entity. The Predecessor Entity's Minnesota license remains in good standing today.
- Alabama (sister-state action) In January 2018, the Alabama BOP issued a fine against the Predecessor Entity in a sister-state action for disciplinary actions from Colorado (2016), Iowa (2016), Oklahoma (2016), and Texas (2018). The Predecessor Entity's Alabama license remains in good standing today.

- **Pennsylvania (sister-state)** In August 2018, the Pennsylvania Board of Pharmacy ("Pennsylvania BOP") granted the Predecessor Entity's application for a non-resident pharmacy permit, but subjected the license to an indefinite period of probation due to out-of-state disciplinary actions from 2012-2017. The Predecessor Entity's Pennsylvania license remains active and it is permitted to dispense into the state.
- Texas In November 2018, the Texas BOP issued a fine against the Predecessor Entity. The Predecessor Entity's Texas license remains in good standing today.
- Maryland In January 2019, the Maryland Board of Pharmacy ("Maryland BOP") entered an order against the Predecessor Entity for allegedly dispensing into the state without proper licensure and also initiated a sister-state action based on disciplinary actions from Michigan (2018), Oklahoma (2016), Iowa (2016), Alabama (2015), and Florida (2010). The Predecessor Entity paid a fine and its Maryland license remains in good standing today.
- Illinois (sister-state action) In September 2019, the Illinois Board of Pharmacy reprimanded the Predecessor Entity in a sister-state action for disciplinary actions from Iowa (2016), Oklahoma (2016), Texas (2016), Colorado (2016), California (2017), Kansas (2017), Louisiana (2017), Michigan (2017), and Alabama (2018). The Predecessor Entity's Illinois license remains in good standing today.
- Missouri (sister-state action) In February 2020, the Missouri Board of Pharmacy ("Missouri BOP") entered an order against the Predecessor Entity in a sister-state action based on disciplinary actions from Oklahoma (2016), Colorado (2016), Iowa (2016), Texas (2016), Kansas (2017) California (2017), Michigan (2017), Alabama (2018), Minnesota (2018), and Oregon (2018). Missouri BOP placed the Predecessor Entity's license on probation for a period of three years. The Predecessor Entity's license remains active and it is permitted to dispense into the state.

IN THE MATTER OF:	BEFORE THE ALABAMA STATE
DRUG MEDICAL INC; dba APS PHARMACY )	
Non- Resident Pharmacy ) Permit #114007/202063	BOARD OF PHARMACY

### **CONSENT ORDER**

THIS case came before the Alabama State Board of Pharmacy (hereinafter referred to as the "Board") on a complaint against DRUG MEDICAL INC; dba APS PHARMACY (hereinafter referred to as "APS"") relating to engaging in the selling, offering for sale, compounding or dispensing drugs during the year 2015 without first receiving your permit from the Board required by Code of Alabama (1975) §34-23-30 in violation of Code of Alabama (1975), §34-23-33(7) as more specifically set forth in Exhibit "A" hereto:

Prior to a hearing in this case, APS pled guilty to violating <u>Code of Alabama</u> (1975) §34-23-33(7), based upon engaging in the selling, offering for sale, compounding or dispensing of drugs during the year 2015 without first having your permit with the Board by evidenced by your execution of Exhibit "A". Accordingly, pursuant to <u>Code of Alabama</u> (1975) §§ 34-23-33 and 41-22-12(e), the matters at issue have been resolved informally by the parties and the parties have agreed that this Consent Order can be entered and include the following terms:

- 1. That APS is guilty of violating <u>Code of Alabama</u> (1975) §34-23-33 (7) by engaging in the selling, offering for sale, compounding or dispensing drugs during the year 2015 without first having renewed your permit with the Board in violation of <u>Code of Alabama</u> (1975) §34-23-30.
  - 2. That APS shall pay to the Board simultaneously with the

execution of this Consent Order a fine in the amount of Five Hundred Dollars (\$500.00). This obligation of payment to the Board shall not be dischargeable in bankruptcy and APS shall not attempt to discharge the same in any bankruptcy proceeding.

- 3. By execution of this Consent Order APS hereby releases the Board, its members, agents, representatives, servants and employees from any and all liability, claims, damages, fees or expenses arising out of or made in connection with the matters relating to this Consent Order and complaint.
- 4. That APS expressly waives their rights pursuant to the Alabama Pharmacy Practice Act, Code of Alabama (1975) §34-23-1 et seq., and the Alabama Administrative Procedure Act, Code of Alabama (1975) §41-22-1 et seq., including but not limited to Code of Alabama (1975) §§§§§34-23-34, 34-23-92(7) and (12), 34-23-94, 41-22-12 and 41-22-20, and including but not limited to a statement or notice of charges and the opportunity for a hearing before the Board in connection with any charges against APS. APS further waives any objection to the attorney for the Board preparing, drafting or making this Order, including the waiver of any objection or right pursuant to Code of Alabama (1975) §41-22-18.
- 5. That APS agrees that any future violation of the Alabama Pharmacy Practice Act, the rules and regulations of the Alabama State Board of Pharmacy or any other applicable laws may, upon proof and hearing thereof, result in further disciplinary sanctions against their license.

6. That APS acknowledges, stipulates and agrees that they have read this Consent Order and that they fully understand the terms, conditions and contents of the same. APS acknowledges, stipulates and agrees that they voluntarily and of their own free will accepts the terms and conditions set out in this Consent Order and is executing this Consent Order freely and voluntarily without coercion, duress or threats or pursuant to any promises.

DONE this the _	17	day ofAugust	, 2015.
		Will the	)
		DRUG MÉDICAL INC; de	APS PHARMACY
DONE this the _	17	_day of	, 2015.
		ALABAMA STATE BOARD PHARMACY	OF
			1 0

Dan McConaghy, R.Ph.
Its President

James S. Waret Its Attorney

WARD & WILSON, LLC 2100 Southbridge Parkway Suite 580 Birmingham, Alabama 35209 (205)871-5404

# BEFORE THE STATE BOARD OF PHARMACY STATE OF OKLAHOMA

IN THE MATTER OF THE COMPLAINT AGAINST:	)
APS Pharmacy (99-7398)	) Case No. 1390
34911 US Highway 19 N, Ste 600	)
Palm Harbor, FL 34684	)

# AGREED FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

This matter came for hearing on February 24, 2016, before the Oklahoma State Board of Pharmacy ("Board"). Board members St. Cyr, Dudley, Spoon, Wilson, Adams, and Whitehead were present. President Spoon presided. Brinda K. White, Assistant Attorney General, served as prosecutor for the Board. Respondent was represented by legal counsel Beauchamp M. Patterson.

The Complaint in this matter is incorporated by reference into this Order.

The Board and Respondent hereby agree to the following Findings of Fact, Conclusions of Law and Final Order. Respondent has been advised of its right to contest the allegations against it, to cross-examine witnesses, and to present witnesses and evidence in it own defense. Respondent hereby knowingly and voluntarily waives these rights. In addition, Respondent understands and acknowledges that this document is a public record that must be provided to anyone requesting it.

Should this Order not be accepted by the Board, Respondent agrees that neither the presentation of the Order to the Board nor the Board's consideration of the Order will be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, will not be grounds for precluding the Board or any individual member of the Board from further participating in proceedings related to the matters set forth in the Order.

### AGREED FINDINGS OF FACT

- 1. Respondent is licensed in the State of Oklahoma as a non-resident pharmacy and is located at 34911 US Highway 19 N, Ste 600, Palm Harbor, FL 34684.
- 2. In March of 2015, the Board received information that the Drug Enforcement Administration ("DEA"), the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBNDD"), and the Oklahoma State Board of Medical Licensure and Supervision ("Medical Board") (collectively, "The Agencies") had investigated an Oklahoma business called Enhance Spa. Based on their respective findings of fact, The Agencies determined that employees of Enhance Spa, one of whom was a nurse: (i) examined the patients and drew blood for blood chemistry tests; (ii) interpreted the lab results; (iii) made diagnoses and prescribed medication; and (iv) sent prescriptions for the patients, including CDS prescriptions with stamped signatures, to Respondent who filled and shipped the prescriptions to Enhance Spa based on their The Agencies further determined that the nurse at apparent content. Enhanced Spa implanted the pellets under the skin of the patients, and that Dr. Darnell Blackmon, whose name was on the scripts, neither saw the patients nor authorized their prescriptions.
- 3. The Medical Board, OBNDD, and DEA seized all of the testosterone at Enhance Spa because Dr. Blackmon was not registered with the DEA at that address. Subsequently, the Board determined that

Respondent was not permitted to mail patient-specific drugs to any address other than to the patient's home or place of employment. An audit by The Agencies showed that Enhance Spa had 24 vials of Testosterone pellets, 22 of which were labeled for specific patients.

- 4. On September 24, 2015, Dr. Blackmon was disciplined by the Medical Board. Dr. Blackmon's license was suspended for a period of 20 days, he was fined \$50,000, he was not permitted to dispense controlled substances for a period of 5 years and he was limited to practicing orthopedic medicine for a period of 5 years.
- 5. Because Respondent was not continuously licensed by the Board during the entire time in which Respondent was shipping drugs to Enhance Spa, the Board subpoenaed Respondent's dispensing records in June of 2015 for the period October 1, 2013 through May 31, 2015. The records produced by Respondent showed that during this period of time, Respondent filled and shipped 1952 prescriptions of which 1002 were for controlled substances. The majority of prescriptions filled consisted of medications that were sterile products such as testosterone or estradiol pellets and testosterone or HCG injections. During the October 1, 2013 through May 31, 2015 time frame, Respondent continued to submit CDS prescriptions to Oklahoma's Prescription Monitoring Program ("PMP").
- 6. Respondent's dispensing records showed that it compounded HCG injection in 11,000 units; this drug is available commercially in 10,000 units. Respondent's dispensing records showed that it compounded Cyanocobalamin Injection 1mg/ml which is available commercially in that strength. Respondent's dispensing records showed that it compounded Testosterone Cypionate 200mg/ml and Testosterone Enanthate 200mg/ml

which are both available commercially in that strength. However, Respondent did not use the same oil that is used in commercially available drugs. Respondent used sesame and grapeseed oils.

- 7. On August 11, 2015, the Board received a Non-Resident Pharmacy application from Respondent. The Board issued Respondent's license on August 19, 2015.
- 8. In Section G of the license application, Applicant History, Respondent answered "No" to Question 4:

Has any sanction or disciplinary action been taken regarding any license permit or registration issued to the applicant, officers, directors, partners or stockholders involving the practice of pharmacy? (If the applicant is a business entity, you need not include members, partners or stockholders in this question unless they currently serve as managers, officers or directors of the applicant business, or own more than twenty percent (20%) of the business entity.)

Respondent included in its application a copy of the pharmacy license it was issued by the State of Florida Department of Health Division of Medical Quality Assurance, license number PH 20986.

- 9. On October 30, 2015, the Board received a Parenteral Permit Application from Respondent. Respondent never received approval for the application. The application stated that John Ford, Oklahoma licensed DPh number 13183, is the PIC. Since March 20, 2015, John Delano Ford, DPh 13183, has been and still is the PIC at H & G Home Medical & Infusion (pharmacy license number 9-4296), 112 NE Washington Blvd in Bartlesville, Oklahoma. Ford is not licensed as a pharmacist in Florida; therefore, Ford could not be Respondent's PIC.
  - 10. The State of Florida Department of Health has disciplined

Respondent. On July 2, 2009, the State of Florida Department of Health filed an Administrative Complaint in Case No. 2008-16712 against Respondent. The complaint contained 9 counts and these counts included violations for wholesaling drugs without a permit, dispensing prescription drugs without prescriptions, failing to properly maintain compounding records, purchasing prescription drugs from an unauthorized vendor, receipt of prescription drugs from a wholesaler without receipt of pedigree papers, mislabeling of drugs, having outdated drugs in the pharmaceuticals active stock, having an improper generic drug sign and improperly storing prescription drugs (the "Florida 2009 Complaint").

- 11. On January 7, 2010, Respondent entered into a Settlement Agreement in Case No. 2008-16712 with the State of Florida Department of Health. On May 11, 2010, the State of Florida Department of Health issued a Final Order Approving Settlement Agreement. Respondent was fined \$2500.00 in addition to administrative costs associated with the investigation and prosecution of this matter which was determined to be \$2534.31. Also, the prescription department manager was required to successfully complete a 12 hour laws and rules CE course approved by the Florida Department of Health or successfully take the MPJE within 1 year after the date the Final Order was filed (the "Florida Settlement Agreement").
- 12. Respondent disclosed both the Florida 2009 Complaint and the corresponding Florida Settlement Agreement to the Board in connection with Respondent's 2011 non-resident license application, which the Board granted.

### AGREED CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter and over the

Respondent pursuant to 59 O.S. §§ 353.7 and 353.26.

- 2. Any Finding of Fact which is properly a Conclusion of Law is hereby incorporated by reference and vice versa.
- 3. Respondent has admitted violating 59 O.S. § 353.18(A)(1) by selling at retail, or offering for sale, dangerous drugs, medicines, chemicals or poisons for the treatment of disease, excluding agricultural chemicals and drugs or accepting prescriptions for the same, without first procuring a license from the Board for the period of October 1, 2013 through May 31, 2015, as set forth in Count 1 of the Complaint.
- 4. Respondent has admitted violating OAC 535:15-3-9(b)(1) by failing, as a non-resident pharmacy, to make application and receive an annual non-resident pharmacy license at a fee set by the Board for the period October 1, 2013 through May 31, 2015, as set forth in Count 2 of the Complaint.
- 5. Respondent neither admits nor denies violating 59 O.S. § 353.24(A)(4) by entering into an arrangement whereby prescription orders are received, or prescriptions are delivered, at a place other than the pharmacy in which they are filled, compounded or dispensed, as set forth in Count 3 of the Complaint.
- 6. Respondent does not dispute that the Board has found that it violated OAC 535:15-10-53(a) by compounding a drug preparation that is commercially available in the marketplace or that is essentially a copy of an available FDA-approved drug product, as set forth in Count 4 of the Complaint.
- 7. Respondent neither admits nor denies violating OAC 535:15-3-2(c)(4) by failing to establish and maintain effective controls against the

diversion of prescription drugs into other than legitimate medical, scientific, or industrial channels as provided by federal, state or local laws or rules, as set forth in Count 5 of the Complaint.

- 8. Respondent neither admits nor denies violating OAC 475:30-1-4(a) and OAC 535:10-3-1.2(1) by filling a written prescription that was not signed by the practitioner in the same manner as he/she would sign a check or legal document, as set forth in Count 6 of the Complaint.
- 9. Respondent neither admits nor denies violating OAC 535:15-3-13(c) by failing to ensure that the prescription drug or medication order, regardless of the means of transmission, has been issued for a legitimate medical purpose by an authorized prescriber acting in the usual course of the prescriber's professional practice, as set forth in Count 7 of the Complaint.
- 10. Respondent neither admits nor denies violating OAC 535:15-3-13(d) by dispensing a prescription drug knowing or should have known that the prescription was issued without a valid preexisting patient-prescriber relationship, as set forth in Count 8 of the Complaint.
- 11. Respondent has admitted violating OAC 535:25-9-4(1) by making or filing a report or record that the registrant knows or should have known to be false, intentionally or negligently failing to file a report or record required by federal, state or local laws or rules, willfully impeding or obstructing such filing, or inducing another person to violate this rule, as set forth in Count 9 of the Complaint. Specifically, Respondent admits that it submitted a parenteral permit application that designated a Pharmacist-in-Charge who was not licensed in the State of Florida.
- 12. Respondent neither admits nor denies violating OAC 535:25-9-3 by directly violating (or indirectly, through actions of another), or by assisting

or abetting in the violation of, or by conspiring to violate, any provision of the Oklahoma Pharmacy Act (59 O.S. § 353 et seq.), the Federal Food, Drug and Cosmetic Act, as amended by the Drug Quality and Security Act of 2013, the Prescription Drug Marketing Act (21 U.S.C. Sec. 331 et seq.), the Robinson-Patman Act (15 U.S.C. Sec. 13 et seq.), or federal, state and local laws and rules, as set forth in Count 10 of the Complaint.

- 13. Respondent has admitted violating OAC 535:25-7-3(a) by failing to conduct business at all times in conformity with all federal, state and municipal laws, as set forth in Count 11 of the Complaint.
- 14. Respondent neither admits nor denies violating OAC 535:25-7-3(b) by failing to conduct itself at all times in a manner that will entitle it to the respect and confidence of the community in which it practices, as set forth in Count 12 of the Complaint.
- 15. Respondent neither admits nor denies violating OAC 535:15-3-9(c)(1) by failing to follow Oklahoma pharmacy laws and regulations in the practice of pharmacy for the Oklahoma portion of the nonresident pharmacy's practice or operation; specifically, Respondent submitted an application including a pharmacist-in-charge who was not currently licensed as a pharmacist in Florida and in Oklahoma, as set forth in Count 13 of the Complaint.
- 16. Pursuant to 59 O.S. §353.7(11), for any registrant who violates any provision of the Oklahoma Pharmacy Act including the Board's rules, the Board has authority to levy fines not to exceed Three Thousand Dollars (\$3000.00) for each violation; to reprimand, place on probation or suspend or revoke the license of a licensee; to require extra hours of continuing education and to require participation in a rehabilitation program for the

impaired. The Board may also impose as part of any disciplinary action the payment of costs expended by the Board for any legal fees and costs, including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees.

17. Based on the above Agreed Findings of Fact, Respondent is subject to disciplinary action pursuant to 59 O.S. §§ 353.7 and 353.26.

### AGREED ORDER

- 1. Respondent, APS Pharmacy, holder of non-resident pharmacy license No. 99-7398, admits to guilt on Counts 1, 2, 9, and 11. Respondent does not dispute that the Board has found it violated Count 4. Respondent neither admits nor denies guilt on the remainder of the counts.
- 2. Respondent is hereby placed on probation for three (3) years until February 24, 2019.
- 3. Respondent is hereby fined Three Thousand Dollars (\$3000.00) per count on Counts 1, 2, 4, 9 and 11 for a total fine of Fifteen Thousand Dollars (\$15,000.00). The fine is due on February 24, 2016.
- 4. Respondent shall develop and implement a Plan of Correction. That Plan of Correction shall be submitted on or before March 24, 2016, to the Board's Executive Director for his approval.
- 5. Failure of Respondent to abide by any of the terms of this Agreed Order could result in further disciplinary action as allowed by the Oklahoma Pharmacy Act or the Board's rules.
- 6. The Board retains jurisdiction over the instant case until all matters are finally resolved as set forth in this Order.

  All participating members vote "Aye".

State of Oklahoma	)	
	) ss.	
County of Oklahoma	j	
		auth Al
Subscribed and sworn	before me on this the	24th day of Jelman
2016.	Cinda R Fair	7 July Company of the State of
	Notary Public	#00003042 EXP. 02/18/20
		A COKLANDE

Oklahoma State Board of Pharmacy

of APS Pharmacy (99-7398), and, therefore, I am authorized to sign on behalf of APS Pharmacy. I have read the above Agreed Findings of Fact, Conclusions of Law and Final Order. I understand that by its terms APS Pharmacy will be waiving certain rights accorded it under Oklahoma Law. I also understand that by its terms the Oklahoma State Board of Pharmacy has placed APS Pharmacy on probation and that APS Pharmacy must comply with the terms and conditions of the Agreed Order or further discipline will be imposed on it. On behalf of APS Pharmacy, I agree to the above Agreed Order.

Dated this 19th day of February, 2016.

APŞ Pharmacy, Respondent

AGREED AND APPROVED:

Beauchamp M. Patterson, OBA # 19188
Patricia A. Rogers, OBA # 18353
Attorneys for Respondent



# **OKLAHOMA**

# **State Board of Pharmacy**

2920 N. Lincoln Blvd, Suite A • Oklahoma City, OK 73105-4211 pharmacy@pharmacy.ok.gov • www.pharmacy.ok.gov Dorothy Gourley, DPh, Executive Director Phone: 405.521.3815 • Fax: 405.521.3758

April 30, 2019

APS Pharmacy 34911 US Hwy 19 N, Ste. 600 Palm Harbor, FL 34684

Re: Case No. 1390 - February 24, 2016

Dear Pharmacist:

This letter will confirm the end of the probation of the pharmacy. The completion date for the Board ordered probation of your Oklahoma pharmacy license #99-7398 was February 24, 2019. The records in the Board office will no longer show that your license is on probation.

