



## Business Renewal Application THERACOM

### Business Information

Name of Business : THERACOM

**Mailing Address :**

Street : 3101 Gaylord Parkway

MS 1N-E103

City : Frisco Country : United States State : Texas

Zip : 75034

Select if the Physical Address is same as the Mailing Address

**Physical Address :**

Street : 345 INTERNATIONAL BLVD #200

City : BROOKS Country : United States State : Kentucky

Zip : 40109

Business Phone : (877) 654-7812

Email Address : jchicoli@amerisourcebergen.c

### Nevada Business License Information - Check appropriate answer

- I DO NOT have a Nevada Business license number.
- I HAVE APPLIED for a Nevada Business License with the Nevada Secretary of State in Compliance with provisions of NRS Chapter 76 and my application is pending.
- I have a Nevada Business License number assigned by the Secretary of State in compliance with the provisions of NRS Chapter 76789066.

Name of Business License :

Business License # :

### Legal Information

- Since your last renewal or recent licensure has any owner, shareholder, partners with any interest or the corporation been charged, arrested or convicted of a felony or misdemeanor in any state?  Yes  No
- Since your last renewal or recent licensure has any owner, shareholder, partners with any interest or the corporation been the subject of a board citation or an administrative action whether completed or pending in any state?  Yes  No
- Since your last renewal or recent licensure has any owner, shareholder, partners with any interest or the corporation had your license subjected to any discipline for violation of pharmacy or drug laws in any state?  Yes  No

The first 3 disciplinary actions are for the Pharmacy's PIC, Jack McGuire.

- State: Oregon - Date: 10/26/2015 - Case #: 2015-0419
- State: Alabama - Date: 5/23/2017 - Case #: 16-L-0165
- State: Kentucky - Date: 4/20/107 - Case #: 17-0270

The 4th document is for one of the Pharmacy's Pharmacist, Joseph "Max" Eiler

- State: Kentucky - Date: 12/11/2016 - Case #: 16-0099B

The 5th document is discipline against the Pharmacy from the Maine Board of Pharmacy.

- State: Maine - Date: 2/1/2018 - Case #: 2017-PHA-13809

Document Name	Document Type	Document Date	Link	Action
Firm Legal Question 3	Firm Legal Question 3	09/17/2018	<a href="#">Document Details</a>	<input type="checkbox"/>
Firm Legal Question 3	Firm Legal Question 3	09/17/2018	<a href="#">Document Details</a>	<input type="checkbox"/>
Firm Legal Question 3	Firm Legal Question 3	09/17/2018	<a href="#">Document Details</a>	<input type="checkbox"/>

Document Name	Document Type	Document Date	Link	Action
Firm Legal Question 3	Firm Legal Question 3	09/17/2018	<a href="#">Document Details</a>	<input type="checkbox"/>
Firm Legal Question 3	Firm Legal Question 3	09/17/2018	<a href="#">Document Details</a>	<input type="checkbox"/>

Document Name :  Document Type :

Document : 

Drop file here to upload or click here to browse and select file(s) to upload

**Board Administrative Action**

State :  Date :

Case # :

**Criminal Action :**

State :  Date :

Case # :

County :  Court :

**Acknowledgement and Declaration**

It is a violation of Nevada Statute to falsify this application and sanctions will be imposed for misrepresentation. I hereby certify that I have read this application. I certify that all statements made are true and correct.

Signature :  Date Of Application :

**Fee Detail(s)**

The fees for Business renewal are NOT REFUNDABLE. Please ensure the accuracy of your information.

Description	Fee Type	Fee
Renewal Period from 11/01/2018 to 10/31/2020	Business Renewal Fee	\$500.00
	Convenience fee	\$15.00
	<b>Total :</b>	<b>\$515.00</b>

**Fee and Payment**

Payment Method :

Application Fees :

Convenience fee :

Late Fees :

Total Fees :

Reference Number : 61288558632  
InvoiceDate : 09/17/2018

**Paid**

**TheraCom Pharmacy**<sup>™</sup>  
AmerisourceBergen



IHS ACQUISITION XXX, INC. d/b/a TheraCom  
345 International Blvd. Suite 200, Brooks KY 40109  
KY BOP License Number P07549 ("TheraCom Pharmacy"))

November 17, 2016

Re: SUMMARY OF BOARD OF PHARMACY ACTION  
Consent Order between State of Oregon Board of Pharmacy and Jack M. McGuire  
Case No. 2015-0419, *In the Matter of the Pharmacist License of Jack M. McGuire*

On October 26, 2015, the State of Oregon Board of Pharmacy ("OR BOP") entered into a Consent Order with Jack M. McGuire to settle a notice of proposed license denial by the Oregon BOP ("Notice of Proposed License Denial") in response to Mr. McGuire's May 13, 2014 National Association of Board of Pharmacy Official Application for Transfer of Pharmacist License to the State of Oregon ("NABP Application") and his April 2, 2015 OR BOP Pharmacist License Application (OR Pharmacist License Application).

