

NORTH CAROLINA BOARD OF PHARMACY

In Re:) CONSENT ORDER TERMINATING
) SUMMARY SUSPENSION
MEDAUS, INC.,) AND IMPOSING
Permit No. 8786) AGREED-UPON CONDITIONS

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the “Board”) on May 10, 2016, pursuant to a request by Medaus, Inc. (“Medaus” or “Respondent”) to enter this Consent Order Terminating Summary Suspension and Imposing Agreed-Upon Conditions. After appropriate notice, the matter was heard by Board President William A. Mixon and Board Members Carol Yates Day, Robert A. Graves, L. Stan Haywood, Gene Minton and J. Andrew Bowman, at the offices of the North Carolina Board of Pharmacy. Respondent Medaus Pharmacy and its counsel, H. Hube Dodd, were informed of their right to be present at the hearing, in person, and waived that right. Board Counsel Clinton R. Pinyan and members of the Board’s investigative and legal staff were present at this hearing.

FINDINGS OF FACT

1. Respondent Medaus is located at 6801 Cahaba Valley Road, Suite 116, Birmingham, Alabama, and holds permit number 8786.
2. From March 7 to March 11, 2016, the U.S. Food and Drug Administration (“FDA”) conducted an inspection of Respondent’s facility. On March 11, 2016, the FDA issued a Form 483 outlining observations of the FDA from the investigation.
3. On March 15, 2016, the Alabama Board of Pharmacy issued a Notice of Emergency Suspension of Permit.
4. On March 22, 2016, the Circuit Court of Shelby County, Alabama, entered an order lifting Alabama’s emergency suspension of Medaus’s permit, except as to Medaus’s ability to engage in sterile compounding.

5. On April 20, 2016, the Board issued an Order Summarily Suspending Pharmacy Permit (the "Summary Order") prohibiting Respondent from shipping, mailing or delivering any legend drugs into the State of North Carolina.

6. On April 21, 2016, Medaus and the Alabama Board of Pharmacy reached a consent order that lifted the emergency suspension of Medaus's Alabama pharmacy permit in its entirety, and placed certain additional conditions upon Medaus's practice of pharmacy in Alabama pending the continuation of a hearing set for May 19, 2016.

3. Respondent has requested termination of the summary suspension, pending the final disciplinary hearing on the complaint before the Board. Board staff has agreed that, in light of the Alabama Board of Pharmacy's lifting of the emergency suspension of Medaus's permit, this Board's summary suspension should also be lifted on the same conditions.

CONCLUSIONS OF LAW

In order to resolve the request for termination of the Summary Order, the Board finds and concludes that it is appropriate to grant the request for termination of the Summary Order, as set forth herein. As a condition of this Order, Respondent Medaus, Inc. shall be required to comply with all requirements of the Alabama Board of Pharmacy's Order dated April 21, 2016.

This conclusion is made solely to resolve the request for termination of the Summary Order. There is no admission, finding or conclusion about the merits of the complaint against Respondent, nor about any discipline that might or might not be appropriate after a final disciplinary hearing.

Based upon the foregoing, and with the consent of the parties, IT IS THEREFORE ORDERED that the request for termination of the Summary Order related to Respondent

Medaus, Inc., Permit No. 8786, is GRANTED, on the condition that Medaus, Inc. comply with all requirements of the Alabama Board of Pharmacy's Order dated April 21, 2016, which is incorporated herein by reference.

Respondent shall cooperate with the Board, its attorneys, investigators and other representatives in any investigation.

This the 10th day of May, 2016.

NORTH CAROLINA BOARD OF PHARMACY

By: 

Jack 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 it 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 Consent Order.

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 it 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 Final Consent Order is duly authorized to accept the Consent Order on behalf of Medaus, Inc., and to bind the permit holder.

ACCEPTED AND CONSENTED TO BY:

Larry D. Stephens Date 5-3-16
MEDAUS, INC.
(Permit No. 8786)

ALABAMA

Shelby COUNTY

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

Date: 5/3/16

Tracie P. Bean
Notary Public
Tracie P. Bean

My commission expires: Feb. 2, 2019