It is the Board's desire that you continue your practice in accordance with all pharmacy laws and rules in order to avoid-further action against your license by the Board.

If you have any questions, please feel ree to call

Sincerely,

Dorothy Gourley, DPh
Executive Director

DG:rj

## BEFORE THE KANSAS BOARD OF PHARMACY

In the Matter of	St.	hilly do
APS Pharmacy	Case No. 16-097	The State of the
Registration No. 22-12906		

### **SUMMARY ORDER**

NOW on this of day of January, 2017, comes before the Kansas Board of Pharmacy (the "Board"), through its Executive Secretary, the matter of APS Pharmacy ("Respondent").

Pursuant to the authority granted to the Board by the Kansas Pharmacy Act, K.S.A. 65-1625, et seq., and in accordance with the Kansas Administrative Procedure Act, K.S.A. 77-501, et seq., the Board's Executive Secretary enters this Summary Order in the above-captioned matter. After reviewing the investigation materials and being otherwise duly advised in the premises, makes the following findings, conclusions and order:

### FINDINGS OF FACT

- 1. The Board has previously issued Respondent Registration No. 22-12906 which entitles Respondent to function as a non-resident pharmacy in the State of Kansas ("Respondent's Registration").
- 2. On or about June 30, 2016. Respondent submitted a renewal application to the Board. Respondent reported disciplinary history with other states in the renewal application and submitted the S-300 Facility History form, along with a Final Order with the Oklahoma Board of Pharmacy, on July 21, 2016.
  - The Oklahoma Order included the following offenses:

Matter of APS Pharmacy, No. 16-097 (Kan. Bd. of Pharmacy)
SUMMARY ORDER
Page 1 of 5

- (1) Respondent allowed its non-resident license to lapse.
- (2) Respondent compounded a commercially available drug.
- (3) Respondent delivered patient-specific testosterone pellets to a physician's office for surgery.
- (4) Respondent allowed inconsistent signatures from a specific physician.
- (5) Before servicing any clinic, Respondent required signed paperwork explaining the practice setting to ensure proper doctor-patient relationship, however, upon investigation, it was determined that this policy had not been satisfied.
- (6) Respondent did not have a Pharmacist in Charge licensed in Oklahoma as well as the resident state where the pharmacy is located, as required by Oklahoma law.
- (7) Respondent neither admitted nor denied guilt.
- 4. The Oklahoma Board placed Respondent Pharmacy on probation for three years, or until February 24, 2019, imposed a fine of \$15,000, and required Respondent to develop and implement a Plan of Correction.
- 5. Furthermore, the Oklahoma Order stipulated that failure to abide by any of the terms of the Order would result in further disciplinary action.
- 6. On September 8, 2016, an investigator for the Board called and spoke to an Oklahoma Board inspector about Respondent and the Oklahoma Order, who confirmed the above statements.

### CONCLUSIONS OF LAW

7. Pursuant to K.S.A. 65-1627(a)(12), the Board may place on probationary status the registration of any pharmacy upon a finding that the pharmacy has had a registration limited or censured by the proper licensing authority of any state.

8. Respondent's discipline and probation imposed by the Oklahoma Board of Pharmacy warrants the Board to place its renewal registration on probationary status in Kansas.

### <u>ORDER</u>

Based upon the foregoing findings of fact and conclusions of law, Respondent's Renewal is GRANTED, subject to a probationary period not to exceed five years, with bi-annual reporting of (1) patient specific prescriptions sent to Kansas patient residences, Kansas physician offices and any and all other Kansas locations, (2) any and all recalls issued by Respondent, and (3) notification to the Board of any FDA inspection. Respondent is also required to comply with state and federal laws during the probationary period.

### NOTICES

The Respondent is hereby notified as follows:

- 1. The Respondent may request a hearing pursuant to the Kansas Administrative Procedure Act by filing a written request with the Kansas Board of Pharmacy, 800 SW Jackson, Suite 1414, Topeka. KS 66612-1231 within fifteen (15) days after service of this order.
- 2. Within fifteen (15) days after entry of a final agency order, either party may file a petition for reconsideration pursuant to K.S.A. 77-529.

Matter of APS Pharmacy, No. 16-097 (Kan. Bd. of Pharmacy)
SUMMARY ORDER
Page 3 of 5

3. Within the time limits established in K.S.A. 77-613, either party may seek judicial review of a final agency order, pursuant to said statute. The agency officer designated to receive service of a petition for judicial review is:

Alexandra Blasi Executive Secretary Kansas Board of Pharmacy 800 SW Jackson, Suite 1414 Topeka, KS 66612

IT IS SO ORDERED.

116117 Date

Alexandra Blasi, J.D., M.B.A. Executive Secretary Kansas Board of Pharmacy

alepolein

## CERTIFICATE OF SERVICE

I hereby certify that I did, on the <u>O</u> day of January, 2017, deposit in the United States Mail, postage prepaid, a copy of the foregoing Summary Order, properly addressed to the following:

APS Pharmacy 34911 US Highway 19N, Ste. 600 Palm Harbor, FL 34684

and the original hand delivered to:

Alexandra Blasi Executive Secretary Kansas Board of Pharmacy 800 SW Jackson, Ste. 1414 Topeka, KS 66612

Kansas Board of Pharmacy Staff

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PHARMACY

DISCIPLINARY SUBCOMMITTEE

In the Matter of

APS PHARMACY

License Number: 53-01-009652

File Number: 53-16-142843

**CONSENT ORDER AND STIPULATION** 

**CONSENT ORDER** 

On October 6, 2016, the Department of Licensing and Regulatory Affairs

(Department) executed an Administrative Complaint (Complaint) charging APS Pharmacy

(Respondent) with violating section(s) 17768(2)(d) of the Public Health Code, MCL

333.1101 et seq.

Respondent has admitted that the facts alleged in the Complaint are true and

constitute violation(s) of the Public Health Code. The Disciplinary Subcommittee of the

Michigan Board of Pharmacy (Board) has reviewed the Consent Order and Stipulation

(Order) and agrees that the public interest is best served by resolution of the outstanding

Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and

constitute violation of section(s) 17768(2)(d) of the Public Health Code, supra.

Consent Order and Stipulation File Number: 53-16-142843

Page 1 of 5

Accordingly, IT IS ORDERED that for the cited violations of the Public Health Code, Respondent is placed on PROBATION for six months, commencing on the effective date of this Order. The terms of probation shall be as follows:

 ACCREDITATION DOCUMENTATION: Respondent shall submit board-accepted verification of accreditation by a national accrediting organization that assessed Respondent for compliance with U.S. Pharmacopeial Convention (USP) standards.

Respondent shall mail the verification of accreditation documentation to the Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.

- COMPLIANCE WITH THE PUBLIC HEALTH CODE: Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated thereunder.
- COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondent shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondent has paid the fine set forth below, complied with the terms of this Order and has not violated the Public Health Code.

1241

IT IS ORDERED that for the cited violation of the Public Health Code,

Respondent is FINED \$2,500.00 to be paid to the State of Michigan within 90 days of the

effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the Department

of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O.

Box 30189, Lansing, MI 48909. The fine shall be paid by check or money order, made

payable to the State of Michigan, and the check or money order shall clearly display file

number 53-16-142843.

IT IS FURTHER ORDERED that if Respondent fails to comply with the terms

and conditions of this Order, Respondent's license to practice as a pharmacy shall be

automatically suspended for a minimum of one day. If, within six months of the suspension

of the license, Respondent complies with the terms of this Order, the license shall be

automatically reinstated.

IT IS FURTHER ORDERED that if Respondent's license to practice as a

pharmacy remains suspended for more than six months, Respondent must apply for

reinstatement of the license. In the event Respondent applies for reinstatement of the

license, application for reinstatement shall be in accordance with sections 16245 and

16247 of the Public Health Code, supra.

Consent Order and Stipulation File Number: 53-16-142843

Page 3 of 5

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Disciplinary Subcommittee, as set forth below.

## STIPULATION

- 1. The facts alleged in the Complaint are true and constitute violation(s) of section 17768(2)(d) the Public Health Code, <u>supra</u>.
- 2. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.
- 3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq; and this action will be reported to the National Practitioner Data Bank, and any other entity as required by state or federal law, in accordance with 42 USC 11101-11152.

Consent Order and Stipulation File Number: 53-16-142843

4. Patricia A. Keim, R.Ph., a member of the Michigan Board of Pharmacy, who supports this proposal, and the Department's representative are both free

to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of

the resolution set forth in this Order.

5. This Order is approved as to form and substance by Respondent and

the Department and may be entered as the final order of the Disciplinary Subcommittee in

this matter.

6. This proposal is conditioned upon acceptance by the Disciplinary

Subcommittee. Respondent and the Department expressly reserving the right to further

proceedings without prejudice should the Order be rejected.

AGREED TO BY:	AGREED TO BY:	
Kim Gaedeke, Director Bureau of Professional Licensing Department of Licensing and Regulatory Affairs	Michael Marling, GM APS Pharmacy Respondent	
Dated:	Dated:	
kp		

Consent Order and Stipulation File Number: 53-16-142843



RICK SNYDER GOVERNOR

## STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS LANSING

SHELLY EDGERTON DIRECTOR

January 3, 2018

APS Pharmacy 34911 US Hwy 19 N #600 Palm Harbor, FL 34684

Re: File 53-16-142843

Dear Licensee:

You have complied with the terms of the Board of Pharmacy Disciplinary Subcommittee's Consent Order dated April 12, 2017. Effective January 3, 2018, you are discharged from probation, and the status of your license has been changed from suspended to full and unlimited.

Please be advised that in accordance with State law, this disciplinary action will remain a permanent part of your license history.

Bureau of Professional Licensing Enforcement Division Compliance Section



California State Board of Pharmacy 1625 North Market Boulevard, Suite N219, Sacramento, CA 95834 Phone (916) 574-7900 Fax (916) 574-8618

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GOVERNOR EDMUND G. BROWN JR.

July 28, 2017

DATED MATERIAL ENCLOSED

APS PHARMACY ATTN: JAIME ALBERTO RIOS, PRS 34911 US HWY 19N STE 600 PALM HARBOR, FL 34684

www.pharmacy.ca.gov

RE: CI 2016 74158 APS PHARMACY NRP 1286

The attached Citation and Fine, ("Citation") is being issued pursuant to Business and Professions Code section 125.9 and California Code of Regulations, title 16, section 1775 et. seq., for violations of the laws and regulations that govern the practice of pharmacy in California. (For exact language refer to the California Pharmacy Law and Index, located on the Board's web site, at www.pharmacy.ca.gov, under Pharmacy Law and Regulation).

The attached Citation references the specific statutes and regulations violated, defines each violation charged and specifies any fine(s) assessed. The attached Citation details the conduct that resulted in the issuance of the Citation.

IT IS YOUR RESPONSIBILITY TO READ THE ENTIRE CITATION AND INSTRUCTIONS, TO UNDERSTAND THE PROCESS FOR CONTESTING THE CITATION AND TO RESPOND TO THE CITATION WITHIN THE FOLLOWING TIME FRAMES:

- August 27, 2017: Unless the Citation is contested payment of fine(s) must be received by the Board.
- August 11, 2017: Any contest of the Citation by request for an informal Office Conference must be received by the Board.
- August 27, 2017: Any contest of the Citation by request for a formal Appeal must be received by the Board.

Page two APS PHARMACY CI 2016 74158

The issuance of a Citation by the Board of Pharmacy is considered an administrative action and substantiated resolution of a complaint and/or investigation. If a hearing is not requested to contest the Citation(s), payment of any fine(s) shall not constitute an admission of the violation(s) charged. Payment in full of the fine(s) assessed shall be represented as a satisfactory resolution of the matter in any public disclosure. (Business and Professions Code section 125.9; California Code of Regulations section 1775).

Additionally, if, at the time of license renewal, the Board has not received full payment of assessed fine(s) and a request to contest the Citation has not been received within the time frames specified, the license shall not be renewed until the assessed fine(s) and renewal fee/s are paid in full.

If you have any questions regarding this Citation please contact Ericka Busby, Enforcement Analyst at (916) 574-7731.

Sincerely

Virginia Herold Executive Officer Board of Pharmacy .

Virginia Herold

Attachments

## INSTRUCTION

## Read the Following Carefully and Thoroughly

You are hereby served with a Citation issued by the Executive Officer of the California State Board of Pharmacy or her designee. The following instructions are provided to assist you in your timely completion of the Citation process.

### **PAYMENT OF FINE**

Payment must be made by August 27, 2017.

Make check or money order payable to the Board of Pharmacy. Do not submit cash.

 Attach the enclosed "copy" of your Citation Mail payment to: State Board of Pharmacy

Attn: Ericka Busby

1625 North Market Boulevard, Suite N219

Sacramento, CA 95834-1924

(916) 574-7731

Unless contested, Citations are final 30 days from the date of service. Payment of a fine is not an admission of the violation charged. A Citation becomes part of your record, and remains there for five years. It can be used as an aggravating factor for future violations. Citations are public information and as such may be released to the public in accordance with the Public Records Act and Information Practices Act.

## **CONTESTING THE CITATION (CCR §1775.4)**

If you wish to contest all or part of your Citation you may request an informal office conference or an appeal before an administrative law judge, or both. If you wish to request both you must submit both forms. If you prevail at the office conference your request for an appeal shall be deemed withdrawn. Please note that the time frames that allow you to request an office conference and an appeal run concurrently. You must submit your request(s) according to the following instructions:

## REQUEST FOR OFFICE CONFERENCE (CCR §1775.4 subd. (b))

- Complete attached "Request for Office Conference".
- Mail form to arrive at the Board office no later than August 11, 2017 to the address at the bottom of the form.
- You will be advised by the Board in writing as to the date and time of your appearance.
- You are allowed one postponement.

An office conference is not a hearing. It is an informal discussion of the events that took place, and an opportunity for you to present information and mitigating factors pertaining to the Citation that you would like considered. The Executive Officer and or her designee represent the Board of Pharmacy at this meeting. One other individual of your choice may accompany you to this meeting. Office conferences are not open to the public. There is no discovery available in this process. You will not be allowed to present or question witnesses. However, you may present any written statements or documents that you believe are relevant.

After your office conference, the Citation may be affirmed, modified or dismissed. You will be advised of the decision in writing within 14 calendar days from the date of the conference. If the Citation is affirmed you will have 30 days from the date of the decision letter to comply with the conditions of your Citation. If the Citation is modified, the Citation originally issued shall be considered withdrawn and a new Citation will be issued. The decision issued after the office conference shall be deemed to be a final order with regard to the Citation issued, including the administrative fine levied, and/or an order of abatement.

## REQUEST FOR APPEAL (CCR § 1775.4 subd. (a))

- Complete attached "Request for Hearing".
- Mail form to arrive at the Board office no later than August 27, 2017 to the address at the bottom of the form.
- You will be advised in writing as to the date and time of your hearing.

An appeal is a formal adjudicative hearing before an Administrative Law Judge. A Deputy Attorney General will represent the Board of Pharmacy at this hearing. These proceedings shall be conducted in accordance with the provisions of Chapter 5, commencing with Section 11500 of Part 1 of Division 3 of Title 2 of the Government Code.

If you have questions regarding any documents enclosed with the Citation, please contact Jennifer Sevilla, Associate Enforcement Analyst, at (916) 574-7924.

## BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

## **CITATION AND FINE**

<b>Citation Number</b>	Name, License No
CI 2016 74158	APS PHARMACY, NRP 1286

JURISDICTION: Bus. & Prof. Code § 4314; CCR, title 16, § 1775;

VIOLATION CODE SECTION	OFFENSE	AMT OF FINE
Bus. & Prof. Code § 4301 subd. (n)	Unprofessional Conduct - Out of state disciplinary action	\$2,500.00
Bus. & Prof. Code § 4301 subd. (n)	Unprofessional Conduct - Out of state disciplinary action	\$2,500.00

#### CONDUCT:

Business and Professions Code section 4301(n) authorizes the Board to take action against a licensee for the revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required. Specifically, on March 8, 2016, the Iowa Board of Pharmacy cited APS Pharmacy's Iowa license and ordered it to pay \$2,500 after the pharmacy shipped approximately 100 prescriptions into Iowa without an active pharmacy license from Jan. 1, 2014 through Sep. 7, 2014.

Business and Professions Code section 4301(n) authorizes the Board to take action against a licensee for the revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required. Specifically, on Feb. 24, 2016, the Oklahoma Board of Pharmacy (OKBP) placed APS Pharmacy's Oklahoma license on probation for three years, until Feb. 24, 2019, and fined it \$15,000. The OKBP acted after finding that APS Pharmacy was not continuously licensed from Oct. 1, 2013, to May 31, 2015, when it shipped 1,952 prescriptions to Enhance Spa, 1,002 of which were for controlled substances; mailed patient-specific drugs to addresses other than the patient's home or place of employment; and compounded medications in strengths that were already commercially available.

CITATION ISSUED ON: July 28, 2017 TOTAL AMOUNT OF FINE(S): \$5,000.00

PAYMENT OF FINE(S) DUE BY: August 27, 2017

# BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

## CITATION AND FINE

Citation Number	Name, License No	
1010000	APS PHARMACY, NRP 1286	
		П

JURISDICTION: Bus. & Prof. Code § 4314; CCR, title 16, § 1775;

VIOLATION CODE SECTION	OFFENSE	AMT OF FINE
Bus. & Prof. Code § 4301 subd. (n)	Unprofessional Conduct - Out of state disciplinary action	\$2,500.00
Bus. & Prof. Code § 4301 subd. (n)	Unprofessional Conduct - Out of state disciplinary action	\$2,500.00

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CITATION ISSUED ON: July 28, 2017 TOTAL AMOUNT OF FINE(S): \$5,000.00

PAYMENT OF FINE(S) DUE BY: August 27, 2017

## California State Board of Pharmacy

#### DECLARATION OF SERVICE BY CERTIFIED MAIL

Name: APS PHARMACY, NRP 1286 Citation and Fine CI 2016 74158

I declare:

I am employed in the County of Sacramento, California. I am over 18 years of age and not a party to the within entitled cause. My business address is 1625 North Market Boulevard, Suite N219, Sacramento, California 95834-1924.

On July 28, 2017, I served the attached:

Cover Letter, Instructions to Respondent, Citation, Copy of Citation, Request for Office Conference, Request for Appeal.

in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid by Certified Mail, in the United States mail at Sacramento, California,

<u>NAME</u>

**CERTIFIED MAIL NO** 

APS PHARMACY ATTN: JAIME ALBERTO RIOS, PRS 34911 US HWY 19N STE 600 PALM HARBOR, FL 34684 7016 2710 0000 2970 9339

I declare under penalty of perjury that the forgoing is true and correct.

Executed on July 28, 2017, at Sacramento, California.

**DECLARANT** 

Ericka Busby

Enforcement Analyst



**Board of Pharmacy** 

800 NE Oregon Street, Suite 150 Portland, OR 97232 Phone: (971) 673-0001

Fax: (971) 673-0002

Pharmacy.board@oregon.gov www.oregon.gov/pharmacy

May 6, 2019

APS Pharmacy 34911 US Highway 19 N Ste 600 Palm Harbor, FL 34684-1921

Re: Case No. 2017-0372

This letter will confirm the end of your probation. The completion date for your Board ordered probation is May 6, 2019.

It is the Board's desire that you continue your practice in accordance with all pharmacy laws and rules in order to avoid further action by the Board against your license.

Should you have any questions concerning your practice in the future, you are encouraged to call the Board office for assistance.

Sincerely,

Brianne Efremoff, Pharm.D, R.Ph.