The Notice of Proposed License Denial concerned allegations that Mr. made fraudulent statements or misrepresented facts in connection with the requirement of both applications that Mr. McGuire answer the question whether he had ever been charged or convicted of a felony or misdemeanor. With respect to the NABP Application, though Mr. McGuire disclosed a 2005 DUI charge, the Oregon BOP alleged that Mr. McGuire failed to disclose a 2002 DWI arrest in Kentucky and a 2004 DWI arrest in New York. Regarding the OR Pharmacist License Application, according to the OR BOP, Mr. McGuire disclosed the 2002 and 2005 DW/DUI arrests, but did not disclose the 2004 DWI arrest. The OR BOP charged that Mr. McGuire's failure to respond fully and truthfully to questions stated in the applications, though he had certified that he had done so, was unprofessional conduct in violation of Oregon laws and was grounds for discipline.

Mr. McGuire waived his right to hearing with the assistance of counsel and right to judicial review. He admitted the facts alleged by the OR BOP in the Notice of Proposed License Denial. The OR BOP granted Mr. McGuire a license with the following conditions. Mr. McGuire was to pay a civil penalty of \$1,000, with \$850 stayed pending compliance with the Consent Order and no further violations for three years and \$150 payable within ten days of the date of the Consent Order. Mr. McGuire agreed to under and submit certificates for three hours of continuing education hours within ten days of the date of the Consent Order.

STATUS OF CONSENT DECREE AS OF 11/17/2016: Mr. McGuire paid the initial \$150 civil penalty and completed his continuing education and provided certification to the OR BOP in the time allotted. He has not had a further violation since the date of the Consent Order.

**ADDITIONAL INFORMATION:**

Background facts: Mr. McGuire has represented that the DUI/DWI arrests in 2002, 2004 and 2005 occurred prior to his enrollment in pharmacy school, and were fully disclosed in his application to pharmacy school. He has addressed his problems related to alcohol use and has not had a recurrence of alcohol abuse since he began his professional education and practice.

RECEIVED

OCT 26 2015



BEFORE THE BOARD OF PHARMACY  
OF THE STATE OF OREGON

OREGON BOARD OF PHARMACY

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In the Matter of the Pharmacist License of  JACK M MCGUIRE  . Applicant	) ) ) ) ) ) ) )	Case No. 2015-0419  CONSENT ORDER
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WHEREAS, the Board of Pharmacy of the State of Oregon has filed a Notice of Proposed License Denial; Answer Required ("Notice"), hereby incorporated by reference, regarding the applicant in the above-captioned matter; and

WHEREAS, the above-noted Notice was duly served on the applicant 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 applicant 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 applicant admits that the facts alleged in the above-noted Notice are true, that the applicant's conduct, as admitted, violated the statutes and rules cited in the Notice, and that legal cause exists pursuant to ORS 689.405 for refusal to issue a pharmacist license by the Board; and

WHEREAS, the Board is authorized to settle matters pursuant to ORS 183.417(3) and the Board and applicant agree to the terms set forth in this Consent Order;

The Board finds that the allegations in the Notice are true and hereby grants applicant's license with conditions.

1. Licensee shall pay a civil penalty in the amount of \$1,000 with \$850 stayed pending compliance with the terms of this Consent Order and no further violation for three (3) years. The \$150 civil penalty shall be paid within ten days from the date this Consent Order becomes final.

2. Licensee shall earn and submit continuing education (CE) certificates for three (3) hours of CE in the area of pharmacy law or ethics within 10 days from the date this Consent Order becomes final. The continuing education hours earned in regards to this case are in addition to the CE required by pharmacists for renewal and are not eligible for renewal purposes.

47 Licensee shall submit certificates of completion to the Board office by certified mail (or other  
48 method approved by the Board in writing) and retain receipt of verification of delivery to the  
49 Board office.

