

AlleReach

P H A R M A C Y

October 5, 2022

RECEIVED

OCT 11 2022

OPLC-FINANCE

VIA CERTIFIED MAIL RETURN RECEIPT

7015 3010 0000 6785 3686

NH Office of Professional Licensure and Certification
7 Eagle Square
Concord NH, 03301

RE: Total Vein Pharmacy, LLC d/b/a AlleReach Pharmacy- License No.: NR2008

To Whom It May Concern,

This letter is being sent to you on behalf of Total Vein Pharmacy d/b/a AlleReach Pharmacy ("**AlleReach**") to provide you with proper notice of a recent action relating to AlleReach, the underlying factual circumstances of which have been previously reported. AlleReach remains committed to ensuring that AlleReach is in full compliance with all state and federal laws and regulations related to pharmacists and pharmaceuticals. It is in the spirit of an open and transparent relationship that AlleReach is submitting this letter response.

Attached hereto as Exhibit A please find a Consent Order that was recently entered into with the Maine Board of Pharmacy. As the Consent Order entered into with the Maine Board of Pharmacy relates to a previously reported violation, AlleReach is providing you with the relevant factual background.

AlleReach respectfully submits this explanation of the underlying circumstances that admittedly affected its ability to timely make application filings with certain state regulatory authorities, primarily due to the extenuating circumstances created recently by the new coronavirus (SARS-CoV-2) and the corresponding pandemic of the respiratory illness, COVID-19. In addition, as any filings that were required of AlleReach were to be filed in connection with the relocation of the pharmacy from Houston, Texas to Dallas, Texas, AlleReach would like to reiterate for the Board that, at no time, was AlleReach shipping drugs into, or conducting any business within, any state where AlleReach was not properly licensed. In addition, AlleReach would like to affirmatively confirm for the Board that at no time would AlleReach ship drugs into, or conduct any business within, a state in which it is not properly licensed.

For the benefit of the Board, set forth below is a summary of the actions taken in connection with the acquisition and relocation of the pharmacy from Houston to Dallas:

- AlleReach acquired Total Vein effective as of December 1, 2019.
- AlleReach made the acquisition of Total Vein with the plan of ceasing operations at the Houston facility and moving the pharmacy from Houston, Texas to Dallas, Texas. Following the acquisition, operations at the Houston location were shut down in connection with the anticipated build-out of a new pharmacy in Dallas, Texas.
- In early 2020, AlleReach initiated the application process in various states for the new pharmacy in Dallas, Texas.

Accordingly, as set forth in further detail below, when considering this notice of action, AlleReach respectfully requests that the Board consider the impact of the extenuating circumstances created by the arrival of COVID-19 during the same time period and the impact that such circumstances had on AlleReach's ability to make timely filings. In addition, as AlleReach was not conducting any business or shipping drugs into any state where it was not properly licensed, AlleReach respectfully requests that the Board consider that there was never a risk presented to any patient as a result of any delay in the filings of AlleReach.

1. Extenuating Circumstances of COVID-19

Any violations of AlleReach resulting from an application not being filed in a timely manner were a direct result of the impact of the COVID-19 pandemic, the timing of its arrival within the United States and the need for AlleReach to take appropriate actions to manage its business in reaction thereto, including, without limitation (i) implementing the furlough of certain staff of AlleReach; and (ii) complications created by employees being forced to suddenly work remotely and adjust to the rapidly changing external circumstances. As a result of the impact of certain governmental orders, including without limitation certain "stay-at-home" or "social distancing" orders issued by local authorities in areas where AlleReach conducts its business, AlleReach was forced to implement certain changes to its operations that admittedly affected its ability to timely file certain applications with local authorities.

2. Lack of Operations

The applications that have been filed with the Board(s) of Pharmacy of various states where AlleReach intends to conduct business were filed in connection with a relocation of the pharmacy from Houston, Texas to Dallas, Texas. This relocation was directly impacted by the extraordinary circumstances created by the COVID-19 pandemic which had a direct impact on not only the relocation efforts but also on the business operations of the parent organization of AlleReach (as mentioned above). However, it should be noted that, at no time did AlleReach conduct business within a state, nor will business be conducted in or into a state, until such time as all applications have been properly reviewed by the relevant Board of Pharmacy for such state to the Board's full satisfaction.

As a result of the above circumstances, AlleReach admittedly was unable to timely make certain applications with the applicable regulatory authorities. In discussions with the respective State Board(s) of Pharmacy, AlleReach has provided each Board with an explanation of the extenuating circumstances in 2020, and has respectfully requested relief from each Board with respect to any failure to make timely filings, of which most Boards were willing to grant. However, the discussions with four state Boards resulted in the imposition of fines which AlleReach was agreeable to pay, resulting in consent orders being entered into with the State of Idaho, State of Arizona, the State of Alabama, and now the State of Maine.

AlleReach will ensure that all filings are made on a timely basis going forward and believes that internal controls are currently in place to ensure full compliance with respect thereto. AlleReach would be happy to discuss such internal controls with you further to ensure a full understanding of the compliance program currently in place within AlleReach. If desired, AlleReach would be happy to make its legal counsel available to speak with you, as such counsel has assisted with the refinement of AlleReach's compliance program in connection with a transition of the duties of the previous general counsel of AlleReach who departed the company during the time period mentioned above.