Compliance Director

CC:

Oregon Board of Pharmacy Licensing Department

National Practitioner Data Bank

BE/ko

## RECEIVED

100

OF THE STATE OF OREGON OREGON SOARD OF PHARMACY In the Matter of the Drug Outlet Registration of  DRUG DEPOT INC dba: APS PHARMACY  Registrant  WHEREAS, the Board of Pharmacy of the State of Oregon has filed a Notice of Proposed Disciplinary Action; Answer Required ("Notice"), hereby incorporated by reference, regarding the registrant in the above-captioned matter; and  WHEREAS, the above-noted Notice was duly served on the registrant as required by law; and  WHEREAS, the parties are desirous of resolving and settling those matters contained in the above-noted Notice without further proceedings thereon; and  WHEREAS, the registrant is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision, and hereby freely and voluntarily waives those rights; and  WHEREAS, the registrant admits that the facts alleged in the above-noted Notice are true, that the registrant's conduct, as admitted, violated the statutes and rules cited in the Notice, and that legal cause exists pursuant to ORS 689.405 for disciplinary action by the Board; and  WHEREAS, the registrant consents to the disciplinary action as set forth herein;  The Board finds that the allegations in the Notice are true and hereby imposes the following sanctions:  1. The respondent is placed on probation for the duration of their probation with the Oklahoma Board of Pharmacy. Terms of probation with the Oregon Board of Pharmacy.  Terms of probation with the Oregon Board of Pharmacy.  The Board of Pharmacy Agreed Findings of Fact, Conclusions of Law and Final Order in Case No. 1390 (Oklahoma Order); including but not limited to, the completion of their probation probation with probation of the organ Board of Pharmacy of they required the subject of the completion of their probation probation of the organ Board of Pharmacy.  The Population of the organ Board order, including but not limited to, the completion of their probation and the completion of the organ Board order, including but not limited to, the	1	BEFORE THE BOARD OF PHARMACY MAR 0 9 2018
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Completion of their probotion December 1 11 1		of any action related to their Oklahoma Order, including but not limited to the
43 solvered of their probation. Respondent shall submit said written		completion of their probation. Respondent shall submit said written
acknowledgement to the Board office by certified mail (or other method		acknowledgement to the Board office by certified mail (or other method
approved by the board in writing) within 13 calcular days and retain receipt of		approved by the Board in writing) within 15 calendar days and retain receipt of
verification of delivery to the Board office; and  c. The respondent shall comply with all Oregon laws and rules recording		

47 48	pharmacy practice.	
49	2. Failure of the respondent to comply y	
50	constitutes unprofessional conduct and is grounds for sanction authorized by layer	with all the requirements of this Consent Order
51	or sanction authorized by law.	of revocation or any other form of discipline
52	= = = = = = = = = = = = = = = = = = =	
53	CONSEN	JT
54		
55	I hereby acknowledge that I am the authorize	ted representative of registrant. On behalf of
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57	warme of the Componi Order. I hereny acknowner	ice that I zza donedon J 41 . 4 . 1
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60	The second respondent respond to the responding	equired by federal law I some to the Doord
61	entering the Consent Order.	1 agree to the board
62	M. $M$	
63	1/1/1/1/1/1/Vh	011116
64		311/18
65	Authorized Representative	Date
66	DRUG DEPOT INC dba:	
67	APS Pharmacy	
68 69	Registrant (Registration No. RP-0002770)	
70		
71	IT IS SO ORDERED.	
72	II IO DO OKDEKED.	
73		
74	BOARD OF PHARMACY	
75	FOR THE STATE OF OREGON	
76	V OVER STITLE OF OVERGOM	
77	L PAAA	,
78	Mr. 9/mull/	- 13/12/18-
79	Brianne Efremoff, Pharm.D, R.Ph.,	Date
80	Compliance Director	Date
81		

BEFORE THE OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL STATE OF OKLAHOMA

Oklahoma State Bureau of Narcotics and Dangerous Drug Control

STATE OF OKLAHOMA, ex rel.
THE OKLAHOMA STATE BUREAU OF
NARCOTICS AND DANGEROUS DRUGS
CONTROL, JOHN SCULLY, Director,

APR 26 2018

Office of the General Counsel

Petitioner,

Case No. SCH-2018-007

v.

APS PHARMACY, OBN REGISTRATION #52622,

\*CORRECTION: OBNDD REGISTRATION

Respondent.

NUMBER IS 46706

### STIPULATION AND AGREED ORDER

COMES NOW the parties to the above-styled and numbered cause to present this Stipulation and Agreed Order. The State of Oklahoma appears by and through Oklahoma Bureau of Narcotics Deputy General Counsel Sunne Riedel Day, and the Respondent, APS Pharmacy, by and through Jaime Rios and attorney Vani Singhal. The parties hereby agree to the following:

#### **JURISDICTION**

- That John Scully is the Director of the Oklahoma Bureau of Narcotics (OBN) and is charged with the duty of administering and enforcing the provisions of the Uniform Controlled Dangerous Substances Act of the State of Oklahoma (UCDSA), 63 O.S. §§ 2-101 et seq.; See also 63 O.S. § 2-106;
- 2. That the Director has the authority to register practitioners to dispense, prescribe, administer or use for scientific purposes controlled dangerous substances (CDS) in

- Schedules II through V of the UCDSA and shall register practitioners if they are authorized to carry on their respective activities under the laws of the State of Oklahoma, 63 O.S. §2-303(C);
- 3. That once a practitioner is a registrant pursuant to 63 O.S. §2-303, the Director has the authority to limit, condition, deny, suspend or revoke a registration upon a finding that the registrant has violated any provision of 63 O.S. §2-304(A);
- 4. That in lieu of or in addition to any other remedies available to the Director, if a finding is made that a registrant has committed any act in violation of federal law relating to any controlled substance, any provision of the UCDSA, or any OBN rules, the Director is authorized to assess an administrative penalty not to exceed Two Thousand Dollars (\$2,000.00) for each act, 63 O.S. §2-304(D);
- 5. That before the Director takes any action on an OBN registration, the Director shall serve upon the registrant an order to show cause why registration should not be denied, revoked or suspended or why the renewal should not be refused, 63 O.S. §2-305(A);
- 6. That the registrant is entitled to an administrative hearing on an order of show cause, wherein the State of Oklahoma must prove by clear and convincing evidence the allegations contained within the order to show cause, 63 O.S. §2-305(A);

#### FINDINGS OF FACT

7. That APS Pharmacy (hereinafter – Respondent) is licensed by the Oklahoma State
Board of Pharmacy (OSBP) as a non-resident pharmacy (license number 99-7398)

- owned by Drug Depot, Inc., 34911 US Hwy 19 N, Ste. 600, Palm Harbor, FL, 34684;
- That Respondent is an OBN registrant (OBN registration number 52622 expiration October 31, 2018) authorized to dispense, prescribe, administer or use for
  scientific purposes controlled dangerous substances in Schedules II through V of the
  UCDSA;
- 9. That an Order to Show Cause and Notice of Hearing was filed with the Oklahoma Bureau of Narcotics in an administrative action on April 3, 2018;
- 10. That the Order to Show Cause and Notice of Hearing was served on the Respondent and Respondent submits to the jurisdiction of the Director as an OBN registrant;
- 11. That on or about February 24, 2016, OSBP, pursuant to an agreed order, placed Respondent on probation for three (3) years until February 24, 2019;
- 12. That between October 1, 2013 to May 31, 2015, Respondent sold at retail dangerous drugs without first procuring a license from OSBP;

### CONCLUSIONS OF LAW

- 13. Upon a finding that Respondent has violated a provision of 63 O.S. §2-304, the OBNDD Director may limit, condition, deny, suspend or revoke a Respondent's registration. Based on the allegations of fact contained herein, Respondent is alleged to have violated the following statutory provisions:
  - 13.1 "Has had a restriction, suspension, revocation, limitation, condition, or probation placed on his or her professional license or certificate or

- practice as a result of a proceeding pursuant to the general statutes" 63

  O.S. §2-304(A)(6);
- 13.2 "Has violated any federal law relating to any controlled substances, any provision of the Uniform Controlled Dangerous Substances Act, or any rules of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control" 63 O.S. §2-304(A)(11);
- 13.3 "Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person:
  - 1. To distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance or to solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate, distribute or dispense a controlled dangerous substance" 63 O.S. §2-401;

#### STIPULATION

The parties hereby stipulate that if State's witnesses were called and sworn, that the testimony presented would be sufficient to prove by clear and convincing evidence that Respondent, as an OBN registrant, violated provisions of the Uniform Controlled Dangerous Substances Act of the State of Oklahoma, 63 O.S. §2-101 et seq., as stated in paragraphs 13.1, 13.2, and 13.3 herein. By agreement of the parties, paragraph 13.1 will account for one (1) count of having had a restriction, suspension, revocation, limitation, condition, or probation placed on his or her professional license or certificate or practice in violation of 63 O.S. §2-304(A)(6). Paragraphs 13.2 and 13.3 will account for one (1) count of

having violated any provision of the Uniform Controlled Dangerous Substances Act to wit: distribute, dispense, transport with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance in violation of 63 O.S. §2-304(A)(11) and 63 O.S. §2-401.

#### AGREED ORDER

NOW on this 23<sup>rd</sup> day of April, 2018, based on the stipulations of the parties, the agreed findings of fact and conclusions of law, and under the authority of the powers granted by 63 O.S. §2-101 et. seq. as Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, I hereby find:

- 1. That APS Pharmacy, the Respondent herein, is licensed by the Oklahoma State Board of Pharmacy (OSBP) as a non-resident pharmacy (license number 99-7398) owned by Drug Depot, Inc.;
- 2. That Respondent is a current OBN registrant (registration number 52622) and is therefore subject to compliance with the requirements of the UCDSA and OBN rules;
- 3. That this administrative action is properly under the lawful jurisdiction of the Director of the Oklahoma Bureau of Narcotics;
- 4. That by clear and convincing evidence, Respondent has had a restriction, suspension, revocation, limitation, condition, or probation placed on his or her professional license or certificate or practice in violation of 63 O.S. §2-304(A)(6) (1 count);
- 5. That by clear and convincing evidence, Respondent has violated a provision of the Uniform Controlled Dangerous Substances Act to wit: distribute, dispense, transport

APS Pharmacy – Stipulation and Agreed Order Page 5 of 6 with intent to distribute or dispense, possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance in violation of 63 O.S. §2-304(A)(11) and 63 O.S. §2-401 (1 count);

IT IS THEREFORE ORDERED that Respondent is hereby assessed a total administrative penalty of Three Thousand Dollars (\$3,000.00). This penalty is a cumulative assessment of One Thousand Five Hundred Dollars (\$1,500.00) for each of the counts that are the subject of this order. Respondent is ordered to pay the \$3,000 administrative penalty instanter.

It is the express purpose of the parties for this Order to resolve all matters currently before the Oklahoma Bureau of Narcotics associated with the investigation of this matter.

JOHN SCULLY

Director

SUNNE RIEDEL DAY

Deputy General Counsel

Oklahoma Bureau of Narcotics

JAIME RIOS, APS PHARMACY

Respondent

VANI SINGHAL

Attorney for Respondent

## BEFORE THE IOWA BOARD OF PHARMACY

Re: Nonresident Pharmacy License of	) CASE NO. 2013-4139
DRUG DEPOT, INC. d/b/a APS PHARMACY License Nos. 4139 & 4375 Respondent.	) SETTLEMENT AGREEMENT ) AND FINAL ORDER ) )

Pursuant to Iowa Code sections 17A.12(5) and 272C.3(4) (2015), and 657 IAC 36.6, the Iowa Board of Pharmacy ("Board") and Drug Depot, Inc. d/b/a APS Pharmacy ("Respondent") enter into the following Settlement Agreement and Final Order ("Order") to settle a contested case currently pending before the Board.

The allegations contained in the Statement of Charges against Respondent shall be resolved without proceeding to hearing, as the Board and Respondent stipulate as follows:

- 1. The Board filed a Notice of Hearing and Statement of Charges on January 12, 2016.
- 2. The Board has jurisdiction over the parties and the subject matter of these proceedings.
- 3. Respondent admits the allegations in the Statement of Charges and acknowledges that the allegations, if proven in a contested case proceeding, would constitute grounds for the discipline agreed to in this Order.
- 4. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.
- 5. Respondent acknowledges that it has the right to be represented by counsel on this matter.
- 6. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.
- 7. This Order is subject to approval by a majority of the Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.
- 8. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

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- 9. This Order shall not be binding as to any new complaints received by the Board.
- 10. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.
- 11. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.
  - 12. The Board=s approval of this Order shall constitute a FINAL ORDER of the Board.

## IT IS THEREFORE ORDERED:

- 13. Respondent is hereby **CITED** for providing pharmacy services to Iowa residents without an active Iowa pharmacy license violating and **WARNED** that Respondent's failure to comply with the laws and rules governing the practice of pharmacy in the future could result in further discipline.
- 14. Respondent shall pay a **CIVIL PENALTY** in the amount of two thousand five hundred dollars (\$2,500) within thirty (30) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Debbie Jorgenson, 400 SW Eighth Street, Suite E, Des Moines, IA 50309.
- 15. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 147, 155A, and 272C and 657 IAC 36.

DRUG DEPOT, INC.  APS PHARMACY  Respondent	This Settlement Agreement and Final Order for its consideration on the 29 day of	er is voluntarily submitted by Respondent to the Board January, 2016.
	F1	APS PHARMACY .

By this sign	nature, Michae	1 Marl	inc	a	cknowle	does	s/he	:~	41
General	Mimacer	for Drug	Denot	Ino d	1/h/n A	חם חו		_	
authorized to sig	gu uns Settlement A	greement a	nd Final (	Order (	on beha	lf of I	Drug De	pot, ]	Inc.
d/b/a APS Pharn	acy.		27						

This Settlement Agreement and Final	Order is approved by th	ie Iowa Board of Pharmacy	on the
8th day of March	, 2016.	<i>j</i>	011 1110

Chairperson Iowa Board of Pharmacy

Copy to:

Laura Steffensmeier Assistant Attorney General Licensing & Administrative Law Division Iowa Department of Justice Hoover Building, 2<sup>nd</sup> Floor Des Moines, IA 50319 ATTORNEY FOR THE STATE

## BEFORE THE STATE BOARD OF PHARMACY

### STATE OF COLORADO

Case No. 2016-835

## STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE NON-RESIDENT PRESCRIPTION DRUG OUTLET REGISTRATION IN THE STATE OF COLORADO OF DRUG DEPOT, INC., REGISTRATION NO. OSP 5618,

Respondent Pharmacy.

IT IS HEREBY STIPULATED AND AGREED by and between the Colorado State Board of Pharmacy ("Board") and Drug Depot, Inc. ("Respondent Pharmacy") to resolve all matters pertaining to Board Case Number 2016-835, as follows:

#### FINDINGS AND CONCLUSIONS

- The Board has jurisdiction over Respondent Pharmacy, its registration as a non-resident prescription drug outlet, and the subject matter of this Stipulation and Final Agency Order ("Final Agency Order") pursuant to the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act at Title 12, Article 42.5, C.R.S. (2016).
- 2. Respondent Pharmacy was originally registered in the State of Colorado on or about February 22, 2012, being issued registration number OSP 5618, and has been so registered at all times relevant to this disciplinary action.
- 3. Respondent Pharmacy's address of record with the Board and current location is 34911 US Highway 19 N, Ste. 600, Palm Harbor, FL 34684.
- Respondent Pharmacy admits these findings and hereby waives any further proof in this or any other proceeding before the Board regarding the following facts.
- On September 17, 2015, Respondent Pharmacy entered into a Consent Order with the Alabama Board of Pharmacy for engaging in the selling, offering for sale, compounding, and dispensing of drugs during the year 2015 without first having renewed its permit.
- . 6. Respondent Pharmacy failed to notify the Colorado Board of the Alabama disciplinary action.
- 7. Respondent Pharmacy's violations of Alabama law would also constitute violations of Colorado law.

.....

 Respondent Pharmacy admits that its conduct, as set forth above, constitutes a violation of §§12-42.5-123(1)(c)(l)-(lll), (g), and (q), C.R.S., and Rule 9.00.10(b), and provides grounds for disciplinary action against Respondent Pharmacy's Colorado registration as a prescription drug outlet.

### DISPOSITION

- 9. Letter of Admonition. This Final Agency Order shall constitute a Letter of Admonition as set forth in §12-42.5-124(6)(b) and (c), C.R.S. The Board hereby admonishes Respondent Pharmacy for the acts and omissions described in paragraphs 5-7 above.
- 10. Waiver of Right to Contest. By entering into this Final Agency Order, Respondent Pharmacy agrees to waive the right provided by §12-42.5-124(6)(b) and (c), C.R.S., to contest this Letter of Admonition.
- 11. Other Requirements. Through its undersigned Authorized Representative, Respondent Pharmacy acknowledges and agrees that, as a condition of this Final Agency Order, Respondent Pharmacy shall:
  - a. promptly pay all its own fees and costs associated with this Final Agency Order;
  - b. comply fully with this Final Agency Order; and
  - c. comply fully with the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act, all Board rules and regulations, and any other state and federal laws and regulations related to pharmaceuticals and pharmacists in the State of Colorado.
- 12. Violations. Time is of the essence to this Final Agency Order. It is the responsibility of Respondent Pharmacy to take all appropriate steps to comply fully with this Final Agency Order. Respondent Pharmacy acknowledges and agrees that any violation of this Final Agency Order shall constitute a willful violation of a lawful Board order, may be sanctioned as provided under §12-42.5-124(4), C.R.S., and may be sufficient grounds for additional discipline, including but not limited to revocation of its registration. The pendency of any suspension or disciplinary action arising out of an alleged violation of this Final Agency Order shall not affect the obligation of Respondent Pharmacy to comply with all terms and conditions of this Final Agency Order.
- 13. Advisements and Waivers. Through its undersigned Authorized Representative, Respondent Pharmacy enters into this Final Agency Order freely and voluntarily, after having the opportunity to consult with legal counsel and/or choosing not to do so. Respondent Pharmacy acknowledges its understanding that it has the following rights:
  - a. To have a formal notice of hearing and charges served upon it;
  - b. To respond to said formal notice of charges;

- c. To have a formal disciplinary hearing pursuant to §§12-42.5-123 and 12-42.5-124, C.R.S.; and
- d. To appeal this Board order.

Respondent Pharmacy freely waives these rights, and acknowledges that such waiver is made voluntarily in consideration for the Board's limiting the action taken against it to the sanctions imposed herein.

- 14. Acknowledgments. The undersigned Authorized Representative of Respondent Pharmacy has read this Final Agency Order in its entirety and acknowledges, after having the opportunity to consult with legal counsel and/or choosing not to do so, that Respondent Pharmacy understands the legal consequences and agrees that none of the terms or conditions herein is unconscionable. Respondent Pharmacy is not relying on any statements, promises or representations from the Board other than as may be contained in this Final Agency Order. Respondent Pharmacy further acknowledges that it is not entering into this Final Agency Order under any duress.
- 15. <u>Integration and Severability</u>. Upon execution by all parties, this Final Agency Order shall represent the entire and final agreement of and between the parties in this case. In the event any provision of this Final Agency Order is deemed invalid or unenforceable by a court of law, it shall be severed and the remaining provisions of this Final Agency Order shall be given full force and effect.
- 16. <u>Public Record</u>. Upon execution by all parties, this Final Agency Order shall be a public record, maintained in the custody of the Board.
- 17. <u>Board Order.</u> This Final Agency Order shall become an order of the Board when it is accepted and signed by the Program Director or authorized Board representative.
- 18. Effective Date. This Final Agency Order shall become effective upon (a) mailing by first-class mail to Respondent Pharmacy at Respondent Pharmacy's address of record with the Board, or (b) service by electronic means on Respondent Pharmacy at Respondent Pharmacy's electronic address of record. Respondent Pharmacy hereby consents to service by electronic means if Respondent Pharmacy has an electronic address on file with the Board.

### ACCEPTED AND AGREED BY

## **Respondent Pharmacy**

Authorized Passessist In Charge	Dalad: 10/19/11-
Authorized Representative / Title	Dated
Subscribed and sworn to before me in the Coustate of Florida, this 18/1/10/18/18/19/19	y of October, 2016, by
an authorized agent of Drug Depot, Inc.	
REBECCA KARUKIN NOTARY PUBLIC STATE OF FLORIDA Comm# FF009426 Expires 4/17/2017	Relecca / Parallin
My commission expires: 4/17/2017	Notary Public

## **FINAL AGENCY ORDER**

WHEREFORE, the within Stipulation and Final Agency Order Is approved, accepted, and hereby made an Order of the Board.