50  
51 3. Failure of the licensee to comply with all the requirements of the final order in  
52 this matter constitutes failure to cooperate with the Board and is grounds for revocation or any  
53 other form of discipline or sanction authorized by law.

54  
55 CONSENT

56  
57 I hereby acknowledge that I have read and understand the above-noted Notice and the  
58 terms of the Consent Order. I hereby acknowledge that I understand that the Consent Order with  
59 incorporated Notice is a public record and shall be available via the Board's online licensure  
60 verification; is available upon written request pursuant to public disclosure laws; and shall be  
61 reported to the National Practitioner Data Bank as required by federal law. I agree to the Board  
62 entering the Consent Order.

63  
64  
65 \_\_\_\_\_ 10-22-15  
66 Jack M McGuire, Applicant Date

67  
68  
69 IT IS SO ORDERED.

70  
71  
72 BOARD OF PHARMACY  
73 FOR THE STATE OF OREGON

74  
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76 \_\_\_\_\_ 10/26/15  
77 Gary Miner, R.Ph. Date  
78 Compliance Director  
79

BEFORE THE BOARD OF PHARMACY  
OF THE STATE OF OREGON

1  
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3  
4 In the Matter of the ) Case No. 2015-0419  
5 Pharmacist License of )  
6 )  
7 JACK M MCGUIRE ) NOTICE OF PROPOSED  
8 ) LICENSE DENIAL;  
9 Applicant ) ANSWER REQUIRED  
10 )  
11 )

12 The Oregon Board of Pharmacy proposes to deny your pharmacist license, and impose a  
13 civil penalty, pursuant to ORS 689.445, ORS 689.832, and ORS 689.405 because you violated  
14 the Oregon Pharmacy Act and the Board of Pharmacy rules as follows:

15  
16 On or about 5/13/2014, you made fraudulent statements or misrepresented the facts when  
17 completing your National Association of Board of Pharmacy (NABP) Official Application For  
18 Transfer of Pharmacist License to the state of Oregon. You answered "yes" to question #4,  
19 "Have you ever been charged or convicted (including a nolo contendere pleas of guilty plea) of a  
20 felony or misdemeanor..? and provided an explanation of "charged with DUI in February of  
21 2005" but failed to report 2 other arrests.

22  
23 You failed to disclose your 2002 arrest in Indian Hill, Kentucky for Driving While  
24 Intoxicated.

25  
26 You failed to disclose your 08/08/2004 arrest in Malone, New York for Driving While  
27 Intoxicated, Operating Motor Vehicle BAC.08 of 1%.

28  
29 On or about 4/2/2015, you made fraudulent statements or misrepresented the facts  
30 submitted on your Oregon Board of Pharmacy Pharmacist License Application. The Board of  
31 Pharmacy license application you completed requires that you respond fully and truthfully to  
32 questions. A question asked whether you have ever been cited, arrested for, charged with or  
33 convicted of the commission of any crime, offense or violation of the law in any state or by the  
34 Federal Government even if those charges were dismissed, to which you responded Yes. You  
35 were required to explain the circumstances in detail to any affirmative responses. You signed the  
36 application certifying that you read the application and all information provided was true and  
37 correct and were aware that providing false information or withholding information is grounds  
38 for denial of a license. You stated that you had a DUI in 2002 and 2005 and thought that they  
39 were expunged because they were over 10 years old.

40  
41 You failed to disclose your 08/08/2004 arrest in Malone, New York for Driving While  
42 Intoxicated, Operating Motor Vehicle BAC.08 of 1%.

43  
44 The above conduct is unprofessional conduct as defined by OAR 855-006-0005(28)(j)  
45 and (k) and in violation of and grounds for discipline pursuant to OAR 855-019-0310(1) and (7),  
46 OAR 855-019-0205(1) and (2), OAR 855-001-0035, ORS 162.085, and ORS 689.405(1)(a),

47 (e)(B) and (f).  
48

49 Based on these alleged violations, the Board proposes to deny your pharmacist license  
50 and impose a \$1,000 civil penalty per violation.  
51

### 52 HEARING RIGHTS

53  
54 You are entitled to a hearing as provided by the Administrative Procedures Act (ORS  
55 chapter 183). If you wish to have a hearing, you must file a written request for hearing with the  
56 Board within 60 days from the date this notice was mailed. You may send or deliver a request for  
57 hearing to:

58 Oregon Board of Pharmacy  
59 800 NE Oregon Street, Suite 150  
60 Portland, OR 97232  
61 Fax (971) 673-0002  
62

63 If a request for hearing is not received within this 60-day period, your right to a hearing  
64 shall be considered waived.  
65

66 If you request a hearing, you will be notified of the time and place of the hearing. Before  
67 the commencement of the hearing, you will be given information on the procedures, right of  
68 representation and other rights of parties relating to the conduct of the hearing. You may be  
69 represented by legal counsel.  
70

71 If you do not request a hearing within 60 days, or if you withdraw a hearing request,  
72 notify the Board or Administrative Law Judge that you will not appear, or fail to appear at a  
73 scheduled hearing, the Board may issue a final order by default imposing discipline. If the Board  
74 issues a final order by default, it designates its file on this matter as the record.  
75

76 **Notice to Active Duty Servicemembers:** Active duty servicemembers have a right to  
77 stay these proceedings under the federal Servicemembers Civil Relief Act. For more information  
78 contact the Oregon State Bar at 1-800-452-8260, the Oregon Military Department at 1-800-452-  
79 7500 or the nearest United States Armed Forces Legal Assistance Office through  
80 <http://legalassistance.law.af.mil>.  
81

### 82 ANSWER REQUIRED

83  
84 Pursuant to OAR 855-001-0010 and OAR 855-001-0015, if you request a hearing you  
85 must also provide, within 60 days from the date this document was served, a written answer to  
86 the allegations set forth in this document. Your written answer must include an admission or  
87 denial of each factual matter alleged in the notice. Except for good cause, factual matters alleged  
88 in this document and not denied in your answer will be presumed admitted.  
89

90 **Hearing Request and Answers:**  
91 **Consequences of Failure to Answer**  
92 **855-001-0015**



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- (1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:
- (a) An admission or denial of each factual matter alleged in the notice;
  - (b) A short and plain statement of each relevant affirmative defense the party may have.
- (2) Except for good cause;
- (a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;
  - (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
  - (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
  - (d) Evidence shall not be taken on any issue not raised in the notice and the answer.

BOARD OF PHARMACY  
FOR THE STATE OF OREGON

\_\_\_\_\_  
Gary Miner, R.Ph.,  
Compliance Director

\_\_\_\_\_ 10/14/15  
Date

DATE OF MAILING 10/14/2015

CERTIFICATE OF DISPOSITION.

STATE OF NEW YORK  
FRANKLIN COUNTY

MALONE TOWN COURT  
CRIMINAL PART

PEOPLE OF THE STATE OF NEW YORK.

VS.

JACK M. MCGUIRE; Defendant

CASE NO: 04085088

Date of Birth: 04/16/1980  
Date of Arrest: 08/08/2004  
Disposition Date: 09/14/2004

Section Charged	Section Disposed	Ticket No & Description	Disposition	Fine	Civil-Fee	Surchg.
VTL 1192 03	VTL 1192 01	LS239324 1 OP VEH IMP ALC	CD/FINE/SCH	500.00	0.00	80.00
VTL 1192 02	VTL 1192 02	LS239325 2 OP MV .08 OF 1%	Dismissed	0.00	0.00	0.00
VTL 1128 0A	VTL 1128 0A	LS239326 3 LANE VIOLATION	Dismissed	0.00	0.00	0.00

Upon a proper request for an official statement of disposition, I certify that the above named defendant having appeared before this court was charged as shown above. Each of the charges was disposed of as indicated.

Dated: The 2nd day of June 2015

for M. L. Lamitie (SA)  
Hon. MICHAEL L. LAMITIE

NOTE: A copy of the request will be filed with this certificate in the case records.

CAUTION: This information must not be divulged if the case is sealed or where the defendant has been adjudicated a youthful offender.

