

NORTH CAROLINA BOARD OF PHARMACY

In Re:)
) CONSENT ORDER
MEDAUS, INC.,)
Permit No. 8786)

THIS MATTER came on for consideration at a prehearing conference (hereinafter, “conference”) pursuant to 21 N.C.A.C. 46.2008. This conference was scheduled for September 12, 2016, and, after appropriate notice, was heard on that day at the office of the North Carolina Board of Pharmacy (hereinafter, “Board”) by Board member Gene Minton. Board Counsel and members of the Board’s investigative and legal staff were present at this conference. Medaus, Inc. (“Medaus” or “Respondent”) was informed of its right to have representatives present at the conference, in person, and waived that right.

FINDINGS OF FACT

1. Medaus operates a pharmacy located at 6801 Cahaba Valley Road, Suite 116, Birmingham, Alabama 35242. On August 2, 2004, Medaus was granted out-of-state pharmacy permit 8786 by the Board.
2. On July 1, 2016, the Alabama pharmacy permit of Medaus was disciplined by a final order of the Alabama Board of Pharmacy (the “Final Order”).
3. Paragraph (a) of the Final Order made findings of violations of Alabama and federal law with respect to Medaus’s sterile compounding operations. That paragraph of the Final Order is incorporated herein by reference.
5. Among other discipline, the Final Order prohibits Medaus from engaging in any sterile compounding until permitted by the Alabama Board upon a petition from Medaus (which

may come no sooner than July 1, 2018), and prohibits Medaus from engaging in office-use compounding.

CONCLUSIONS OF LAW

Based on the above findings, the Board concludes as a matter of law:

1. Respondent Medaus, Inc., violated North Carolina General Statutes Section § 90-85.38(b).
2. Respondent admits that the conduct in this matter constitutes sufficient grounds for disciplinary action on its permit under N.C. Gen. Stat. § 90-85.38.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the permit of Respondent Medaus, Inc., is hereby REPRIMANDED. In addition, the following restrictions are placed upon the permit of Respondent Medaus, Inc.:

1. Respondent shall not engage in sterile compounding or dispensing any sterile drug products, excluding those dispensed in manufacturer's original packaging, until expressly permitted by order of the Alabama Board of Pharmacy, and, in no event, shall Respondent engage in any sterile compounding or dispensing any sterile drug products until at least July 1, 2018;
2. Respondent may dispense drugs only on patient-specific prescriptions, both domestically and internationally;
3. Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation and compliance with the provisions of this Consent Order;

4. Respondent shall violate no laws governing the practice of pharmacy or the distribution of devices or medical equipment;
5. Respondent shall violate no rules and regulations of the Board; and
6. Respondent shall maintain full compliance with both this Consent Order and the Alabama Final Order.

If Respondent fails to comply with any terms or conditions of this Order, Respondent may be subject to additional disciplinary action by the Board.

This the 11th day of September, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jay W. Campbell, IV
Executive Director

Medaus, Inc., the holder of permit number 8786, has full knowledge that it has the right to a formal hearing, at which it would have the right to be represented at its expense by counsel, in this matter. The undersigned freely, knowingly and voluntarily waives such right by entering into this Consent Order.

The undersigned understands and agrees that by entering into this Consent Order, it certifies that he has read the foregoing Consent Order and that it voluntarily consents to the terms and conditions set forth therein and relinquishes any right to judicial review of Board actions which may be taken concerning this matter.

The undersigned further understands that should it violate the terms and conditions of this Consent Order, the Board may take additional disciplinary action.

The undersigned understands and agrees that this Consent Order will not become effective unless and until approved by the Board.

The undersigned understands that it has the right to have counsel of its choice review and advise him with respect to its rights and this Consent Order, and represents that it enters this Consent Order after consultation with its counsel or after knowingly and voluntarily choosing not to consult with counsel. The undersigned certifies that its agent executing this Consent Order is duly authorized to accept the Consent Order on behalf of Medaus, Inc., and to bind the permit holder.

CONSENTED TO BY: MEDAUS, INC.
(Permit No. 8786)

By: Larry D. Stephens Date 7-29-16

ALABAMA

Jefferson COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that the following person personally appeared before me this day, and acknowledged the due execution of the foregoing document on behalf of Medaus, Inc.: Larry D. Stephens (name of person executing document)

Date: 7/29/2016

[Signature]
Notary Public

My commission expires: 12/19/2017

MY COMMISSION EXPIRES
DECEMBER 19, 2017