Done and effective this 19th day of 01th Den, 2016.

State Board of Pharmacy

Chris Gassen

Interim Program Director

## **CERTIFICATE OF SERVICE**

This is to certify that I have duly served the within fully executed STIPULATION AND FINAL AGENCY ORDER upon all parties herein by electronic means or by depositing copies of same in the United States mail, first class postage prepaid, at Denver, Colorado, this day of day of 2016, addressed as follows:

By electronic mail to Respondent: Drug Depot, Inc. Attn: Cletis Koukoulakis, PharmD 34911 US Highway 19 N, Ste. 600 Palm Harbor, FL 34684 Email: mmarling@apsmeds.com

Agent of the Board

## AGREED BOARD ORDER #F-15-034

RE: IN THE MATTER OF APS PHARMACY (PHARMACY LICENSE #28068)

BEFORE THE TEXAS STATE BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy (Board) the matter of pharmacy license number 28068 issued to APS Pharmacy (Respondent), 34911 United States Highway 19 North, Suite 600, Palm Harbor, Florida 34684.

By letter dated June 23, 2016, the Board gave preliminary notice to Respondent of its intent to take disciplinary action. This action was taken as a result of an investigation which produced evidence indicating that Respondent may have violated:

Sections 565.002(a)(3), (10) and (13); and 565.002(c) of the Texas Pharmacy Act, Tex. Occ. Code Ann. Title 3, Subtitle J (2013); and

Section 281.8(c) of the Texas Pharmacy Board Rules, 22 Tex. ADMIN. CODE (2014), as alleged in the Counts below.

The conduct described in the disciplinary actions of the Oklahoma State Board of Pharmacy and the Iowa Board of Pharmacy is substantially similar to conduct described in:

Sections 560.001(b); and 565.002(a)(3) and (4) of the Texas Pharmacy Act, Tex. Occ. Code Ann. Title 3, Subtitle J (2013); and

Sections 291.32(a)(2)(H); 291.32(c)(1)(E); 291.131(d)(1)(D); and 291.133(d)(1)(D) of the Texas Pharmacy Board Rules, 22 Tex. ADMIN. CODE (2015).

## PREVIOUS HISTORY

On or about May 8, 2012, the Texas State Board of Pharmacy entered Agreed Board Order #L-12-003 in the matter of the application for pharmacy license by APS Pharmacy. The Order was based on disciplinary action entered against the pharmacy by the Florida Board of Pharmacy on May 11, 2010, regarding various violations identified during a board inspection of the pharmacy. The Order granted the license, and imposed a reprimand.

#### COUNTS

(1) On or about February 14, 2012, the Colorado State Board of Pharmacy entered a Stipulation and Final Agency Order against the application for registration as a non-resident pharmacy by APS Pharmacy. The Order was based on the disciplinary action by the Florida Board of Pharmacy described above in Previous History. The Order granted the registration, subject to probation with conditions for a period of one year.

Agreed Board Order IIF-15-034 APS Pharmacy Page 2

- (2) On or about June 23, 2014, APS Pharmacy submitted to the Texas State Board of Pharmacy an application for renewal as a nonresident pharmacy engaged in compounding sterile preparations. On the application, it was falsely indicated that the pharmacy had not been the subject of professional disciplinary action by a regulatory authority within the last 36 months, when it was disciplined by the Colorado Board of Pharmacy on February 14, 2012, as described above in Count (1).
- On or about February 24, 2016, the Oklahoma State Board of Pharmacy entered an Agreed Findings of Fact, Conclusions of Law and Final Order against the Oklahoma pharmacy license number 99-7398 held by APS Pharmacy. The Order was based on findings including that between October 1, 2013, and May 31, 2015, the pharmacy shipped 1,952 prescriptions, including controlled substances, to patients in Oklahoma without a valid pharmacy license. In addition, some of these prescriptions were for compounded drugs that were essentially a copy of commercially manufactured drugs. The Order placed the license on probation for a period of three years, imposed a \$15,000 fine, and required the pharmacy to develop and implement a Plan of Correction.
- On or about March 8, 2016, the Iowa Board of Pharmacy entered a Settlement Agreement and Final Order against the Iowa pharmacy license numbers 4139 and 4375 held by APS Pharmacy. The Order was based on allegations contained in a Notice of Hearing and Statement of Charges that between January 1, 2014, and September 7, 2014, the pharmacy shipped approximately 100 prescriptions to patients in Iowa after its license became delinquent and prior to submitting a new nonresident pharmacy application. The Order cited and warned the pharmacy, and imposed a \$2,500 penalty.

An informal conference was held in the Board's office on September 6, 2016. Jaime Rios, Corporate President of Drug Depot, Inc., on behalf of Respondent, was not in attendance; however, Bruce D. Lamb, Legal Counsel for Respondent, submitted a written statement. The informal conference was heard by a Board panel comprised of: Jeanne D. Waggener, R.Ph., Board Member; Gay Dodson, R.Ph., Executive Director/Secretary; and Carol Fisher, R.Ph., M.P.A., Director of Enforcement; with Kerstin Arnold, General Counsel. Megan Holloway, Staff Attorney, was also in attendance.

By signing this Order, Jaime Rios and Respondent's counsel neither admit nor deny the truth of the matters previously set out in this Order, and agree that the Board has jurisdiction in this matter and waive the right to notice of hearing, formal administrative hearing, and judicial review of this Order.

The parties acknowledge that this Order resolves the allegations set forth herein, and agree to the terms and conditions set forth in the ORDER OF THE BOARD below.

Agreed Board Order #17-15-034 APS Pharmacy Page 4
And it is so ORDERED.
THIS ORDER IS A PUBLIC RECORD.
SIGNED AND ENTERED ON THIS day of,
MEMBER, TEXAS STATE BOARD OF PHARMACY
ATTEST:
Gay Dodson, R.Ph., Executive Director/Secretary Texas State Board of Pharmacy
APPROVED AS TO FORM AND AGREED TO:
alone of the
Jaime Rios, Corporate President, Drug Depot, Inc. For and on behalf of APS Pharmacy
D. D
Bruce D. Lamb Logal Counsel for APS Pharmacy
401 East Jackson Street, Suite 2500 Tampa, Florida 33602
APPROVED AS TO FORM:

Kerstin Arnold, General Counsel Texas State Board of Pharmacy

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BEFORE THE STATE BOARD OF PHARMACY

STATE OF COLORADO

Case Nos. 2016-1848 & 2016-1913

## STIPULATION AND FINAL AGENCY ORDER

IN THE MATTER OF DISCIPLINARY PROCEEDINGS REGARDING THE NON-RESIDENT PRESCRIPTION DRUG OUTLET REGISTRATION IN THE STATE OF COLORADO OF DRUG DEPOT, INC., REGISTRATION NO. OSP 5618.

Respondent Pharmacy.

IT IS HEREBY STIPULATED AND AGREED by and between the Colorado State Board of Pharmacy ("Board") and Drug Depot, Inc. ("Respondent Pharmacy") to resolve all matters pertaining to Board Case Numbers 2016-1848 and 2016-1913, as follows:

## FINDINGS AND CONCLUSIONS

- The Board has jurisdiction over Respondent Pharmacy, its registration as a non-resident prescription drug outlet, and the subject matter of this Stipulation and Final Agency Order ("Final Agency Order") pursuant to provisions of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act at Title 12, Article 42.5, C.R.S. (2016).
- Respondent Pharmacy was originally registered in the State of Colorado on or about February 22, 2012, being issued registration number OSP 5618, and has been so registered at all times relevant to this disciplinary action.
- Respondent Pharmacy's address of record with the Board and current location is 34911 US Highway 19 North, Suite 600, Palm Harbor, FL 34684-1921.
- Respondent Pharmacy admits these findings and hereby waives any further proof in this or any other proceeding before the Board regarding the following facts.
- On or about February 24, 2016, the Oklahoma Board of Pharmacy issued a Final Order against Respondent Pharmacy for shipping approximately 1,952 prescriptions, 1,002 of which were controlled substances, into the State of Oklahoma from October 1, 2013 through May 31, 2015, without an active registration.
- The Oklahoma Board placed Respondent's registration on probation for three (3) years, until February 24, 2019.

- On or about January 1, 2016, Respondent Pharmacy entered into a Settlement Agreement with the Iowa Board of Pharmacy for shipping approximately 100 prescriptions into the State of Iowa from January 1 through September 7, 2014, without an active registration.
- Respondent failed to report the Oklahoma and Iowa disciplinary actions to the Colorado Board.
- 9. Respondent Pharmacy admits that its conduct, as set forth above, constitutes violations of the following sections of the Colorado Revised Statutes and Board Rules and provides grounds for disciplinary action against Respondent Pharmacy's Colorado registration as a prescription drug outlet:

## Colorado Revisad Statutes

- 12-42.5-123. Unprofessional conduct grounds for discipline. (1) The board may suspend, revoke, refuse to renew, or otherwise discipline any license or registration issued by it, after a hearing held in accordance with the provisions of this section, upon proof that the licensee or registrant:
- (c) Has violated:
  - (I) Any of the provisions of this Article, including commission of an act declared unlawful in section 12-42.5-126:
  - (II) The lawful rules of the board; or
  - (III) Any state or federal law pertaining to drugs;
- (g) Has had his or her license to practice pharmacy in another state revoked or suspended, or is otherwise disciplined or has committed acts in any other state that would subject him or her to disciplinary action in this state;
- (k) Has failed to meet generally accepted standards of pharmacy practice.
- 12-42.5-124. Disciplinary actions. (1) The board may deny or discipline an applicant, licensee, or registrant when the board determines that the applicant, licensee, or registrant has engaged in activities that are grounds for discipline.
- 12-42.5-130. Nonresident prescription drug outlet registration. (1) Any prescription drug outlet located outside this state that ships, mails, or delivers, in any manner, drugs or devices into this state is a nonresident prescription drug outlet and shall register with the board and disclose to the board the following:

- (a) The location, names, and titles of all principal entity officers and all pharmacists who are dispensing drugs or devices to the residents of this state. The nonresident prescription drug outlet shall submit a report containing this information to the board on an annual basis and within thirty days after any change of office, officer, or pharmacist.
- (b) A verification that it complies with all lawful directions and requests for information from the regulatory or licensing agency of the state in which it is licensed as well as with all requests for information made by the board pursuant to this section. The nonresident prescription drug outlet shall maintain at all times a valid, unexpired license, permit, or registration to conduct the prescription drug outlet in compliance with the laws of the state in which it is a resident. As a prerequisite to registering with the board, the nonresident prescription drug outlet shall submit a copy of the most recent inspection report resulting from an inspection conducted by the regulatory or licensing agency of the state in which it is located.
- (2) The registration requirements of this section apply only to a nonresident prescription drug outlet that only ships, malls, or delivers, in any manner, drugs and devices into this state pursuant to a prescription order.
- (3) A nonresident prescription drug outlet doing business in this state that has not obtained a registration shall not conduct the business of selling or distributing drugs in this state without first registering as a nonresident prescription drug outlet. A nonresident prescription drug outlet shall make application for a nonresident prescription drug outlet registration on a form furnished by the board. The board may require such information as it deems necessary to carry out the purpose of this section.
- (4) (a) The board may deny, revoke, or suspend a nonresident prescription drug outlet registration for failure to comply with this section or with any rule promulgated by the board.
- (b) The board may deny, revoke, or suspend a nonresident prescription drug outlet registration if the nonresident prescription drug outlet's license or registration has been revoked or not renewed for noncompliance with the laws of the state in which it is a resident.

## Pharmacy Board Rules and Regulations

## 9.00.10 Reporting.

b. All licensees or registrants shall notify the Board in writing within 30 days of any disciplinary action against them in another state. Such notification shall include the following:

- 1. The state:
- 2. The jurisdiction;
- 3. The case name;
- 4. The case number;
- 5. A description of the matter and a copy of the indictment or charges;
- 6. A copy of the discipline; and
- 7. Proof of completion of any requirements set forth in the order, if
- 10. The Board finds and concludes, and Respondent Pharmacy agrees, that based upon Respondent Pharmacy's above-described violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act and relevant rules and regulations, the following discipline is just and appropriate under the circumstances.

#### DISPOSITION

11. Probation. Respondent Pharmacy's registration shall be placed on indefinite probation until Respondent Pharmacy submits documentation to the Colorado Board evidencing that its pharmacy license/registration/permit is in an active and unencumbered status with all other states in which it is registered. Credit toward satisfying the period of probation shall be given only during such periods of time that Respondent Pharmacy is in total compliance with all provisions of this Final Agency

## Terms of Probation

- 12. Other Requirements. Through its undersigned Authorized Representative, Respondent Pharmacy acknowledges and agrees that, as a condition of this Final Agency Order and probation, Respondent Pharmacy shall:
  - a. promptly pay all its own fees and costs associated with this Final Agency Order;
  - b. comply fully with this Final Agency Order; and
  - c. comply fully with the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act, all Board rules and regulations, and any other state and federal laws and regulations related to pharmaceuticals and pharmacists in the State of Colorado.
- 13. Violations. Time is of the essence to this Final Agency Order. responsibility of Respondent Pharmacy to take all appropriate steps to comply fully with this Final Agency Order. Respondent Pharmacy acknowledges and agrees that any violation of this Final Agency Order shall constitute a willful violation of a lawful Board order, may be sanctioned as provided under §12-42.5-124(4), C.R.S., and may be sufficient grounds for additional discipline, including but not limited to revocation of its registration. The pendency of any suspension or disciplinary action arising out of an alleged violation of this Final Agency Order shall not affect the

obligation of Respondent Pharmacy to comply with all terms and conditions of this Final Agency Order.

- 14. Completion of Terms. Respondent must make a written request to the Board to end the terms and conditions of this Final Agency Order. In any request, it shall be Respondent's sole responsibility to establish, through written and other documentation, that Respondent has met all terms of this Final Agency Order. Respondent's probation shall continue until the Board or its designated authority has verified that Respondent has completed all terms of this Final Agency Order. The Board will consider Respondent's request during the ordinary course of business.
- 15. Advisements and Walvers. Through its undersigned Authorized Representative, Respondent Pharmacy enters into this Final Agency Order freely and voluntarily, after having the opportunity to consult with legal counsel and/or choosing not to do so. Respondent Pharmacy acknowledges its understanding that it has the following rights:
  - a. To have a formal notice of hearing and charges served upon it;
  - b. To respond to said formal notice of charges;
  - c. to have a formal disciplinary hearing pursuant to §§12-42.5-123 and 12-42.5-124,
     C R.S.; and
  - d. To appeal this Board order.

Respondent Pharmacy freely waives these rights, and acknowledges that such waiver is made voluntarily in consideration for Board's limiting the action taken against it to the sanctions imposed herein.

- 16. Acknowledgments. The undersigned Authorized Representative of Respondent Pharmacy has read this Final Agency Order in its entirety and acknowledges, after having the opportunity to consult with legal counsel and/or choosing not to do so, that Respondent Pharmacy understands the legal consequences and agrees that none of the terms or conditions herein is unconscionable. Respondent Pharmacy is not relying on any statements, promises or representations from the Board other than as may be contained in this Final Agency Order. Respondent Pharmacy further acknowledges that it is not entering into this Final Agency Order under any duress.
- 17. Interration and Severability. Upon execution by all parties, this Final Agency Order shall represent the entire and final agreement of and between the parties in this case. In the event any provision of this Final Agency Order is deemed invalid or unenforceable by a court of law, it shall be severed and the remaining provisions of this Final Agency Order shall be given full force and effect.

- 18. <u>Public Record.</u> Upon execution by all parties, this Final Agency Order shall be a public record, maintained in the custody of the Board.
- 19. <u>Board Order.</u> This Final Agency Order shall become an order of the Board when it is accepted and signed by the Program Director or authorized Board representative.
- 20. Effective Date. This Final Agency Order shall become effective upon (a) mailing by first-class mail to Respondent Pharmacy at Respondent Pharmacy's address of record with the Board, or (b) service by electronic means on Respondent Pharmacy at Respondent Pharmacy's electronic address of record with the Board. Respondent Pharmacy hereby consents to service by electronic means if Respondent Pharmacy has an electronic address on file with the Board.

### ACCEPTED AND AGREED BY

Respondent Pharmacy	
Authorized Representative / Title	Dated: 12/14/16
Subscribed and swom to before me in the Coron of Florida, this 14th day of Michael Marling authorized agent of Drug Depot, Inc.	unty of Pinellas, State <u>December</u> , 2016, by , in his/her capacity as an
My commission expires: 4 ロー	Roberta Marylin Notary Public

## FINAL AGENCY ORDER

WHEREFORE, the within Stipulation and Final Agency Order is approved, accepted, and hereby made an Order of the Board.

Done and effective this 1(p day of 1) (20012, 2016.

State Board of Pharmacy

BY. Chris Gassen

Interim Program Director

## CERTIFICATE OF SERVICE

This is to certify that I have duly served the within fully executed STIPULATION AND FINAL AGENCY ORDER upon all parties herein by depositing copies of same in the United States mail, first class postage prepaid, at Denver, Colorado, this day Diamber 2016, addressed as follows:

Drug Depot, Inc. Attn: Cletis Koukoulakis, PharmD 34911 US Highway 19 North, Suite 600

Palm Harbor, FL 34684-1921

Email: <a href="mailto:george@apsmeds.com">george@apsmeds.com</a> and <a href="mailto:mmarling@apsmeds.com">mmarling@apsmeds.com</a>

## LOUISIANA BOARD OF PHARMACY BATON ROUGE, LOUISIANA

IN THE MATTER OF:

CONSENT ORDER

DRUG DEPOT, INC. D/B/A APS PHARMACY

LOUISIANA PHARMACY PERMIT NO. 6689

Case No. 17-0050

#### CONSENT AGREEMENT

WHEREAS, DRUG DEPOT, INC. D/B/A APS PHARMACY (hereinafter referred to as "Respondent"), holding Louisiana Pharmacy Permit No. 6689, 34911 US Highway 19 N, Suite 600, Palm Harbor, Florida 34684, was disciplined by several Board Orders and failed to report said disciplinary action as follows:

- (1) Board Order issued by the Colorado State Board of Pharmacy on February 14, 2012 and Board Order issued by the Texas State Board of Pharmacy on May 8, 2012. Respondent failed to report these disciplinary actions to the Louisiana Board of Pharmacy ("The Board") as part of its Application for Louisiana Pharmacy Permit Located Out-of-State in 2013.
- (2) Board Order issued by the Alabama State Board of Pharmacy on September 17, 2015. Respondent failed to report this disciplinary action to the Board as part of its Application for Renewal for Year 2016.
- (3) Board Order issued by the Colorado State Board of Pharmacy on October 19, 2016. Respondent failed to report this disciplinary action to the Board as part of its Application for Renewal for Year 2017.

WHEREAS, such actions constitute a violation of the following:

La. R.S. 37:1241(A)(1): Practiced or assisted in the practice of pharmacy, or knowingly permitted or has permitted anyone in his employ or under his supervision to practice or assist in the practice of pharmacy, in violation of the provisions of this Chapter and any rules and regulations promulgated thereto in accordance with the Administrative Procedure Act.

La. R.S. 37:1241(A)(2): Has attempted to or obtained a license by misrepresentation.

LA. R.S. 37:1241(A)(6) Has had his license, permit, certification, registration or any other designations deemed necessary to engage in the practice of pharmacy revoked or suspended, or has had other disciplinary action taken, or has had his application for licensure refused, revoked, or suspended by the proper authorities of another state, territory, or country based upon conduct by the licensee similar to conduct that would constitute grounds for action as defined in this Section.

La. R.S. 37:1241(A)(7): Has failed to report to the board any adverse action taken by another government agency, law enforcement agency, or court that would constitute grounds for action as defined in this Section.

DRUG DEPOT, INC. D/B/A APS PHARMACY CONSENT AGREEMENT Page 2 of 4

La. R.S. 37:1241(A)(22): Has failed to furnish to the board or representatives any information legally requested by the board.

To facilitate the submission of this Consent Agreement Respondent does not admit to violating any federal or state law. Respondent understands that the Board may be able to prove a finding of those violations, because Respondent waives its right to offer a defense at a formal administrative hearing.