109 DI 05-T-011021 COMMONWEALTH VS. MCGUIRE, JACK MICHAEL  
1 02/19/2005 5G9446882-1 0021110 189A0105b Operate MV under/Influ Alc/Drugs, 08,  
Aggravator, 2nd Off (M)  
Ba Lvl .208

G 09/06/2005  
CERTIFIED COPY OF RECORD  
OF JEFFERSON DISTRICT COURT

05-01-2015  
DAVID L. NICHOLSON, CLERK  
BY Mike Flynn D.C.  
DIS 09/06/2005

2 02/10/2005 5G9446882-2 0001150 189290

Mike Flynn, DC  
DAVID L. NICHOLSON  
CIRCUIT COURT CLERK

3 02/19/2005 5G9446882-3 0005030 30439080  
\*OBsolete\* NO INSURANCE-1ST  
OFFENSE (M)  
DIS 09/06/2005

4 10/04/2005 NA 0026800 533050

PROBATION VIOLATION (FOR  
MISDEMEANOR OFFENSE) (M)

*FTC* *Refer ATP*  
*withholding*  
*ATP*

110 DI COMMONWEALTH VS.

05/09/1966 M W 405027227 M92537692  
 OTOOLE, JOSEPH (4TH),  
 WOODS, THOMAS JR,  
 MCNULTY, BILLY RAY JR  
Bail Set: 10/01/2005 NBS \$0.00  
Bail Set: 10/01/2005 OR \$0.00

COMPLAINING WITNESS  
COMPLAINING WITNESS  
DEFENDANT / RESPONDENT  
Posted:  
Posted:

P-800-2050  
P-314-0535

ARRAIGNMENT  
Sch Memo: ALSO HAS BULLITT CO HOLD

10/05/2005 102 ARR



IN THE MATTER OF: ) BEFORE THE ALABAMA STATE  
 )  
JACK M. McGUIRE ) BOARD OF PHARMACY  
 )  
Pharmacist License Number 18073 ) Case Number 16-L-0165

**FINAL ORDER**

On May 9, 2017, this cause came before the Alabama State Board of Pharmacy (hereinafter also referred to as the "Board"), on a Complaint against Mr. Jack M. McGuire (hereinafter also referred to as the "Respondent"). Evidence having been adduced thereon, the Board has determined that the following Findings of Fact and Conclusions of Law are supported by the preponderant weight of evidence and law.

**Findings of Fact**

1. The Respondent was issued pharmacist license number 18073 by the Alabama State Board of Pharmacy.
2. The Respondent was notified of the charges on March 4, 2017; the Respondent attended the administrative hearing but was not represented by counsel. The Respondent acknowledged his right to counsel and expressly waived same. (Board's Exhibits One and Two)
3. The Respondent made no objection to the timeliness of the Notice of Hearing or the specificity of the Statement of Charges.
4. On October 14, 2015 the Oregon Board of Pharmacy issued a Notice of Proposed License Denial based on the Respondent's failure to disclose on his application for transfer of license, his 2002 arrest in Kentucky for driving under the influence and his 2004 arrest in New York for driving while intoxicated. (Board's Exhibit One "A")

5. The Respondent entered into a Consent Order with the Oregon Board of Pharmacy dated October 26, 1015 based on his failure to disclose prior arrests on his application for licensure, wherein the Respondent was ordered to pay a civil penalty and complete three hours of continuing education in law and ethics. (Board's Exhibit One "B")

#### Conclusions of Law

1. The Alabama State Board of Pharmacy has jurisdiction of this cause pursuant to Code of Alabama (1975), § 34-23-34, § 34-23-92 (12) and § 41-22-12.

2. The Respondent was properly notified of the charges; the Respondent attended the hearing but was not represented by counsel at the hearing.

3. The Respondent made no objection to the timeliness of the Notice of Hearing or specificity of the Statement of Charges.

4. The Respondent's license to practice pharmacy in the state of Alabama is due to have disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), § 34-23-33 (2) based upon any or all of the violations, findings and discipline as set out in the Notice of Proposed License Denial dated October 14, 2015 and the Consent Order entered by the Oregon State Board of Pharmacy on October 26, 2015.

5. The Respondent's license to practice pharmacy in the state of Alabama is due to have disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), § 34-23-33 (6) based upon any or all of the violations of paragraph four above of this Final Order.

6. The Respondent's license to practice pharmacy in the state of Alabama is due to have disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), §

34-23-33 (13) in that he violated Board Rule 680-X-2.22 (2) (d) based upon any or all of the violations of paragraph four above of this Final Order.

7. The Respondent's controlled substance permit and license to practice pharmacy in the state of Alabama are due to have disciplinary sanctions imposed in that he is guilty of violating Code of Alabama (1975), § 20-2-54 (a) (4) by violating the provisions of Code of Alabama (1975), § 34-23-1 et seq., said violation being based upon the violations contained in any or all of the preceding paragraphs of this Final Order.

