

BEFORE THE NORTH CAROLINA BOARD OF PHARMACY

In the Matter of:)

Royal Palm Compounding Pharmacy)
(Permit No. 10543))

**CONSENT ORDER OF
DISCIPLINE**

THIS MATTER came on to be considered at a prehearing conference (hereinafter, "Conference") before a member of the North Carolina Board of Pharmacy (hereinafter, "Board") pursuant to 21 N.C.A.C. 46 .2008. This Conference was scheduled for January 16, 2012 and, after appropriate notice, was heard on that day by Board member Rebecca Chater at the offices the Board. Respondent Royal Palm Compounding Pharmacy (Permit No. 10543) (hereinafter, "Respondent" or "Royal Palm") was present and was represented by Counsel Brian A. Kahan. Counsel Joseph A. Ponzi represented the Board. Members of the Board's investigative staff were also present at the Conference.

Respondent has agreed to waive a formal hearing in the above-referenced matter. Both parties stipulate and agree to the findings of fact and conclusions of law recited herein and to the order of discipline imposed. By his consent, Respondent also stipulates that it waives its right to appeal this Consent Order or challenge in any way the sufficiency of the findings of this Order. Based upon the consent of the parties, the Board hereby enters the following:

FINDINGS OF FACT

1. The North Carolina Board of Pharmacy is a body duly organized under the laws of North Carolina and is the proper body for this proceeding under the authority granted it in Chapter 90 of the General Statutes of North Carolina, and the rules and regulations promulgated thereunder.

2. Respondent is the holder of Permit No. 10543 from the Board, and located 117 South State Road 7, Suite 201, Wellington, Florida. Respondent's out-of-state permit was issued on May 17, 2010. Respondent is and was, at all relevant times referenced to herein, subject to the rules and regulations of the North Carolina Board of Pharmacy and the laws of the State of North Carolina.

3. Before its out-of-state permit was issued, Royal Palm dispensed and shipped at least thirteen prescriptions into the State of North Carolina without a permit.

4. Between approximately April 2010 and July 2010, on at least five occasions, Royal Palm sold compounded medications directly to physicians in North Carolina under circumstances in which Royal Palm knew or should have known that the physicians would resell the medications to the patients.

5. Between approximately April 2010 and September 2010, on at least nineteen occasions, Royal Palm sold compounded medications to patients in North Carolina prescribed by physicians in other states. In addition, Royal Palm filled ten prescriptions by Dr. David Kalin, a Florida physician, for patients in eight states other than Florida. Likewise, Royal Palm filled 30 prescriptions by Dr. John Crisler, a Michigan physician, for patients in 11 states and provinces other than Michigan. Royal Palm required the prescribing physicians to sign blanket un-notarized physician statements stating that the physician would not send Royal Palm prescriptions without performing a physical examination of the patient. Nevertheless, under the circumstances, Royal Palm knew or should have known that the prescriptions were issued without a physical examination of the patients and in the absence of prior prescriber-patient relationships.

CONCLUSIONS OF LAW

1. All parties are properly before the Board, and the Board has jurisdiction over Respondent and the subject matter of this proceeding.

2. Respondent's conduct, as set out in the findings of fact above, constitutes grounds for discipline pursuant to N.C. Gen. Stat. § 90-85.38 because Respondent's acts were in violation of N.C. Gen. Stat. §§ 90-85.21A, 90-85.21(b), 90-85.38(b), 90-85.40(b) and (f); 21 N.C.A.C. 46 .1601(e), 46 .1607(d) and (h)(4), 46 .1805, 46 .1810(1), and 46 .2301.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the permit of Respondent Royal Palm, Permit No. 10543, is hereby SUSPENDED indefinitely. Of that suspension, thirty (30) days shall be served as an active suspension to be served consecutively, commencing within 30 days of the date that the Executive Director executes this Order after Board approval, with Respondent to notify the Executive Director in writing and return its permit in advance of service of the suspension. The active suspension shall commence on a Monday at 12:01 a.m. and run for 30 full, consecutive 24-hour days.

The remaining period of the suspension shall be stayed for ten (10) years from the date that this Order is accepted by the Board, upon the following conditions:

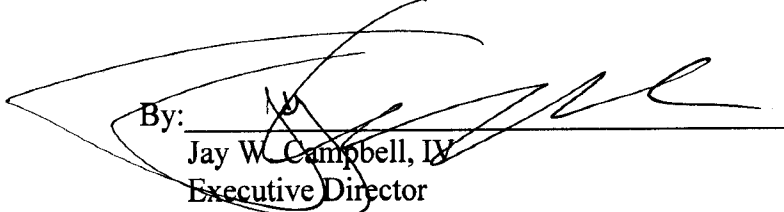
1. Respondent shall violate no laws governing the practice of pharmacy or the distribution of drugs; and

2. Respondent shall violate no rules or regulations of the Board.

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 21st day of ~~January~~ ^{February}, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: 
Jay W. Campbell, IV
Executive Director

Royal Palm Compounding Pharmacy 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 Final Consent Order. The undersigned understands and agrees that by entering into this Final Consent Order, it certifies that it has read the foregoing Final 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 Final Consent Order, the Board may take additional disciplinary action. The undersigned understands and agrees that this Final 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 it with respect to its rights and this Final Consent Order, and represents that it enters this Final 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 Final Consent Order is duly authorized to accept the Final Consent Order on behalf of Royal Palm Compounding Pharmacy, and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

ROYAL PALM COMPOUNDING PHARMACY
(Permit No. 10543)



Date 2-16-12

By: Mark Rubin

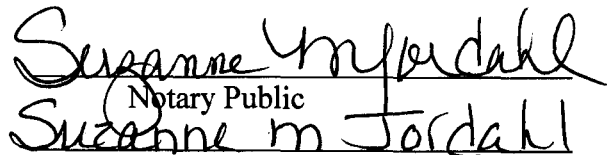
Title: Pres

STATE OF FLORIDA

PALM BEACH COUNTY

I, the undersigned Notary Public of the County and State aforesaid, do hereby certify that personally appeared before me this day, and each acknowledged the due execution of the foregoing document: _____.

Date: 2/16/12



Notary Public

My commission expires: 10/4/12



SUZANNE M. JORDAHL
MY COMMISSION # DD 794690
EXPIRES: October 4, 2012
Bonded Thru Budget Notary Services

REJECTED BY:

Date _____
Royal Palm Compounding Pharmacy (Permit No. 10543)