Respondent further understands that this Consent Agreement shall constitute a Public Record, pursuant to La. R.S. 44:1 et seq., and is considered disciplinary action by the Board.

In order to avoid further administrative and judicial proceedings, Respondent hereby consents to accept and abide by the following order of the Board:

- Louisiana Pharmacy Permit No. 6689 belonging to DRUG DEPOT, INC. D/B/A APS PHARMACY is issued a Letter of Reprimand.
- 2. DRUG DEPOT, INC. D/B/A APS PHARMACY is ordered to pay a fine of \$20,000.00 and to reimburse the Board \$250.00 for administrative costs, with total payment due the Board of \$20,250.00, due by certified check or money order to be paid simultaneously with the execution of this Consent Agreement by Respondent.

By signing this Consent Agreement, Respondent agrees that the Board has jurisdiction in this matter and waives all rights to informal conference, to Notice of Hearing, to a formal Administrative Hearing, and to judicial review of this Consent Agreement.

By signing this Consent Agreement, Respondent agrees that any failure to comply with the terms of this Agreement is a basis for discipline by the Board.

Both Respondent and the Board stipulate that this Consent Order shall not become effective and shall not become binding on the Board unless and until approved by the Board at formal meeting. However, Respondent agrees that this Consent Order shall be effective and binding upon Respondent without recourse upon its authorized representative signing said Order.

Respondent agrees to provide the Board with the following for reporting purposes to the National Practitioner Data Bank - Healthcare Integrity and Protection Data Bank (NPDB-HIPDB):

Respondent's National Provider Identifier (NPI) Number:	1548409758
Medicare Provider Number (if in the possession of one):	

DRUG DEPOT, INC. D/B/A APS PHARMACY CONSENT AGREEMENT Page 3 of 4

I, Molice Marine, authorized to act on behalf of and acting on behalf of DRUG DEPOT, INC. D/B/A APS PHARMACY, understand that this Consent Agreement is effective as a Board Order upon affirmative vote by the Board at formal hearing. It is also understood that, should the Board not approve this Consent Agreement, the agreement therein does not preclude the Louisiana Board of Pharmacy from requiring a formal hearing of this case.

It is further understood that, should this Consent Agreement not be accepted by the Board, the presentation to and consideration by the Board of this Agreement, including presented documentary evidence and information, shall not unfairly or illegally prejudice or preclude the Board or any of its members from further participation in hearings or resolution of these proceedings.

SIGNED, AGREED TO AND ENTERED ON THIS 3 DAY OF April , 2017.

DRUG DEPOT, INC. D/B/A APS PHARMACY

Louisiana Pharmacy Permit No. 6689

BY: Authorized Representative

JENNIFER JONES THOMAS

Kean Miller LLP
II City Plaza
400 Convention Street, Suite 200
Baton Rouge, LA 70802
Attorney for Respondent

APPROVED FOR SUBMISSION TO THE LOUISIANA BOARD OF PHARMACY:

CARLOS M. FINALET, III

General Counsel, Louisiana Board of Pharmacy

DRUG DEPOT, INC. D/B/A APS PHARMACY CONSENT AGREEMENT Page 4 of 4

ACCEPTANCE OF THE CONSENT AGREEMENT BY THE LOUISIANA BOARD OF PHARMACY:
By a majority vote of the Board members voting in favor of the foregoing Consent Agreement at the Board meeting on, 2017, the Board hereby adopts said Agreement as a Final Order of the Board.
FOR THE BOARD:
Carl W. Aron President and Hearing Officer for the Board

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

BOARD OF PHARMACY DISCIPLINARY SUBCOMMITTEE

In the Matter of

APS PHARMACY License Number: 53-01-009652 File Number: 53-16-142841

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On March 9, 2017, the Department of Licensing and Regulatory Affairs

(Department) executed an Administrative Complaint (Complaint) charging APS

Pharmacy (Respondent) with violating section(s) 17748a(5) and 17768(2)(d) of the Public

Health Code, MCL 333.1101 et seq.

Respondent has admitted that the facts alleged in the Complaint are true

and constitute violation(s) of the Public Health Code. The Disciplinary Subcommittee of

the Michigan Board of Pharmacy (Disciplinary Subcommittee) has reviewed the Consent

Order and Stipulation (Order) and agrees that the public interest is best served by

resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and

constitute violation(s) of section(s) 17748a(5) and 17768(2)(d) of the Public Health Code,

supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Public

Health Code, Respondent is FINED \$250.00 to be paid to the State of Michigan within 60

days from the effective date of this Order.

Consent Order and Stipulation File Number 53-16-142841

Page 1 of 4

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department** 

of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division,

Compliance Section, P.O. Box 30189, Lansing, MI 48909. The fine shall be paid by

check or money order, made payable to the State of Michigan, and the check or money

order shall clearly display the file number 53-16-142841.

IT IS FURTHER ORDERED that if Respondent fails to comply with the

terms and conditions of this Order, Respondent's license shall be automatically

SUSPENDED for a minimum of one day. If, within six months of the suspension of the

license, Respondent complies with the terms of this Order, the license shall be

automatically reinstated.

IT IS FURTHER ORDERED that if Respondent's license remains

suspended for more than six months, Respondent must apply for reinstatement of the

If Respondent applies for reinstatement of the license, application for

reinstatement shall be in accordance with sections 16245 and 16247 of the Public Health

Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from

the date signed by the Disciplinary Subcommittee, as set forth below.

Chairperson, Disciplinary Subcommittee

Consent Order and Stipulation File Number 53-16-142841

Page 2 of 4

#### STIPULATION

- 1. The facts alleged in the Complaint are true and constitute violation(s) of section(s) 17748a(5) and 17768(2)(d) of the Public Health Code, <u>supra</u>.
- 2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.
- 3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., and this action will be reported to the National Practitioner Data Bank, and any other entity as required by state or federal law, in accordance with 42 USC 11101-11152.
- 4. Dhafer Almaklani, R.Ph., a member of the Board who supports this proposal, and the Department's representative are both free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in this Order.
- 5. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in this matter.

6. This proposal is conditioned upon acceptance by the Disciplinary Subcommittee. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

Kim Gaedeke, Director

Bureau of Professional Licensing

Dated: \_\_\_\_\_\_\_\_

AGREED TO BY:

Michael Marling, General Manager

APS Pharmacy Respondent

Dated: 7/22/17

b

#### BEFORE THE MINNESOTA

#### **BOARD OF PHARMACY**

In the Matter of APS Pharmacy License No. 264531

STIPULATION AND CONSENT ORDER

#### STIPULATION

APS Pharmacy ("Licensee") and the Minnesota Board of Pharmacy Committee on Professional Standards ("Committee") agree the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

#### JURISDICTION

- 1. The Minnesota Board of Pharmacy ("Board") is authorized pursuant to Minnesota Statutes chapter 151 to license and regulate pharmacies and to take disciplinary action as appropriate.
- 2. Licensee holds a pharmacy license from the Board and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Consent Order.

II.

#### CONFERENCE

3. On December 13, 2017, Licensee met with the Committee to discuss the allegations described in a Notice of Conference. Board members Joseph Stanek and Samantha Schirmer comprised the Committee. Julie K. Letwat, Esq., Faegre Baker Daniels LLP, represented Licensee. Hans A. Anderson, Assistant Attorney General, represented the Committee.

#### III.

#### **FACTS**

- 4. On or about November 26, 2012, the Board licensed Licensee as a pharmacy in Minnesota. Licensee has never been licensed by the Board as a drug wholesaler.
  - 5. On or about June 30, 2013, Licensee's Minnesota pharmacy license expired.
- 6. On or about July 31, 2014, Licensee submitted an Application for a Minnesota Pharmacy License. During the review process of this application, the Board advised Licensee that a Minnesota pharmacy license only allows pharmacies to compound and dispense drug products into Minnesota pursuant to valid patient-specific prescriptions. The Board required Licensee to respond in writing, acknowledging its awareness of Minnesota law, and attesting it would limit its activities to filling only patient-specific prescriptions, or that it would apply for the required manufacturer and wholesaler licenses in the event that Licensee intended to ship products into Minnesota in any other manner.
- 7. On or about August 4, 2014, Licensee responded, acknowledging its awareness of Minnesota law regarding the shipping of non-patient-specific drugs, and attesting it would limit its activities to filling only patient-specific prescriptions.
- 8. On or about August 5, 2014, the Board again licensed Licensee as a pharmacy in Minnesota.
- 9. On or about February 26, 2016, in response to a Board request, Licensee provided the Board with documentation showing ten separate compounded preparations Licensee shipped to Minnesota physicians for "office use" over an eleven month period in 2015. Licensee stated that its shipment of drugs into Minnesota for "office use" was an "oversight."
- 10. Licensee also provided the Board with documentation showing nine additional prescriptions that were shipped by Licensee directly to medical clinics in Minnesota. Six of the

nine were filled in the name of the prescribing physician, and two were filled in the name of the physician's employee, the clinic's "Director of Operations." Those same prescriptions were billed by Licensee to the clinic, and not to the patients, resulting in wholesale transactions.

11. From January 5, 2015, through June 30, 2015, 39% of the prescriptions Licensee dispensed and shipped into Minnesota were veterinary medications. Licensee had not checked the veterinary category of licensure on its application, and was thus not licensed by the Board to dispense and ship veterinary medications into Minnesota.

#### IV.

#### **LAWS**

12. Licensee acknowledges the conduct described in section III. above constitutes a violation of Minn. Stat. § 151.071, subd. 2(7), Minn. Stat. § 151.34(11), Minn. Stat. § 151.47, subd. 1, Minn. R. 6800.2250, subp. 1 (H); and Minn. R. 6800.0350, and warrants the disciplinary action described below.

#### V.

#### DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

13. The Board **REPRIMANDS** Licensee and imposes a **CIVIL PENALTY** in the amount of \$2,500.00 for the conduct described in section III above. The civil penalty shall be paid by cashier's check or money order made payable to the Minnesota Board of Pharmacy, c/o Cody Wiberg, Executive Director, 2829 University Avenue S.E., Suite 530, Minneapolis, Minnesota 55414, within 60 days of the date of this Order.

## CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

- 14. If Licensee fails to comply with or violates this Stipulation and Consent Order, the Committee may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or by bringing the matter directly to the Board pursuant to the following procedure:
- a. The Committee shall schedule a hearing before the Board. At least 20 days before the hearing, the Committee must mail Licensee a notice of the violation(s) alleged by the Committee. In addition, the notice must designate the time and place of the hearing. Within ten days after the notice is mailed, Licensee shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.
- b. The Committee, in its discretion, may schedule a conference with Licensee prior to the hearing before the Board to discuss the allegations and to attempt to resolve the allegations through agreement.
- submit affidavits and written argument in support of their positions. At the hearing, the Committee and Licensee may present oral argument. Argument may not refer to matters outside the record. The evidentiary record must be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Committee will have the burden of proving by a preponderance of the evidence that a violation has occurred. If Licensee has failed to submit a timely response to the allegations, Licensee may not contest the allegations, but may present argument concerning the appropriateness of additional discipline. Pursuant to this process, Licensee waives a hearing before an administrative law judge, discovery, cross-examination of

adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

- d. Licensee's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board but does not limit the Board's authority to impose discipline for the violation. A decision by the Committee not to seek discipline when it first learns of a violation does not waive the Committee's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while Licensee's license is in a suspended status.
- e. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board must dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including conditions or limitations on Licensee's license, a period of suspension, conditions of reinstatement, or revocation of Licensee's license.
- f. Nothing herein limits the Committee's or the Board's right to temporarily suspend Licensee's license as provided in Minnesota Statutes chapters 151 and 214, based on a violation of this Stipulation and Consent Order or based on conduct of Licensee not specifically referred to herein.

#### VII.

#### ADDITIONAL INFORMATION

- 15. Licensee waives the contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.
- 16. Licensee waives any claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees, and representatives related to the investigation of

the conduct herein, or the negotiation or execution of this Stipulation and Consent Order, which may otherwise be available to Licensee.

- 17. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.
- 18. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.
- 19. Licensee has read, understands, and agrees to this Stipulation and Consent Order and has voluntarily signed the Stipulation and Consent Order. Licensee is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Licensee or the Board rejects the Stipulation and Consent Order, it will be of no effect except as specified in the following paragraph.
- 20. Licensee agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.
- 21. This Stipulation and Consent Order does not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or admission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

#### VIII.

#### **DATA PRACTICES NOTICES**

- 22. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.
- 23. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

CONSENT:

MINNESOTA BOARD OF PHARMACY COMMITTEE ON PROFESSIONAL STANDARDS

APS PHARMACY

Licensee

Dated:

Board Member

Dated: 01-16-2018

#### **ORDER**

Upon consideration of the Stipulation, the Board REPRIMANDS Licensee, imposes a CIVIL PENALTY on Licensee's license, and adopts all of the terms described above on this day of January, 2018.

MINNESOTA BOARD OF PHARMACY

CODY WIBERG
Executive Director

IN THE MATTER OF:	)
DRUG DEPOT INC. d/b/a APS PHARMACY	) BEFORE THE ALABAMA STATE ) BOARD OF PHARMACY )
Non-Resident Pharmacy Permit Number: 114007	) CASE NO: 16-L-0174

#### CONSENT ORDER

THIS MATTER comes before the Alabama State Board of Pharmacy (hereinafter referred to as the "Board") on a complaint against Drug Depot Inc. d/b/a APS Pharmacy (Drug Depot) which resulted in the filing of a Statement of Charges and Notice of Hearing ("Statement") alleging violations of the Alabama Pharmacy Practice Act as are more particularly set out in the Statement which is attached hereto as Exhibit "A."

Prior to a hearing in this cause, and pursuant to <u>Code of Alabama</u> (1975) §41-22-12(f), the Board through its counsel and Drug Depot through its counsel engaged in negotiations and as a result the matters at issue were resolved informally by the parties and the parties negotiated a Consent Order, the terms of which are as follows:

- 1. The parties stipulate that Drug Depot denies the allegations of the Statement of Charges and Notice of Hearing (SOC) and stipulates that for the purpose of this proceeding and this proceeding only the Board would meet its required burden of proof and therefore finds that Drug Depot violated the provisions of law based upon the conduct set out in Counts One, Four, Six, Seven and/or Eight. All remaining Counts shall be dismissed with prejudice.
- 2. Drug Depot shall pay an administrative fine in the amount of Twenty-Five Thousand Dollars (\$25,000.00) within thirty (30) days of the effective date of this consent order that being the day the same is signed on behalf of the Board. This payment shall not be subject to discharge in bankruptcy nor shall Drug Depot attempt to discharge the

same.

- 3. Drug Depot expressly walve its rights pursuant to the Alabama Pharmacy Practice Act, the Alabama Administrative Procedure Act and the Alabama Uniform Controlled Substances Act, including but not limited to the <u>Code of Alabama</u> (1975), §34-23-34 and §34-23-92(12), <u>Code of Alabama</u> (1975), §41-22-12 and §40-22-20 and <u>Code of Alabama</u> (1975), § 20-2-50 <u>et seq.</u>, and including but not limited to the opportunity for a hearing before the Board in connection with any charges against it and any judicial review. Drug Depot further waives any objection to the attorney for the Board preparing, drafting or making this Order, including the waiver of any objection or right pursuant to <u>Code of Alabama</u> (1975), §41-22-18.
- 4. By execution of this Consent Order, Drug Depot hereby releases the Board, its members, agents, representatives, servants and employees from any and all liability, claims, damages, fees or expenses arising out of or made in connection with the matters relating to this Consent Order and Statement.
- 5. Drug Depot acknowledges and agrees that any future violation of the Alabama Pharmacy Practice Act, the laws that regulate the sale and/or dispensing of prescription or legend drugs and/or narcotics or any Rules and regulations of the Alabama State Board of Pharmacy or the pharmacy law or rules of the Board of Pharmacy of another state or any other applicable laws may, upon proof and hearing thereof, result in further disciplinary sanctions against Drug Depot's permit, including, but not limited to revocation.
- 6. Drug Depot acknowledges and agrees that it has read this Consent Order and that it fully understand the terms, conditions and contents of the same. Drug Depot acknowledges and agrees that it voluntarily and of its\_own free will accepts the terms and

conditions set out in this Consent Order and is signing this Consent Order on the advice of its attorney.

DONE this the 5 of	January ,2014.
	DRUG DEPOT INC. DIBIA APS PHARMACY BY: Will Mu
	ITS: GM
	J. Andrew Lemons, attorney for Drug Depot Inc
DONE this the of	Jan ,201_8.
9	ALABAMA STATE BOARD OF PHARMACY
	By: David Darby R.Ph., President
	Ву:
	James S. Ward
	Attorney for the Alabama State Board of Pharmacy

OF COUNSEL: WARD & COOPER, LLC 2100A Southbridge Parkway Suite 580 Birmingham, AL 35209 (205) 871-5404

# COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF STATE BEFORE THE STATE BOARD OF PHARMACY

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:

In the Matter of the Application

for the Nonresident Pharmacy

Registration of

Drug Depot, Inc., d/b/a APS Pharmacy,

**Applicant** 

n.

Docket No.

0896-54-18

File No.

18-54-03878

#### PROPOSED ORDER

AND NOW, this 2<sup>nd</sup> day of August, 2018, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is hereby ordered that the application for nonresident pharmacy registration of Drug Depot, Inc., d/b/a APS Pharmacy ("Applicant") is GRANTED.

Upon the grant of a nonresident pharmacy certificate of registration ("license") to Applicant, said license IMMEDIATELY shall be placed on PROBATION for an INDEFINITE period of time, until such time as each and every one of Applicant's pharmacy permits, registrations, licenses, or any other authorizations to practice, in every jurisdiction in which Applicant possesses such authorizations, shall be active and unencumbered.

Said period of probation shall be subject to the following terms and conditions:

#### GENERAL

- 1. Applicant shall abide by and obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions and all rules and regulations and laws pertaining to the practice of the profession in this Commonwealth or any other state or jurisdiction in which Applicant holds a permit, registration, license or any other authorization to practice the profession. Summary traffic violations shall not constitute a violation of this Order.
- 2. Applicant shall at all times cooperate with the Bureau of Professional and Occupational Affairs and its agents and employees in the monitoring, supervision and investigation of Applicant's compliance with the terms and conditions of this Order, including requests for, and causing to be

submitted at Applicant's expense, written reports, records and verifications of actions that may be required by the Bureau of Professional and Occupational Affairs.

- 3. Applicant shall not falsify, misrepresent or make material omission of any information submitted pursuant to this Order.
- 4. Applicant shall notify the Bureau of Professional and Occupational Affairs, in writing, within five (5) days of the filing of any criminal charges against Applicant, the initiation of any legal action pertaining to Applicant's authorizations to practice of the profession, the initiation, action, restriction or limitation relating to Applicant by a professional licensing authority of any state or jurisdiction, or any violation of Applicant's term of probation imposed by any professional licensing authority of any state or jurisdiction, including but not limited to the terms of probation imposed upon Applicant by Oklahoma State Board of Pharmacy in the matter captioned In the Matter of the Complaint Against: APS Pharmacy (99-7398), Case No 1390, by the Agreed Findings of Fact, Conclusions of Law and Final Order dated February 24, 2016.
- 5. Applicant shall notify the Bureau of Professional and Occupational Affairs by telephone within 48 hours and in writing within five (5) days of any change of Applicant's business address, phone number, ownership and/or change in practice.