### ORDER

In accordance with the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED as follows:

1. The Respondent's license to practice pharmacy in the State of Alabama shall be renewed; and
2. The Respondent shall pay the Board an administrative fine of Two Thousand (\$2,000.00) Dollars within thirty (30) days of the date of this Final Order and future applications for renewal shall not be granted unless said fine has been paid; and
3. Any future violations of this Order, the Alabama Pharmacy Practice Act, the laws that regulate the sale and/or dispensing of prescription or legend drugs and/or narcotics or any Rule of the Alabama State Board of Pharmacy or the pharmacy law or rules of the Board of Pharmacy of another state may, upon hearing and proof thereof, result in further disciplinary sanctions.

5/23/2017

DONE and ORDERED, this \_\_\_\_\_ day May 2017.

*Buddy Bunch*

*Jack M. McGuire*

---

Mr. Buddy Bunch, R. Ph., President  
Alabama State Board of Pharmacy

c: Mr. Jack M. McGuire, R. Ph.  
Mr. James S. Ward, Esq.  
Dr. Susan Alverson, Executive Secretary  
Mr. Vance L. Alexander, Esq.



PAID  
1000/Cashier  
CK

REC'D KYBOP OCT31'16

COMMONWEALTH OF KENTUCKY  
KENTUCKY BOARD OF PHARMACY  
Case No. 16-0099B

IN RE: PHARMACIST LICENSE NO. 015903 HELD BY JOSEPH MAX EILER

*Agreed Order*

Come the parties, the Kentucky Board of Pharmacy ("the Board") and Joseph Max Eiler ("Respondent"), and the parties having been fully informed regarding the matter set forth herein, state as follows:

(1) Pursuant to Chapter 315 of the Kentucky Revised Statutes, the Board is authorized to regulate and control all matters related to pharmacists and pharmacies not delegated to another agency of the Commonwealth. The matter herein has not been delegated to another agency of the Commonwealth.

(2) Respondent is a pharmacist licensed by the Commonwealth of Kentucky, having been assigned license no. 015903.

- (3) (a) On or about February 25, 2016, Board staff conducted a non-sterile compounding inspection at Commons Community Pharmacy in Prospect, Kentucky where Respondent is employed as the pharmacist-in-charge.
- (b) The Board's investigation revealed that the pharmacy was in the midst of construction for an expansion. Legend drugs and prepared prescription medications were in the newly expanded pharmacy space which had not been approved by the Board, in violation of 201 KAR 2:205, Section 2(3)(b).
- (c) Respondent is subject to discipline pursuant to KRS 315.121.

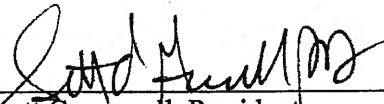
(4) The Board and Respondent have agreed to address this matter by entering into this Agreed Order, in lieu of the filing of a formal Complaint.

WHEREFORE, IT IS HEREBY AGREED AND ORDERED THAT:


(A) Respondent shall be fined \$1,000.00, payable on or before November 4, 2016. Respondent's check shall be made payable to the Kentucky State Treasurer and sent to the Kentucky Board of Pharmacy, State Office Bldg., Annex, Ste. 300, 125 Holmes St., Frankfort, Kentucky 40601.

(B) By entering into this Agreed Order, Respondent expressly acknowledges that Respondent was fully and completely informed of Respondent's right to due process; the Respondent fully understands those rights; and the Respondent knowingly, voluntarily, and willingly agrees to waive those rights and to enter into this Agreed Order.

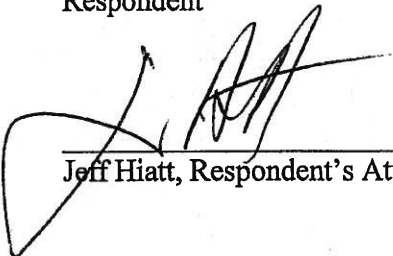
(C) The above information shall be reported to the National Association of Boards of Pharmacy ("NABP"), and is subject to disclosure under the Kentucky Open Records Act.