We thank you in advance for your consideration of the above. As always, if you have any questions or would like any additional information, do not hesitate to let us know and we will provide to you in a timely fashion.

Very truly yours,

ALLEREACH PHARMACY



By: _____
Name: David S. Boone
Title: CEO

EXHIBIT A

STATE OF MAINE
BOARD OF PHARMACY

IN RE:)
)
TOTAL VEIN PHARMACY, LLC) CONSENT AGREEMENT
d/b/a ALLEREACH PHARMACY)
)
Case No. 2022-PHA-18304)

PARTIES

This document is a Consent Agreement regarding the pending application of Total Vein Pharmacy, LLC dba AlleReach Pharmacy for the renewal of its mail order prescription pharmacy license. The parties to this Consent Agreement are: Total Vein Pharmacy, LLC dba AlleReach Pharmacy (“AlleReach”), the Maine Board of Pharmacy (“the Board”), and the Office of the Maine Attorney General (“the Attorney General”). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5-A).

STATEMENT OF FACTS

1. Since December 2, 2020, AlleReach has been licensed in Maine as a mail order prescription pharmacy with a registered location of 7929 Elmbrook Drive, Suite 108, Dallas, Texas, (license number **MO40002885**).
2. On February 9, 2021, the Arizona State Board of Pharmacy entered into a consent agreement with AlleReach that revolved Case No. 21-0008 and imposed discipline against AlleReach’s independent non-resident pharmacy permit (Permit No. Y008460).
3. AlleReach then failed to report the Arizona disciplinary action to the Board within 10 days as required by 10 M.R.S. § 8003-G(2)(C).

4. On the November 1, 2021, AlleReach applied for renewal of its license and reported for the first time that its Arizona permit had been disciplined by the Arizona State Board of Pharmacy.

5. Pursuant to 10 M.R.S. § 8003(5-A)(A)(11) and 10 M.R.S. § 8003-G(2)(C), the Board may deny, refuse to renew, suspend, or revoke a license and impose other discipline for failing to report a license disciplinary action to the Board within 10 days of that action.

6. At its meeting on September 1, 2022, the Board reviewed the above information and voted to preliminarily deny AlleReach's application for renewal of its license to be a mail order prescription pharmacy. In lieu of the denial, the Board also voted to offer AlleReach this Consent Agreement. Unless AlleReach either requests, in writing, a hearing regarding the appeal of the preliminary denial within thirty (30) days of receipt of the Notice of Preliminary Denial, or accepts this Consent Agreement by signing and dating it and returning it to Maine Board of Pharmacy, Compliance Division, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, Maine 04333-0035, by October 6, 2022, the preliminary denial of AlleReach's application for licensure as a mail order prescription pharmacy will become final.

COVENANTS

7. AlleReach admits to the facts above and admits that such conduct constitutes grounds for denial of or refusal to renew its license and for the imposition of discipline pursuant to 10 M.R.S. § 8003(5-A)(A)(11) and 10 M.R.S. § 8003-G(2)(C) for failing to report a disciplinary action taken against a license held in another jurisdiction within 10 days after the action was taken.

8. As discipline for the violation admitted to in paragraph 7 above, AlleReach agrees to accept the following DISCIPLINARY ACTION:

- a) A REPRIMAND; and

b) A CIVIL PENALTY in the amount of five hundred dollars (\$500.00), payment of which shall be made to the "Treasurer, State of Maine" and delivered to Maine Board of Pharmacy, Compliance Division, Office of Professional and Occupational Regulation, 35 State House Station, Augusta, Maine 04333-0035, and must be submitted with the signed Consent Agreement.

9. Violation of any of the terms or conditions of this Consent Agreement by AlleReach shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.

10. The Board and AlleReach agree that no further agency action will be initiated against its license by the Board based upon the specific violations admitted to herein, except or unless AlleReach 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 if other allegations are brought against AlleReach, and this Consent Agreement will be admitted into evidence in any future adjudicatory hearing involving AlleReach. The Board may also consider the fact that discipline was imposed by this Consent Agreement in determining appropriate discipline in any further complaints against AlleReach.

11. This Consent Agreement is not appealable and is effective until modified or terminated by the parties hereto.

12. The Board and the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

13. Upon receipt of the signed Consent Agreement and the civil penalty payment, the Board will renew AlleReach's license contingent upon it meeting all other eligibility criteria.

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. This Consent Agreement may be signed in counterparts, with all counterparts together constituting one original instrument. Signatures below may be applied and/or saved electronically, and such electronic signatures will be given the same effect as a paper document signed in ink.

17. AlleReach 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.

DATED: 13Aug2022

Total Vein Pharmacy, LLC
d/b/a AlleReach Pharmacy

By: 

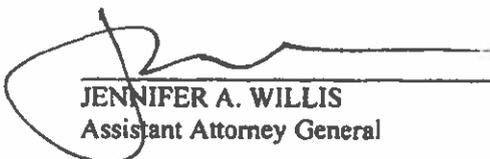
Print Name: David S. Boone

Title: CEO

DATED: 9-21-22


EDWARD J. KANE, Esq., President
MAINE BOARD OF PHARMACY

DATED: 9.22.22


JENNIFER A. WILLIS
Assistant Attorney General