#### **VIOLATION OF THIS ORDER**

- 6. Notification of a violation of the terms or conditions of this Order shall result in the IMMEDIATE TERMINATION of the period of probation and ACTIVATION of a suspension of Applicant's license(s) to practice the profession in the Commonwealth of Pennsylvania as follows:
  - a. The prosecuting attorney for the Commonwealth shall present to the Board's Probable Cause Screening Committee ("Committee") a Petition that indicates that Applicant has violated any terms or conditions of this Order.
  - b. Upon a probable cause determination by the Committee that Applicant has violated any of the terms or conditions of this Order, the Committee shall, without holding

- a formal hearing, issue a preliminary order vacating the stay of the within suspension, terminating this probation and activating the suspension of Applicant's license.
- c. Applicant shall be notified of the Committee's preliminary order within three (3) business days of its issuance by certified mail and first-class mail, postage prepaid, sent to the Applicant's last registered address on file with the Board, or by personal service if necessary.
- d. Within twenty (20) days of mailing of the preliminary order, Applicant may submit a written answer to the Commonwealth's Petition and request that a formal hearing be held concerning Applicant's violation of probation, in which Applicant may seek relief from the preliminary order activating the suspension. Applicant shall mail the original answer and request for hearing to the Department of State Prothonotary, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, shall mail a copy to the prosecuting attorney for the Commonwealth, and shall do the same with all subsequent filings in the matter.
- e. If the Applicant submits a timely answer and request for a formal hearing, the Board or a designated hearing examiner shall convene a formal hearing within forty-five (45) days from the date of the Prothonotary's receipt of Applicant's request for a formal hearing.
- f. Applicant's submission of a timely answer and request for a hearing shall not stay the suspension of Applicant's license under the preliminary order. The suspension shall remain in effect unless the Board or the hearing examiner issues an order after the formal hearing staying the suspension again and reactivating the probation.
- g. The facts and averments in this Order shall be deemed admitted and uncontested at this hearing.

- h. If the Board or hearing examiner after the formal hearing makes a determination against Applicant, a final order will be issued sustaining the suspension of Applicant's license and imposing any additional disciplinary measures deemed appropriate.
- i. If Applicant fails to timely file an answer and request for a hearing, the Board, upon motion of the prosecuting attorney, shall issue a final order affirming the suspension of Applicant's license.
- j. If Applicant does not make a timely answer and request for a formal hearing and a final order affirming the suspension is issued, or the Board or the hearing examiner makes a determination against Applicant sustaining the suspension of Applicant's license, after at least one (1) year of active suspension and any additional imposed discipline, Applicant may petition the Board for reinstatement upon verification that Applicant has complied with the Board's order, abided by and obeyed all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations pertaining to the practice of the profession in this Commonwealth.
- k. Applicant's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.
- 7. Nothing in this Order shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Order.
- 8. At such time as each and every one of Applicant's pharmacy permits, registrations, licenses, or any other authorizations to practice, in every jurisdiction in which Applicant possesses such authorizations, shall be active and unencumbered, Applicant may petition the Board to reinstate Applicant's license to unrestricted, non-probationary status upon an affirmative showing that Applicant has complied with all terms and conditions of this Order.

The State Board of Pharmacy has announced its intention to review this Proposed Report in accordance with 1 Pa. Code § 35.226(a)(2).

#### BY ORDER

Ruth D. Dunnewold Hearing Examiner

For the Applicant:

Thomas J. Weber, Esquire

CALDWELL AND KEARNS, P.C.

3631 North Front Street Harrisburg, PA 17110

For the Commonwealth:

Monty J. Batson, Esquire

GOVERNOR'S OFFICE OF GENERAL COUNSEL

DEPARTMENT OF STATE OFFICE OF CHIEF COUNSEL

PROSECUTION DIVISION

P.O. Box 69521

Harrisburg, PA 17106-9521

Date of mailing:

8/2/18

#### AGREED BOARD ORDER #L-16-076

RE: IN THE MATTER OF
APS PHARMACY
(PHARMACY LICENSE #28068)

BEFORE THE TEXAS STATE BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy (Board) the matter of pharmacy license number 28068 issued to APS Pharmacy (Respondent), 34911 United States Highway 19 North, Suite 600, Palm Harbor, Florida 34684.

By letter dated October 10, 2018, the Board gave preliminary notice to Respondent of its intent to take disciplinary action. This action was taken as a result of an investigation which produced evidence indicating that Respondent may have violated:

Sections 560.001(b); 561.002; 561.003(b); 561.0031; 561.005; and 565.002(a)(3) of the Texas Pharmacy Act, Tex. Occ. Code Ann. Title 3, Subtitle J (2015); and

Section 291.14 of the Texas Pharmacy Board Rules, 22 Tex. ADMIN. CODE (2016), in that allegedly:

#### **PREVIOUS HISTORY**

- On or about May 8, 2012, the Texas State Board of Pharmacy entered Agreed Board Order #L-12-003 in the matter of the application for pharmacy license by APS Pharmacy. The Order was based on disciplinary action entered against the pharmacy by the Florida Board of Pharmacy on May 11, 2010, regarding various violations identified during a board inspection of the pharmacy. The Order granted the license and imposed a reprimand.
- On or about November 1, 2016, the Texas State Board of Pharmacy entered Agreed Board Order #F-15-034 in the matter of APS Pharmacy. The Order was based on a disciplinary action by the Oklahoma State Board of Pharmacy for shipping prescriptions, including compounded drugs that were essentially a copy of commercially manufactured drugs, to patients in Oklahoma without a valid license, a disciplinary action by the Iowa Board of Pharmacy for shipping to patients in Iowa with a delinquent license, and the pharmacy's failure to disclose a disciplinary action by the Colorado State Board of Pharmacy on a renewal application. The Order imposed a \$6,000 penalty.

#### COUNT

On or about June 1, 2016, through on or about August 28, 2016, APS Pharmacy, 34911 United States Highway 19 North, Suite 600, Palm Harbor, Florida 34684, was unlawfully operating in that the pharmacy shipped approximately 500 prescriptions into Texas with an expired license. On or about April 27, 2016, APS Pharmacy submitted a renewal application for

Agreed Board Order #L-16-076 APS Pharmacy Page 2

a non-resident pharmacy engaged in compounding sterile preparations, but the pharmacy had not been inspected by a Texas State Board of Pharmacy approved vendor. The National Association of Boards of Pharmacy inspected the pharmacy on August 4 and 5, 2016, and the pharmacy's license was ultimately renewed on August 29, 2016.

By letter dated October 10, 2018, Respondent was notified that the matters previously set out in this Order could be disposed of without the scheduling of an informal conference or a formal administrative hearing. By signing this Order, Jaime Rios, Corporate President, Drug Depot, Inc., on behalf of Respondent, neither admits nor denies the truth of the matters previously set out in this Order, and agrees that the Board has jurisdiction in this matter and waives the right to informal conference, notice of hearing, formal administrative hearing, and judicial review of this Order.

The parties acknowledge that this Order resolves the allegations set forth herein, and agree to the terms and conditions set forth in the ORDER OF THE BOARD below.

#### ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board does hereby ORDER that:

- (1) Respondent shall pay an administrative penalty of one thousand dollars (\$1,000) due one hundred twenty (120) days after the entry of this Order.
- (2) Failure to comply with any of the requirements in this Order constitutes a violation and shall be grounds for further disciplinary action. The requirements of this Order are subject to the Texas Pharmacy Act, Tex. Occ. Code Ann., Title 3, Subtitle J (2017), and Texas Pharmacy Board Rules, 22 Tex. Admin. Code (2018).

Agreed Board Order	#L-16-076
APS Pharmacy	
Page 3	

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

ATTEST:

Allison Vordenbaumen Benz, R.Ph., M.S.
Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:

Jaime Rios, Corporate President, Drug Depot, Inc.
On bekalf of APS Pharmacy

APPROVED AS TO FORM:

Kerstin Arnold, General Counsel Texas State Board of Pharmacy

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IN THE MATTER OF

**BEFORE THE** 

DRUG DEPOT, INC. d/b/a APS PHARMACY

STATE

Respondent

**BOARD OF PHARMACY** 

Permit Number: P07142

Case Number: 18-135

#### **CONSENT ORDER**

#### Background

In March 2016, the Maryland Board of Pharmacy (the "Board") received an application for Permit from Drug Depot, Inc., d/b/a APS Pharmacy (the "Pharmacy"), Permit P07142. The Pharmacy was previously issued Permit No. P05882 on September 24, 2012, which expired on May 31, 2014 due to non-renewal. The Board issued Permit P07142 on October 21, 2016.

On January 11, 2018, the Pharmacy sent the Board a self-report notice of disciplinary action based on a Consent Order with the Michigan Board of Pharmacy. The Michigan Board of Pharmacy took action against the Pharmacy based upon similar action taken by the Oklahoma Board of Pharmacy. These actions were taken against the Pharmacy primarily for practicing pharmacy without an active permit in those jurisdictions, and as a result the Board opened an investigation into the Pharmacy and issued a subpoena for the Pharmacy's dispensing records. These records showed that the Pharmacy dispensed over 3,800 prescriptions into the State of Maryland between May 31, 2014, and October 21, 2016 while the Pharmacy was not permitted to do so.

In lieu of instituting formal proceedings against the Pharmacy, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 et seq., the Board and Drug Depot, Inc. d/b/a APS Pharmacy agreed to resolve this matter as set forth in this Consent Order.

#### FINDINGS OF FACT

- The Pharmacy was initially issued a permit to operate as a nonresident pharmacy in the State of Maryland on or about September 24, 2012, under permit number P05882. This permit expired on May 31, 2014 due to non-renewal.
- 2. On or about March 17, 2016, the Pharmacy submitted a new application ("the application") for Nonresident Pharmacy Permit to the Board. On October 21, 2016, a new Nonresident Pharmacy Permit was issued to the Pharmacy under permit number P07142. This permit is scheduled to expire on May 31, 2020.
- 3. As part of its new application, the Pharmacy attached disciplinary actions from the Boards of Pharmacy in the States of Iowa, Alabama, and Florida.
- 4. On or about January 11, 2018, the Board received a self-report notice of disciplinary action from the Pharmacy based on a consent order with the Michigan Board of Pharmacy ("Michigan Board.")
- 5. The Board then opened an investigation into the Pharmacy.
- 6. On or about October 6, 2016 the Michigan Board took disciplinary action against the Pharmacy, and subsequently entered into a Consent Order based upon action

- taken against the Pharmacy by the Oklahoma Board of Pharmacy ("Oklahoma Board"), and the Iowa Board of Pharmacy ("Iowa Board"), respectively.
- 7. The Michigan Board of Pharmacy placed the Pharmacy on a six (6) month probation, and assessed a \$2,500 fine. The Stipulation and Consent Order were agreed to by the Pharmacy on or about February 7, 2017.
- 8. On or about February 2, 2016, the Oklahoma Board of Pharmacy ("Oklahoma Board") issued a Final Order regarding violations committed by the Pharmacy. The Oklahoma Board and the Pharmacy agreed to findings of fact including the following grounds for discipline: The Pharmacy mailed patient-specific drugs to an address other than the patient's home or place of employment; and the Pharmacy was not continuously licensed by the Oklahoma Board during the entire time in which prescriptions were being filled. In addition, on or about August 11, 2015 the Pharmacy in its license application answered "No" to the question of having been sanctioned or disciplined regarding any license permit or registration issued to the applicant. This question was answered in the negative despite Pharmacy having entered into a Settlement Agreement with the State of Florida Board of Pharmacy ("Florida Board") on or about January 7, 2010.
- 9. On or about February 24, 2016, the Pharmacy was placed on a three (3) year probation by the Oklahoma Board of Pharmacy, and assessed a \$15,000 fine for operating without a license, filing false reports, and unauthorized dispensing of medication from October 1, 2013, through May 31, 2015.

- 10. On or about May 11, 2010, the Pharmacy entered into a Final Order with the Florida Board. Pursuant to the Final Order, the Pharmacy did not dispute allegations outlined in the Administrative Complaint including but not limited to: wholesaling drugs without a permit, dispensing prescription drugs without prescriptions, purchasing prescription drugs from an unauthorized vendor, mislabeling of drugs, and improper storage of prescription drugs. The Pharmacy was ordered to pay costs of investigation and prosecution totaling \$2,534.31.
- 11. On or about August 17, 2015, the Pharmacy entered into a Consent Order with the Alabama Board of Pharmacy ("Alabama Board.") Pursuant to the Consent Order the Pharmacy pled guilty to "engaging in the selling, offering for sale, compounding, or dispensing of drugs during the year 2015 without first having your permit with the Board..." The Pharmacy was ordered to pay a fine in the amount of \$500.
- 12. On or about March 8, 2016, the Pharmacy entered a Consent Order with the Iowa Board of Pharmacy ("Iowa Board.") Pursuant to the Consent Order the Pharmacy admitted to "providing pharmacy services to Iowa residents without an active Iowa pharmacy license." The Pharmacy was ordered to pay a civil penalty of \$2,500.
- 13. On or about January 12, 2018, staff from the Maryland Board subpoenaed dispensing records from the Pharmacy covering the period of May 31, 2014 through October 21, 2016, during which Pharmacy's nonresident pharmacy permit was

lapsed. The dispensing records revealed that in the period of time during which the nonresident pharmacy permit was lapsed, the Pharmacy dispensed over 3,800 prescriptions into the State of Maryland.

14. The Pharmacy has since made several administrative and personnel changes to their in-house practices in the wake of the previous violations. The Pharmacy indicates that they have added a full-time quality assurance pharmacist whose dedicated responsibilities include all regulatory matters in relation to sterile and non-sterile compounding. The pharmacy has also added another position to handle all regulatory and compliance matters at both the federal and state levels. The Pharmacy believes these changes will prevent any future compliance issues from taking place.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Pharmacy is subject to disciplinary action in accordance with Md. Code Ann., Health Occ. §§ 12-313(b)(24) and (25), 12-403(c)(1), (e)(1), and (g)(1).

#### **ORDER**

Based on an affirmative vote of a majority of the Board,	it is this	_ day of
 , 2019, hereby:		

ORDERED that Drug Depot, Inc., d/b/a APS Pharmacy, Permit No. P07142, shall be assessed a civil fine in the amount of FIVE THOUSAND

DOLLARS (\$5,000.00), payable to the Maryland Board of Pharmacy within thirty (30) days of the date of this Order, and sent to:

Wells Fargo Bank

Attn: State of Maryland – Board of Pharmacy

Lockbox 2051

7175 Columbia Gateway Drive

Columbia, Maryland 21046

(Please include the Case Number 18-135 to ensure proper assignment.);

and it is further

ORDERED that failure to pay in full the above fine within thirty (30) 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 it is further

ORDERED that Drug Depot, Inc., d/b/a APS Pharmacy, shall practice in Maryland at all times in accordance with the Maryland Pharmacy Act; and it is further

ORDERED that in the event that Drug Depot, Inc., d/b/a APS

Pharmacy violates any of the terms above, the Board, after notice and an opportunity for a hearing, and a determination of a violation, may impose any disciplinary sanction it deems appropriate, including suspension, revocation,

and fines, said violation being proven by a preponderance of the evidence; and it is further

ORDERED that this is a formal order and as such is a public document pursuant to Md. Code Ann., General Provisions Art. § 4-301 et seq.

1-28-19

Date

Deena Speights-Napata
Executive Director for:

Kevin Morgan, Pharm. D. Board President

### **CONSENT**

- The Pharmacy submits to the foregoing Consent Order as a resolution of this matter
  in lieu of formal charges, in order to avoid the cost and uncertainty of litigation and
  without admitting that its conduct violated any law, code or regulation.
- 2. By signing this Consent, the Pharmacy waives any rights it may have had to contest the findings and determinations contained in this Consent Order.
- 3. The Pharmacy acknowledges that this is a formal order of the Board and as such is a public document.

- 4. The Pharmacy acknowledges the legal authority and the jurisdiction of the Board to enter into and enforce this Consent Order.
- 5. The Pharmacy signs this Consent Order freely and voluntarily and after having had the opportunity to consult with counsel. The Pharmacy fully understands the language, meaning, and effect of this Consent Order.

Name: Title:

Drug Depot, Inc. d/b/a APS Pharmacy

Permit No. P07142

### **NOTARY**

STATE OF Florida CITY/COUNTY OF Pinellas
I HEREBY CERTIFY that on this 17th day of January,
2019, before me, a Notary Public of the foregoing State and City/County
personally appeared <u>Jame Rios</u> and made oath in due form
of law that signing the foregoing Consent Order was his/her voluntary act and
deed.

AS WITNESSETH my hand and notary seal.

Bonded Thru Budget Notary Services

Religiona Marculia.
Notary Public

My commission expires:

### STATE OF ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AT REGULATION, DIVISION OF PRO		)	90
of the State of Illinois,	Complainant,	)	No. 2018-01718
v.		)	
DRUG DEPOT INC.,		)	
License No. 054.018831,	Respondent.	)	

### **CONSENT ORDER**

The Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation, by and through Brandon R. Thom, Enforcement Attorney of Health-Related Prosecutions, and Drug Depot Inc., Respondent, hereby agree to the following:

### STIPULATIONS

Drug Depot Inc. (hereinafter "Respondent") is the holder of a pharmacy license in the State of Illinois, License No. 054.018831. Said license is currently in active status. At all times material to the matter set forth in this Consent Order, the Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation (hereinafter the "Department") has had jurisdiction over the subject matter and parties herein.

On or about March 8, 2016, Respondent entered into a Settlement Agreement and Final Order with the Iowa State Board of Pharmacy. Respondent's lowa pharmacy license was disciplined for shipping approximately one hundred (100) prescriptions into Iowa without an active registration issued by the Iowa State Board of Pharmacy. Respondent was assessed a fine of two thousand five hundred dollars (\$2,500.00) by the Iowa Board of Pharmacy.

On or about February 19, 2016, Respondent entered into an Agreed Order with the Oklahoma State Board of Pharmacy. Respondent's Oklahoma pharmacy license was disciplined for shipping pharmaceuticals into Oklahoma without an active registration issued by the Oklahoma State Board of

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Pharmacy. Respondent was placed on probation for a period of three (3) years and was assessed a fine of fifteen thousand dollars (\$15,000.00) by the Oklahoma Board of Pharmacy.

On or about November 1, 2016, Respondent entered into an Agreed Board Order with the Texas State Board of Pharmacy. Respondent's Texas pharmacy license was disciplined for failing to disclose prior sister state discipline on an application for renewal of Respondent's Texas Pharmacy License. Respondent was assessed a fine of six thousand dollars (\$6,000.00) by the Texas Board of Pharmacy.

On or about December 14, 2016, Respondent entered into a Stipulation and Final Agency Order with the Colorado State Board of Pharmacy. Respondent's Colorado pharmacy license was disciplined due to adverse actions in Iowa and Oklahoma. Respondent was placed on an indefinite probation by the Colorado Board of Pharmacy. Respondent's Colorado probation has since been terminated.

On or about July 28, 2017, Respondent was disciplined by the California State Board of Pharmacy. Respondent's California pharmacy license was cited and issued a fine of five thousand dollars (\$5,000.00) due to adverse actions taken in Iowa and Oklahoma.

On or about January 6, 2017, Respondent was disciplined by the Kansas State Board of Pharmacy. Respondent's Kansas pharmacy license was disciplined due to adverse action in Oklahoma. Respondent was placed on probation by the Kansas Board of Pharmacy. Respondent's Kansas probation has since been terminated.

On or about April 3, 2017, Respondent entered into a Consent Order with the Louisiana Board of Pharmacy. Respondent's Louisiana pharmacy license was disciplined for failing to report prior sister state disciplines to the Louisiana Board of Pharmacy. Respondent was assessed a fine of twenty thousand dollars (\$20,000.00) by the Louisiana Board of Pharmacy.

On or about October 11, 2017, Respondent entered into a Consent Order with the Michigan Board of Pharmacy. Respondent's Michigan pharmacy license was disciplined for failing to report

prior sister state complaints to the Michigan Board of Pharmacy. Respondent was assessed a fine of two hundred fifty dollars (\$250.00) by the Michigan Board of Pharmacy.

On or about January 9, 2018, Respondent entered into a Consent Order with the Alabama Board of Pharmacy. Respondent's Alabama pharmacy license was disciplined for failing to report prior sister state disciplines to the Alabama Board of Pharmacy. Respondent was assessed a fine of twenty-five thousand dollars (\$25,000.00) by the Alabama Board of Pharmacy.

The aforementioned conduct, if proven to be true, would constitute grounds for disciplinary action against Respondent's pharmacy license on the authority of 225 ILCS 85/30(a)(8).

Respondent has been advised of the right to have the pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Illinois State Board of Pharmacy or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation. Respondent acknowledges that Respondent has entered into this Consent Order freely and of Respondent's own will without threat or coercion by the Department or any person. Respondent acknowledges that the Department attorney may be requested to communicate with the Illinois State Board of Pharmacy or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation in furtherance of the approval of this Consent Order.