  
\_\_\_\_\_  
Scott Greenwell, President  
Kentucky Board of Pharmacy

12-14-2016  
Date

  
\_\_\_\_\_  
Joseph Max Eiler  
Respondent

10-24-2016  
Date

  
\_\_\_\_\_  
Jeff Hiatt, Respondent's Attorney

10-27-16  
Date

STATE OF MAINE  
BOARD OF PHARMACY

IN RE: )  
 )  
IHS ACQUISITION XXX, INC. ) CONSENT AGREEMENT  
D/B/A Thermacom )  
 )  
Complaint No. 2017-PHA-13809 )

PARTIES

This document is a Consent Agreement regarding disciplinary action against the mail order pharmacy license of IHS Acquisition XXX, Inc. in the State of Maine. The parties to this Consent Agreement are: IHS Acquisition XXX, Inc. d/b/a Thermacom ("Thermacom"), the Maine Board of Pharmacy ("the Board"), and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5-A).

FACTS

1. At all times relevant to this matter, Thermacom was licensed by the Board as a mail order pharmacy, license no. MO40001463, located at 345 International Boulevard, Suite 200, Brooks, Kentucky.
2. On November 21, 2016, Jack McGuire replaced William Chauvin as the pharmacist in charge ("PIC") of Thermacom, thereby requiring Thermacom to submit a Change of PIC application to the Board within 7 days after the PIC change.
3. Thermacom, however, did not file a change of PIC application with the Board until January 6, 2017.
4. On January 10, 2018, Senior Consumer Assistant Specialist Meagan Damon, filed an administrative complaint with the Board alleging that Thermacom had failed to file a timely change of PIC application.

- 
5. This administrative complaint was docketed as complaint no. 2017-PHA-13809.
  6. Under Board Rules Chapter 11, § 3, upon a change of PIC, a mail order pharmacy must file a new application with the Board by registered mail no later than seven (7) days after the change.
  7. Pursuant to the Board's general delegation of authority dated October 6, 2016, which authorizes Board Staff to offer prescribed consent agreements to resolve first-time violations of PIC change notification requirements, this Consent Agreement is being offered to finally resolve Complaint No. 2017-PHA-13809.
  8. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Maine Board of Pharmacy, Complaints Division, Department of Professional and Financial Regulation, 35 State House Station, Augusta, Maine 04333-0035 by February 10, 2018, the Board will resolve this matter by holding an adjudicatory hearing.

#### COVENANTS

9. Thermacom admits to the facts as stated above and admits that such conduct constitutes grounds for discipline pursuant to 10 M.R.S. § 8003(5-A)(A)(5) for violating a rule of the Board, specifically Board Rules Chapter 11, § 3, by failing to file a new application with the Board by registered mail no later than 7 days after a change of PIC.
10. As DISCIPLINE for the violation admitted to in paragraph 9 above, Thermacom agrees to accept the imposition of:
  - a. A WARNING; and
  - b. A CIVIL PENALTY in the amount of one thousand five hundred dollars (\$1500.00).

Payment of the civil penalty shall be made by check or money order payable to the "Treasurer, State of Maine" and delivered to the Complaints Division, Department of

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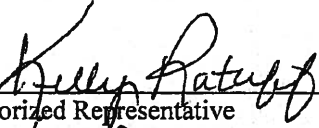
Professional and Financial Regulation, 35 State House Station, Augusta, Maine  
04333, and must be submitted with the signed Consent Agreement.

11. This Consent Agreement is not appealable and is effective until modified or terminated by the parties hereto.
12. Violation of any of the terms or conditions of this Consent Agreement by Thermacom shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.
13. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
14. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408-A.
15. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
16. The Board and Thermacom agree that no further agency action will be initiated against Thermacom's license by the Board based upon the specific violations admitted to herein, except or unless Thermacom fails to comply with the terms and conditions of this Consent Agreement. The Board may however consider the conduct described above as evidence of a pattern of misconduct in the event that other allegations are brought against Thermacom. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining discipline in any further complaints against Thermacom.

17. Thermacom acknowledges by its duly authorized representative's signature hereto that it has had an opportunity to consult with an attorney before executing this Consent Agreement, that it executes this Consent Agreement voluntarily, and that it agrees to abide by all terms and conditions set forth herein.


IHS ACQUISITION XXX, INC.  
d/b/a Thermacom

DATED: 1/23/2018


BY:   
Authorized Representative

Kelly Rathiff  
Printed Name

DATED: 2/1/2018

  
JOSEPH BRUNO, R.Ph., President  
MAINE BOARD OF PHARMACY

DATED: 2/1/2018

  
ANDREW L. BLACK  
Assistant Attorney General