Respondent and the Department have agreed that Respondent be permitted to enter into this Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in these circumstances and which are consistent with the best interest of the people of the State of Illinois.

### CONDITIONS

WHEREFORE, the Illinois Department of Financial and Professional Regulation, Division of Professional Regulation through Brandon R. Thom, Enforcement Attorney of Health-Related Prosecutions, and Drug Depot Inc., Respondent, agree:

- A. Respondent's Illinois Pharmacy License, license No. 054.018831, shall be REPRIMANDED.
- B. This Consent Order is a public disciplinary action and will be reported to all applicable public indexes, including the National Association of Boards of Pharmacy. This Consent Order will be available to the general public;
- C. This Consent Order shall become effective upon signing and approval by the Director of the Division of Professional Regulation of the Department of Financial and Professional Regulation.
- D. The above-named Respondent consents to electronic service of the Final Director's Order in lieu of service by certified mail. Service shall be made upon Respondent and Respondent's Attorney's email addresses of record with the Department.
- E. A copy of any original signature(s) affixed to this Consent Order shall be given the full force and effect of an original signature(s) affixed to this Consent Order.

Signatures on the following page.

dir

	DIVISION OF PROFESSIONAL REGULATION of the State of Illinois
8-23-19 DATE	Brandon R. Thom
8/12/19 DATE	Enforcement Attorney, Health-Related Prosecutions  When health-Related Prosecutions
	Drag Depot Inc. Respondent  WWW.
DATE	Member- Illinois State Board of Pharmacy

This Consent Order is approved in full.

DATED THIS My DAY OF Stander, 2019

ILLINOIS DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION SECRETARY DEBORAH HAGAN

Acting Director Cecilia Abundis Division of Professional Regulation

> Case No. 2018-01718 License No. 054.018831

### STATE OF MISSOURI MISSOURI BOARD OF PHARMACY

IN RE:	)
	)
DRUG DEPOT, INC.	)
d/b/a APS PHARMACY	)
34911 US Highway 19 N, Ste. 600	)
Palm Harbor, FL 34684	)
Permit No. 2012034117	j

### SETTLEMENT AGREEMENT BETWEEN STATE BOARD OF PHARMACY AND DRUG DEPOT, INC. d/b/a APS PHARMACY

COME NOW Drug Depot, Inc. d/b/a APS Pharmacy ("Respondent" or the "Pharmacy") and the Missouri Board of Pharmacy ("Petitioner" or "Board") and enter into this Settlement Agreement for the purpose of resolving the question of whether Respondent's permit to operate as a pharmacy will be subject to discipline.

Pursuant to the terms of Section 536.060, RSMo, the parties hereto waive the right to a hearing by the Administrative Hearing Commission of the State of Missouri ("AHC") and, additionally, the right to a disciplinary hearing before the Board under Section 621.110, RSMo, and stipulate and agree that a final disposition of this matter may be effectuated as described below.

Respondent acknowledges that it understands the various rights and privileges afforded it by law, including the right to a hearing of the charges against it; the right to appear and be represented by legal counsel; the right to have all charges against it proved upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against it; the right to a decision upon the record by a fair and impartial Administrative Hearing Commissioner concerning the charges pending against it and, subsequently, the right to a disciplinary hearing before the Board, at which time it may present evidence in mitigation of

discipline; and the right to recover attorney's fees incurred in defending this action against its permit. Being aware of these rights provided it by operation of law, Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Settlement Agreement and agrees to abide by the terms of this document as they pertain to it.

Respondent acknowledges that it has received a copy of the draft complaint to be filed with the AHC, the investigative report, and other documents relied upon by the Board in determining there was cause for discipline against Respondent's permit.

For purposes of settling this dispute, Respondent stipulates that the factual allegations contained in this Settlement Agreement are true and further stipulates that Respondent's permit as a pharmacy, numbered 2012034117, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621 and Chapter 338, RSMo.

### **JOINT STIPULATION OF FACTS**

- 1. Petitioner is an agency of the State of Missouri created and established pursuant to Section 338.110, RSMo, <sup>1</sup> for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.
- 2. Respondent, located at 34911 US Hwy. 19 N, Ste. 600, Palm Harbor, FL 34684, is permitted by the Board as a pharmacy under permit number 2012034117. Respondent's permit was at all times relevant herein current and active.
- 3. On or about July 10, 2017, Petitioner learned that the Kansas Board of Pharmacy entered a Summary Order dated January 6, 2017, placing Respondent's renewal registration on probation for a period not to exceed five (5) years ("Kansas Order"). The Kansas Order states

<sup>&</sup>lt;sup>1</sup> All statutory references are to the Revised Statutes of Missouri 2016, as amended, unless otherwise stated.

that the discipline imposed by Kansas was based on discipline and probation imposed by the Oklahoma State Board of Pharmacy.

- 4. The Oklahoma Board of Pharmacy and Respondent entered into Agreed Findings of Fact, Conclusions of Law, and Final Order on or about February 24, 2016, placing Respondent on probation for three (3) years and imposing a fine of \$15,000.00 (Fifteen Thousand and 00/100 Dollars) (the "Oklahoma Order"). The Oklahoma probationary period has ended.
- 5. The Oklahoma Board alleged, among others, that Respondent violated Oklahoma law by shipping prescriptions, including controlled substance prescriptions, into the State of Oklahoma without a valid license; by compounding a commercially available drug; by dispensing prescriptions when it knew or should have known that they were issued without valid pre-existing patient-prescription relationships; and by failing to conduct its business in conformity with all federal, state and municipal laws.
- 6. Respondent admitted it violated Oklahoma law by shipping prescriptions, including controlled substance prescriptions, into the State of Oklahoma without a valid license and by failing to conduct its business in conformity with all federal, state and municipal laws. Respondent neither admitted nor denied that it dispensed prescriptions when it knew or should have known that they were issued without valid pre-existing patient-prescription relationships.
- 7. Respondent has also been disciplined in Alabama, California, Colorado, Iowa, Michigan, Minnesota, Oregon, and Texas.
- 8. On or about March 8, 2016, the Iowa State Board of Pharmacy and Respondent entered into a Settlement Agreement and Final Order wherein the Iowa Board imposed a

\$2,500.00 (Two Thousand Five Hundred and 00/100 Dollars) civil penalty upon Respondent for providing pharmacy services to Iowa residents without an active Iowa pharmacy license.

- 9. On or about November 1, 2016, the Texas State Board of Pharmacy and Respondent entered into an Agreed Board Order imposing an administrative penalty of \$6,000.00 (Six Thousand and 00/100 Dollars) on Respondent for providing false information on its nonresident pharmacy application for renewal and based for violations cited in the Oklahoma and Iowa Orders.
- 10. On or about December 16, 2016, the Colorado State Board of Pharmacy and Respondent entered into a Stipulation and Final Agency Order placing Respondent's registration as a non-resident prescription drug outlet on indefinite probation until it had submitted documentation to the Colorado Board showing unencumbered status in all other states in which it is registered ("Colorado Order"). Respondent admitted that its failure to report the Oklahoma and Iowa Orders to the Colorado Board constituted unprofessional conduct and violations of Colorado law, including its reporting requirements.
- 11. On or about April 12, 2017, the Michigan Board of Pharmacy entered a Consent Order and Stipulation placing Respondent's pharmacy license on probation for six (6) months and imposing a \$2,500.00 (Two Thousand Five Hundred and 00/100 Dollars) fine as a result of the Oklahoma and Iowa Orders.
- 12. On or about July 28, 2017, the California Board of Pharmacy issued a citation and imposed a fine of \$5,000.00 (Five Thousand and 00/100 Dollars) on Respondent for unprofessional conduct as a result of the discipline issued under the Oklahoma and Iowa Orders.
- 13. On or about January 9, 2018, the Alabama State Board of Pharmacy and Respondent entered into a Consent Order imposing a \$25,000.00 (Twenty-Five Thousand and

00/100 Dollars) administrative fine on Respondent's non-resident pharmacy permit for unprofessional conduct based on the entry of and/or certain allegations in the Oklahoma, Iowa, Colorado and California and Texas Orders.

- 14. On or about January 16, 2018, the Minnesota Board of Pharmacy and Respondent entered into a Stipulation reprimanding Respondent's pharmacy license and imposing a \$2,500.00 (Two Thousand Five Hundred and 00/100 Dollars) civil fine for shipping compounded preparations into Minnesota without patient-specific prescriptions under a pharmacy license, dispensing legend drugs without valid prescriptions, making wholesale transactions in Minnesota without a wholesaler license, and dispensing and shipping veterinary medications into Minnesota without the appropriate licensure, all in violation of Minnesota law.
- 15. On or about March 12, 2018, the Oregon Board of Pharmacy and Respondent entered into a Consent Order placing Respondent on probation for the duration of the probation imposed by the Oklahoma Board of Pharmacy for the violations contained in the Oklahoma Order which violated acceptable standards of practice and unprofessional conduct in Oregon. The Oregon probation has been completed.
- 16. On or about September 9, 2019, the Department of Financial and Professional Registration of the State of Illinois, Division of Professional Registration and Respondent entered into a Consent Order agreeing that Respondent's Illinois pharmacy license is reprimanded for conduct described above which would constitute grounds for disciplinary action in Illinois.
- 17. Respondent is subject to discipline in Missouri because Respondent has been the subject of disciplinary action in multiple states on grounds for which denial/discipline is authorized in Missouri under Section 338.055.2(8), RSMo.

### JOINT CONCLUSIONS OF LAW

- 17. Cause exists for Petitioner to take disciplinary action against Respondent's pharmacy permit under Section 338.055.2(8) and (15), RSMo, which states, in pertinent parts:
  - 2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his or her certificate of registration or authority, permit or license for any one or any combination of the following causes:

\* \* \*

(8) Denial of licensure to an applicant or disciplinary action against an applicant or the holder of a license or other right to practice any profession regulated by this chapter granted by another state, territory, federal agency, or country whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, surrender of the license upon grounds for which denial or discipline is authorized in this state;

\* \* \*

(15) Violation of the drug laws or rules and regulations of this state, any other state or the federal government.

### JOINT AGREED DISCIPLINARY ORDER

Based upon the foregoing, the parties mutually agree and stipulate that the following shall constitute the Disciplinary Order entered by the Board in this matter under the authority of Section 621.045.3, RSMo:

- 1. Respondent's pharmacy permit numbered 2012034117 shall be placed on **PROBATION** for a period of **THREE** (3) **YEARS** ("Disciplinary Period"). The terms of discipline shall be as follows:
  - A. Respondent shall pay all required fees for licensing to the Board and shall renew its pharmacy license prior to October 31 of each licensing year.

- B. Respondent shall comply with all provisions of Chapter 338, Chapter 195, and all applicable federal and state drug laws, rules and regulations and with all federal and state criminal laws. "State" here includes the State of Missouri and all other states and territories of the United States.
- C. If requested, Respondent shall provide the Board a list of all licensed pharmacists employed by Respondent, and the individuals' current home addresses and telephone numbers.
- D. If, after disciplinary sanctions have been imposed, Respondent fails to keep its pharmacy license current, the period of unlicensed status shall not be deemed or taken as any part of the time of discipline so imposed.
- E. Respondent shall report to the Board, on a preprinted form supplied by the Board office, once every six (6) months (due by each January 1 and July 1), beginning with whichever date occurs first after this Agreement becomes effective, stating truthfully whether or not it has complied with all terms and conditions of its disciplinary order.
- F. Respondent shall not serve as an intern training facility for Missouri interns.
- G. Respondent shall make a representative of the pharmacy available for personal interviews to be conducted by a member of the Board or the Board of Pharmacy staff. Said meetings will be at the Board's discretion and may occur periodically during the Disciplinary Period. Respondent will be notified and given sufficient time to arrange these meetings.
- H. Respondent's failure to comply with any condition of discipline set forth herein constitutes a violation of this disciplinary Agreement.
- I. The parties to this Agreement understand that the Board of Pharmacy will maintain this Agreement as an open record of the Board as provided in Chapters 324, 338, 610, RSMo.
- 2. Upon the expiration of said discipline, Respondent's license as a pharmacy in Missouri shall be fully restored if all other requirements of law have been satisfied provided, however, that in the event the Board determines that the Respondent has violated any term or condition of this Settlement Agreement the Board may, in its discretion, after an evidentiary hearing, vacate and set aside the discipline imposed herein and may suspend, revoke, or lawfully discipline the Respondent.

- 3. No order shall be entered by the Board pursuant to the preceding paragraph of this Settlement Agreement without notice and an opportunity for hearing before the Board in accordance with the provisions of Chapter 536, RSMo.
- 4. If the Board determines that Respondent has violated a term or condition of this Settlement Agreement, which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court, the Board may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Settlement Agreement in its determination of appropriate legal actions concerning that violation. If any alleged violation of this Settlement Agreement occurred during the disciplinary period, the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held to determine whether a violation occurred and, if so, it may impose further discipline. The Board retains jurisdiction to hold a hearing to determine if a violation of this Settlement Agreement has occurred.
- 5. The terms of this Settlement Agreement are contractual, legally enforceable, binding, and not merely recitals. Except as otherwise contained herein, neither this Settlement Agreement nor any of its provisions may be changed, waived, discharged, or terminated, except by an instrument in writing signed by the party against whom the enforcement of the change, waiver, discharge, or termination is sought.
- 6. Respondent hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs, and expenses, and compensation, including, but not limited to, any claims for attorney's fees and expenses, including any claims pursuant to Section 536.087, RSMo, or any claim arising under 42 U.S.C.

§1983, which may be based upon, arise out of, or relate to any of the matters raised in this litigation, or from the negotiation or execution of this Settlement Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Settlement Agreement in that it survives in perpetuity even in the event that any court of law deems this Settlement Agreement or any portion thereof void or unenforceable.

RESPONDENT, AS EVIDENCED BY THE INITIALS ON THE APPROPRIATE LINE,

	REQUESTS
X	DOES NOT REQUEST

THE AHC TO DETERMINE IF THE FACTS SET FORTH HEREIN ARE GROUNDS FOR DISCIPLINING RESPONDENT'S PERMIT TO OPERATE AS A PHARMACY.

Respondent understands that it may, either at the time the Settlement Agreement is signed by all parties, or within fifteen (15) days thereafter, submit the Settlement Agreement to the AHC for determination that the facts agreed to by the parties constitute grounds for disciplining Respondent's permit. If Respondent desires the AHC to review this Agreement, it may submit its request to: Administrative Hearing Commission, Truman State Office Building, Room 640, 301 W. High Street, P.O. Box 1557, Jefferson City, Missouri 65101.

If Respondent has not requested review by the AHC, the Settlement Agreement goes into effect fifteen (15) days after the document is signed by the Board's Executive Director ("Effective Date").

[Remainder of page left blank intentionally – signature page follows]

RESPONDENT

DRUG DEPOT, INC. d/b/a APS PHARMACY

By:

President

As Authorized Agent for DRUG DEPOT, INC. d/b/a APS PHARMACY

Date:

12/2/2019

Date:

GREENSFELDER, HEMKER & GALE, P.C.

By:

Sanja Ord

#67340

10 S. Broadway, Suite 2000

St. Louis, MO 63102

Telephone: (314) 345-5448

Fax: (314) 516-2693 sord@greensfelder.com

Attorneys for Drug Depot, Inc. d/b/a APS Pharmacy

**PETITIONER** 

MISSOURI BOARD OF

PHARMACY

By:

Kimberly Crinston
Executive Director

NEWMAN, COMLEY & RUTH P.C.

By:

Alfaia)Embley Turner

#48675

601 Monroe, Suite 301

P.O. Box 537

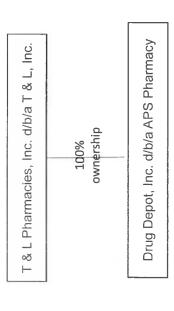
Jefferson City, MO 65102-0537

Telephone: (573) 634-2266

Fax: (573) 636-3306 turnera@ncrpc.com

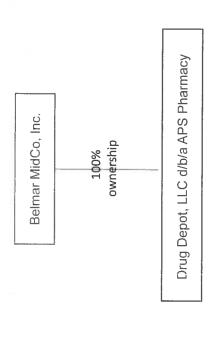
Attorneys for Missouri Board of Pharmacy

### Old Structure



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### New Post-Closing Structure



### Ownership Information for Drug Depot, LLC d/b/a APS Pharmacy

Drug Depot, LLC d/b/a APS Pharmacy 34911 US Highway 19 N, Ste. 600 Palm Harbor, FL 34684 Ph: 888-787-4137 Fx: 866-739-4750

### Officers of Drug Depot, LLC:

- Jaime Rios, President
  Lafferre Lane
  Hilliard, OH 43026
- Michael A. Marling, Vice President
   16 Canopy Dr.
   Tampa, FL 33626
- David Malm, Secretary and Treasurer Boylston Street, # 9009
   Boston, MA 02116

### Drug Depot, LLC will be wholly owned by Belmar MidCo, Inc.

Belmar MidCo, Inc. c/o Webster Equity Partners 1000 Winter Street Waltham, MA 02451 (781) 419-1515

Officers and Directors of Belmar MidCo, Inc.:

- David W. Hill, CEO and President
- Robert Kilgore, VP and CFO
- David P. Malm, Secretary and Treasurer; Director

Drug Depot, LLC is Manager-Managed by Belmar Holdings, Inc.



Driving progress through partnership David T. Hartmann

Direct Phone: +1 312 207 6556 Email: dhartmann@reedsmith.com Reed Smith LLP 10 South Wacker Drive Chicago, IL 60606-7507 +1 312 207 1000 Fax +1 312 207 6400 reedsmith.com

April 10, 2020

Nevada State Board of Pharmacy 985 Damonte Ranch Pkwy Suite 206, Reno, NV 89521

Re: Drug Depot, LLC d/b/a APS Pharmacy [Permit#PH02716]

Dear Sir or Madam:

On behalf of the Applicant, Drug Depot, LLC d/b/a APS Pharmacy ("APS"), please accept the attached Change of Ownership Application for review and approval. Also enclosed is a cashier's check made out to Nevada State Board of Pharmacy in the amount of \$500.

By way of background, on or about May 14, 2020, APS will undergo a reorganization and change of ownership wherein the current licensee, Drug Depot, Inc. d/b/a APS Pharmacy, will be converted from a corporation to a limited liability company, and its equity will be contributed to a new parent entity, Belmar Midco, Inc. APS Pharmacy will, thereafter, operate as Drug Depot, LLC d/b/a APS Pharmacy. The location and operations will otherwise remain unchanged. For ease of reference, please see the preand post-closing organization structure charts enclosed with this application.

Please feel free to contact me at 312-207-6556, or my paralegal, Silvia Somoza, at 312-651-1620, with any questions during the application review process.

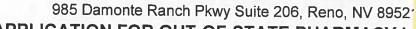
Very truly yours,

David 7. Hartmann

David. T. Hartmann

**17B** 

### NEVADA STATE BOARD OF PHARMACY





### APPLICATION FOR OUT-OF-STATE PHARMACY L

\$500.00 Fee made payable to: Nevada State Board of Pha

(non-refundable and not transferable money order or cashier's Application must be printed legibly or typed

Any misrepresentation in the answer to any question on this application is grounds for refusal or denial of the application or subsequent revocation of the license issued and is a violation of the laws of the State of Nevada.

Cneck box below  ☐ Publicly Trade	y or <b>☐Ownership Chang</b> e (Provide cu y for type of ownership and complete all r ed Corporation – Pages 1,2,3,7 Traded Corporation – Pages 1,2,4,7	equii רו	red forms. Partnership - Pages 1 2 5 7
	ORMATION to be completed by all		
	e: Sisu Healthcare Solutions, Inc.		
Physical Addres	ss: 914 S. 52nd St. Ste. 110 Tempe, A	Z 85	5281
Mailing Address	914 S. 52nd St. Ste. 110		
City: <u>Tempe</u>	State: <u>Arizo</u>	ona	Zip Code: 85281
Telephone: (48	o) 999-4488 Fax: <u>(480</u>		
			d per NAC 639.708)
			www.sisuhealthcaresolutions.com
Managing Phar	macist: Samantha Chapman 207-40		
	PE OF PHARMACY AND		RVICES PROVIDED
	es/No		s/No
	☐ Retail		☑ Off-site Cognitive Services
	☑ Hospital (# beds <u>N/A</u> )	X	□ Parenteral **
	🛚 Internet	X	☐ Parenteral (outpatient)
	🖾 Nuclear		☑ Outpatient/Discharge
	Ambulatory Surgery Center		☑ Mail Service
	☑ Community		🖾 Long Term Care
	☑ Other: <u>N/A</u>	X	☐ Sterile Compounding **
			☒ Non Sterile Compounding
	boxes must be checked	X	☐ Mail Service Sterile Compounding **
Fo	r the application to be complete		☑ Other Services: N/A

<sup>\*\*</sup>If you check "yes" on any of these types of services, you will be required to make an appearance at the board meeting,

### APPLICATION FOR OUT-OF STATE PHARMACY LICENSE

This page must be submitted for all types of ownership.

Within	the last five (5) years:	
1)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been charged, or convicted of a felony or gross misdemeanor (including by way of a guilty plea or no contest plea)?	Yes □ No 🏻
2)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been denied a license, permit or certificate of registration?	Yes □ No 🏻
3)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been the subject of an administrative action, board citation, site fine or proceeding relating to the pharmaceutical industry?	Yes □ No 🛭
4)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever been found guilty, pled guilty or entered a plea of nolo contendere to any offense federal or state, related to controlled substances?	Yes □ No 🛚
5)	Has the corporation, any owner(s), shareholder(s) or partner(s) with any interest, ever surrendered a license, permit or certificate of registration voluntarily or otherwise (other than upon voluntary close of a facility)?	Yes □ No 🔯
Copies	answer to question 1 through 5 is "yes", a signed statement of explanation mass of any documents that identify the circumstance or contain an order, agree a lition may be required.	ust be attached, ment, or other
correc	by certify that the answers given in this application and attached documental t. I understand that any infraction of the laws of the State of Nevada regulat ion of an authorized pharmacy may be grounds for the revocation of this pe	ina the
under correct employ backgr	read all questions, answers and statements and know the contents thereof. penalty of perjury, that the information furnished on this application are true, t. I hereby authorize the Neveda State Board of Pharmacy, its agents, servayees, to conduct any investigation(s) of the business, professional, social and round, qualification and reputation, as it may deem necessary, proper or designation.	accurate and nts and moral irable.
Origina	al Signature of Person Authorized to Submit Application, no copies or stamp	
<u>Marc</u> Print N	tus Ulm Z/23/202 Iame of Authorized Person Date	O Me
	Date - 1	Page 2
Board	Use Only Date Processed: MAR 0 9 2020 Amount:	

### APPLICATION FOR OUT-OF-STATE PHARMACY LICENSE

### OWNERSHIP IS A NON PUBLICY TRADED CORPORATION

State of Incorporation: Arizona	
Mailing Address: 914 S. 52nd St. Ste	. 110
	State: <u>AZ</u> Zip: <u>85281</u>
Telephone: 480-999-8844	Fax: <u>480-999-8844</u>
Contact Person: Marcus Ulm	
For any corporation non publicly trade	d, disclose the following:
1) List top 4 persons to whom the	shares were issued by the corporation?
a) <u>Marcus Ulm</u> Name	914 S. 52nd St. Ste. 110 Tempe, AZ 85281 Address
b) <u>David Scheven</u> Name	914 S. 52nd St. Ste. 110 Tempe, AZ 85281 Address
c) Thomas Martin Name	914 S. 52nd St. Ste. 110 Tempe, AZ 85281  Address
d) <u>Keith Zobrist</u> Name	914 S. 52nd St. Ste. 110 Tempe, AZ 85281 Address
2) Provide the number of shares	ssued by the corporation. 100,000
3) What was the price paid per st	are?001
4) What date did the corporation	ctually receive the cash assets? 06/01/2018
5) Provide a copy of the corporati	on's stock register evidencing the above information
List any physician shareholders and p	ercentage of ownership.
Name: N/A	%:N/A
	%: <u>N/A</u>
Hours of Operation for the pharma	<u>y:</u>
Monday thru Friday <u>8:30</u> am <u>5:</u>	o_pm Saturday <u>N/A_</u> am <u>N/A_</u> pr
Sunday <u>N/A</u> am <u>N</u>	A_pm 24 HoursX
A Nevada business license is not requirense please provide the number:	ired, however if the pharmacy has a Nevada business
	Page 4

requirements of the Securities Act of Arizona, as amended, and the Federal Securities Act of 1933, as amended, by virtue of applicable exemptions from the registration requirements thereof.

NOW THEREFORE, the following resolutions are hereby approved and adopted:

RESOLVED, that upon receipt of consideration, the President and Secretary be and they hereby are authorized to issue One Hundred Thousand (100,000) shares of the Corporation's Common Stock, \$.001 Par Value; and

RESOLVED FURTHER, that such shares of Common Stock shall be issued to the following persons for the consideration set opposite their respective names:

Names	<b>Shares</b>	Consideration
Marcus Ulm	25,000	\$500.00
The Scheven Family Trust dated 11/13/02	25,000	\$500.00
The Martin Family Trust dated 10/12/05	25,000	\$500.00
The Zobrist Family Revocable Trust dated 6/28/06	25,000	\$500.00

RESOLVED FURTHER, that the issuance of such shares of Common Stock is being made in reliance upon applicable exemptions from the registration requirements of the Federal Securities Act of 1933, as amended, and the Securities Act of Arizona, as amended, and the President and Secretary be and they hereby are authorized and directed to stamp the certificates representing such shares of Common Stock with the appropriate legend and to take such further action as shall be necessary or appropriate to comply with such requirements in connection with the issuance of such shares of Common Stock.

### Federal Employer Identification Number

RESOLVED, that officers of this Corporation, be and they are hereby authorized and directed, for and on behalf of the Corporation, to execute all documents necessary and take any and all action required to enable the Corporation to obtain a federal employer identification number under the applicable provisions of the Internal Revenue Code.

### Fiscal Date

RESOLVED, that the fiscal date of the Corporation shall be December 31 of each year.

### Shareholders Agreement

RESOLVED, that the officers of this Corporation, be and they are hereby authorized and directed, for an and on behalf of the Corporation to sign that certain Shareholders Agreement attached hereto as Exhibit "C" and that that a

### **ENTITY INFORMATION**

Search Date and Time: 2/24/2020 4:04:55 PM

**Entity Details** 

**Entity Name:** 

SISU HEALTHCARE SOLUTIONS, INC.

Entity ID:

1862123

**Entity Type:** 

Domestic For-Profit (Business) Corporation

**Entity Status:** 

Active

Formation Date:

6/1/2018

Reason for Status:

In Good Standing

Approval Date:

7/3/2018

Status Date:

7/3/2018

Original Incorporation Date:

6/1/2018

Life Period:

Perpetual

**Business Type:** 

Health Care and Social Assistance

Last Annual Report Filed:

2019

Domicile State:

Arizona

**Annual Report Due Date:** 

6/1/2020

Privacy Policy (http://azcc.gov/privacy-policy) | Contact Us (http://azcc.gov/corporations/corporation-contacts)

Original Publish Date:

**Statutory Agent Information** 

Marcus Ulm

Appointed Status:

Active 6/1/2018

Attention:

Name:

Address:

4980 S. Alma School Road # 2-212, CHANDLER, AZ 85248, USA

Agent Last Updated:

5/30/2019

E-mail:

Attention:

Mailing Address:

County:

Maricopa

**Principal Information** 

Title	Name	Attention	Address	Date of Taking Office	Last Updated
Director	Marcus Ulm		4980 S. Alma School Road # 2-212, CHANDLER, AZ, 85248, Maricopa County, USA		9/14/2018
Director	David Scheven		4980 S. Alma School Road # 2-212, CHANDLER, AZ, 85248, Maricopa County, USA		9/14/2018
Director	Thomas D. Martin		4980 S. Alma School Road # 2-212, CHANDLER, AZ, 85248, Maricopa County, USA		9/14/2018
Director	Keith H. Zobrist		4980 S. Alma School Road # 2-212, CHANDLER, AZ, 85248, Maricopa County, USA		9/14/2018

Privacy Policy (http://azcc.gov/privacy-policy) I Contact Us (http://azcc.gov/corporations/corporation-contacts)

Title	Name	Attention	Address	Date of Taking Office	Last Updated
President/CEO	Marcus Ulm		4980 S. Alma School Road # 2-212, CHANDLER, AZ, 85248, Maricopa County, USA	6/1/2018	5/30/2019

Page 1 of 1, records 1 to 5 of 5

Address 🚱

Attention: Marcus Ulm

Address: 4980 S. Alma School Road # 2-212, CHANDLER, AZ, 85248, USA

County: Maricopa

Last Updated: 9/13/2018

**Entity Principal Office Address** 

Attention:

Address:

County:

Last Updated:

Back Return to Search
Return to Results

**Document History** 

Name/Restructuring History

**Pending Documents** 

Microfilm History

	Sisu Healthcare	Sisu Healthcare Solutions, Inc Ownership Information			
Name	Title	Address	% ownership	Tax ID#	
					-
Marcus Ulm	Incorporator, President, and Director	4980 S Alma School #2-212 Chandler, AZ 85248 25%	25%	83-1111735	
David Scheven	Director	4981 S Alma School #2-212 Chandler, AZ 85248 25%	25%	83-1111736	T
Tom Martin	Director	4982 S Alma School #2-212 Chandler, AZ 85248 25%	25%	83-1111737	
Keith Zobrist	Director	4983 S Alma School #2-212 Chandler, AZ 85248   25%		83-1111738	

### STATEMENT OF RESPONSIBILITY FOR PHARMACIES LOCATED OUTSIDE OF NEVADA

I, Marcus Ulm
Responsible Person of Sisu Healthcare Solutions, Inc.
hereby acknowledge and understand that in addition to the corporation's, any owner(s),
shareholder(s) or partner(s) responsibilities, may be responsible for any violations of pharmacy law
that may occur in a pharmacy owned or operated by said corporation.
I further acknowledge and understand that the corporation's, any owner(s), shareholder(s)
or partner(s)may be named in any action taken by the Nevada State Board of Pharmacy against a
pharmacy owned by or operated by said corporation.
I further acknowledge and understand that the corporation's, any owner(s), shareholder(s)
or partner(s) cannot require or permit the pharmacist(s) in said pharmacy to violate any provision
of any local, state or federal laws or regulations pertaining to the practice of pharmacy.
Original Signature of Person Authorized to Submit Application, no copies or stamps
7/ /
Marcus Ulm 423/2020
Print Name of Authorized Person Date

### **AFFIDAVIT for Out-of-State Pharmacy License**

	STATE OF Arizona )
	) ss.  Maricopa COUNTY )
	, Samantha Chapman , hereby certify that the assertions in this Affidavit
	are true and correct to the best of my knowledge and belief, and state as follows:
	1. I am the Pharmacist-In-Charge for Sisu Healthcare Solutions, Inc (the
	Pharmacy), and in that capacity, I am authorized to speak on the Pharmacy's behalf.
	2. I certify that upon licensure, the Pharmacy will not sell or ship compounded sterile
	products unto the state of Nevada, as indicated on the Pharmacy's application for a Nevada Out- of-
	State Pharmacy License.
	3. I understand and acknowledge that the Pharmacy and any of its Nevada-
	registered/licensed staff members may be subject to discipline by the Board if the Pharmacy sells or
	ships any compounded sterile product into Nevada without first obtaining written authorization from
	the Board to do so.
	4. I certify that if the Pharmacy ever decides to sell or ship any compounded sterile
	product into Nevada, the Pharmacy, through an authorized representative, will first notify the Board
	and obtain written approval to sell and ship such products into Nevada.
	5. I understand that if the Pharmacy seeks approval to sell or ship compounded sterile
	product into Nevada, an authorized representative of the Pharmacy may be required to appear
	before the Board to answer questions before such approval is granted.
	FURTHER AFFIANT SAYETH NOT.
	I, Samantha Chapman, do hereby swear under penalty of perjury that the assertions of this
	affidavit are true.
	SUBSCRIBED AND SWORN TO
2	before me, a notary public this  1St day of February, 2026.
	WILLIE MOSLEY NOTARY PUBLIC - ARIZONA Maricopa County Commission # 568338 My Commission Expires June 22, 2023



### **Arizona State Board of Pharmacy**

Physical Address: 1616 W. Adams, Suite 120, Phoenix, AZ 85007 Mailing Address: P.O. Box 18520, Phoenix, AZ 85005 (P): 602-771-2727 (F): 602-771-2749 www.azpharmacy.gov

### CERTIFICATION OF ARIZONA STATE BOARD OF PHARMACY PERMIT FOR THE ENTITY LISTED BELOW:

This document is not a license/permit but serves as the primary source of verification.

Name:

Sisu Healthcare Solutions, Inc.

Address:

914 S 52nd Street #110 Tempe AZ 85281

License No:

Y008155

Permit Type:

Pharmacy

Sub Type:

Limited Service

Date Issued: **Expiration Date:**  01/10/2020

Status:

10/31/2021

**OPEN** 

Discipline:

No

Kam Gandhi

**Executive Director** Arizona State Board of Pharmacy

Date: 02/24/2020



ARIZONA STATE BOARD OF PHARMACY P.O. Box 18520 Phoenix, AZ 85005 602-771-ASBP (2727) FAX: 602-771-2749 http://www.azpharmacy.gov

Receipt Date: 06/25/2019

Receipt

Number: 201961668 Receipt Amount \$: 480.00

### **Pharmacy - Limited Service**

Closed Door, Compounding - Sterile

PERMIT NO Y008155

Issued to: Sisu Healthcare Solutions, Inc.

Marcus Ulm

914 S 52ND STREET #110 TEMPE, AZ 85281

**EXPIRES** 10/31/2021

Sisu Healthcare Solutions, Inc. 914 S 52ND STREET #110 TEMPE, AZ 85281

EXECUTIVE DIRECTOR

ARIZONA STATE BOARD OF PHARMACY P.O. Box 18520

Phoenix, AZ 85005 602-771-ASBP (2727) FAX: 602-771-2749

WALLET CARD

NAME: Marcus Ulm

LICENSE NUMBER: Y008155

EXPIRES: 10/31/2021

http://www.azpharmacy.gov

- Your license must be available for inspections during business hours.
- Permit holder(s) must display permit in the location to which it is issued.
- Please note it is your responsibility to keep this license/permit current.

### **Important Information**

### LICENSE HOLDER (pharmacist, intern, technician, technician-trainee)

- Holder of this license number, printed above, is authorized in accordance with A.A.C. R4-23-201(A), A.A.C. R4-23-301(A) or A.A.C R4-23-1101(A), to perform the duties associated within their profession. By holding this license, the licensee agrees to comply with state & federal law.
- You are required by law to notify the Board of any home address and/or employment change within 10 business days

### PERMIT HOLDER (pharmacy, non-prescription retailer (OTC), wholesale, manufacture, CMG, DME)

- Holder of this permit number, printed above, is authorized to conduct business according to the classification specified in A.R.S. § 32-1908(A); A.A.C. R4-23-601 and A.A.C. R4-23-607. By holding this permit, the permittee agrees to comply with state & federal law
- In-state pharmacy, wholesaler & manufacture permit holder(s) who plan to remodel or move locations, must submit a change-of-location/remodel form within 30 days prior to move/remodel. In-state non-prescription (OTC), compressed medical gas (CMG) & DME providers who plan to move locations must notify the board within 10 business days of move.
- Out-of-State permit holders must notify the Board of location changes, in writing, within 10 business days of move. A revised copy of your state permit shall be submitted to the Board, when available.
- Permits are non-transferable. Ownership changes of more than 30% require that a new application be submitted to the Board.

# Certificate of Compliance

Awarded To:

SISU Healthcare Solutions 914 S. 52nd Street, Suite 110 Tempe, AZ 85281 (480) 999-4488 phone

Testing Completed By:

Controlled Environment Management (CEM) 2487 S. Gilbert Road, Suite 106-610 Gilbert, Arizona 85295 (480) 836-4144 phone

This is to certify that the following area(s) have been tested and certified in accordance with ISO 14644 and CETA CAG-003 specifications.

The air cleanliness classification designation and testing criteria are listed below.

or 13, 2019

Jeff Raposa NEBB Certified CPT Professional CEM Project: SIS191213



Area ID: Pharmacy Cleanroom Suite
Date of Testing: December 13, 2019
ISO 14644: Class 7 (Dry Ante,
Haz Buffer, Non-Haz)
ISO 14644: Class 8 (Wet Ante)
Particle Size: ≥ 0.5μm

Area Mode: Dvnamic

# CERTIFICATE of ACCREDITATION

ACCREDITATION COMMISSION FOR HEALTH CARE CERTIFIES THAT:

### Sisu Healthcare Solutions, Inc. TEMPE, ARIZONA

HAS DEMONSTRATED A COMMITMENT TO PROVIDING QUALITY CARE AND SERVICES TO CONSUMERS ACCREDITATION AND IS THEREFORE GRANTED ACCREDITATION FOR THE FOLLOWING: THROUGH COMPLIANCE WITH ACHC'S NATIONALLY RECOGNIZED STANDARDS FOR

### PHARMACY

Ambulatory Infusion<sup>-</sup>Center, Infusion Nursing Services, Infusion Pharmacy Services (incl. Sterile Compounding, Ref. USP <797>), Specialty Pharmacy Services

FROM March 13, 2020 THROUGH September 12, 2022

PRESIDENT & CHIEF EXECUTIVE OFFICER

CHAIRMAN OF THE BOARD OF COMMISSIONERS



# CERTIFICATE of DISTINCTION



ACCREDITATION COMMISSION FOR HEALTH CARE CERTIFIES THAT:

Sisu Healthcare Solutions, Inc. TEMPE, ARIZONA HAS DEMONSTRATED A COMMITMENT TO PROVIDING QUALITY CARE AND SERVICES TO CONSUMERS THROUGH COMPLIANCE WITH ACHC'S NATIONALLY RECOGNIZED STANDARDS FOR ACCREDITATION AND IS ADDITIONALLY GRANTED DISTINCTION IN THE FOLLOWING:

## HAZARDOUS DRUG HANDLING - USP 800

In Association with Pharmacy Accreditation

FROM March 13, 2020 ТНКО ОСН September 12, 2022









# CERTIFICATE of ACCREDITATION

ACCREDITATION COMMISSION FOR HEALTH CARE CERTIFIES THAT:

Sisu Healthcare Solutions, Inc. TEMPE, ARIZONA HAS DEMONSTRATED A COMMITMENT TO PROVIDING QUALITY CARE AND SERVICES TO CONSUMERS ACCREDITATION AND IS THEREFORE GRANTED ACCREDITATION FOR THE FOLLOWING: THROUGH COMPLIANCE WITH ACHC'S NATIONALLY RECOGNIZED STANDARDS FOR

### DMEPOS

Home/Durable Medical Equipment Services

FROM January 23, 2020 THROUGH September 12, 2022



PRESIDENT & CANEF EXECUTIVE OFFICER

CHAIRMAN OF THE BOARD OF COMMISSIONERS

### **Candy Nally**

From:

Michael Smith <msmith@sisuhealthcaresolutions.com>

Sent:

Tuesday, June 23, 2020 2:28 PM

To:

Candy Nally

Subject:

unencrypt New PIC for Sisu Healthcare Solutions in AZ

Hi Candy,

My name Is Mike Smith and I am the new PIC for Sisu Healthcare Solutions in AZ. We have a temporary license for Nevada that I just spoke with Yenh about and she told me to email you to notify you of our PIC change. Our NV license number is PH04219 and my AZ pharmacist license number is S013356. Please let me know if you need anything else.

Thanks,

Mike Smith

SISU Healthcare Solutions has been actively taking precautions to protect our patients, staff, their families and our community during this crisis. As part of our emergency preparedness plan we will not allow any unscheduled visitors into our facilities.

### Michael Smith | Pharmacy Manager

Mobile: 480-999-4488 Office: 480-999-4488

WebSite: www.sisuhealthcaresolutions.com



### **Confidentiality Notice:**

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