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OPLC-FINANCE

October 3, 2022

Dear Pharmacy Board Personnel,

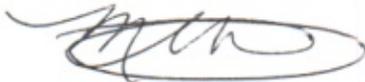
NR0605

This letter serves as notice of the enclosed reciprocal action by the South Carolina Board of Pharmacy that became final on September 15, 2022 and received by me on September 26, 2022.

The reciprocal action was based on an action by Utah, Meds for Vets' resident state, in October 2019 which Meds for Vets previously reported the Utah action to this board. The South Carolina Consent Agreement included a probationary period to run concurrent with the 2019 Utah Order (i.e., October 21, 2019 to July 30, 2020). Accordingly, the South Carolina probationary period ended July 20, 2020. Meds for Vets understands that its South Carolina non-resident permit is currently in good standing.

Thank you for your time and please reach out should you have any questions.

Kind regards,



Michelle Wood
Business Operations Manager
Meds for Vets
licensing@medsforvets.com
Direct line: 480-274-3543

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION
BEFORE THE STATE BOARD OF PHARMACY**

In the Matter of:

MEDS FOR VETS
Permit No. PY. 11413

CONSENT AGREEMENT

OIE No. 2019-186 Respondent.

By agreement of the State Board of Pharmacy ("the Board") and the above-named Respondent, the following disposition of this matter is entered pursuant to the provisions of S.C. Code Ann. § 1-23-320(F) (1976, as amended), in lieu of, *inter alia*, a hearing before the Board, a hearing officer, or panel appointed by the Board.

FINDINGS OF FACT

1. Respondent admits that it held a Non-Resident Pharmacy permit in the State of South Carolina at all times relevant to the matters asserted in this case. The Board initially permitted Respondent on February 10, 2011. The Board has jurisdiction over this matter.
2. Respondent admits the following:
 - a. Respondent entered into a Stipulation and Order with the Utah Division of Occupational and Professional Licensing. The Respondent was inspected by the Division and the following issues were determined: (1) improper technician ratio (2) eye ointment was in a bag with labels; however, the labels were not affixed (3) ten (10) products were transferred from one container without to another without the date of the transfer listed (4) formulation records were absent (5) various quality assurance procedures were not followed (6) TSA plates were incubated face down (7) gloved fingertip test could not be located for all employees (8) and other quality assurance and sterility procedures were not documented as set forth in the attached Order, effective October 21, 2019. This Order placed Respondent's Utah credential in a probationary status for two years and imposed a fine of seventy five hundred dollars (\$7500.00). DOPL terminated Meds for Vets probation early by Order dated July 30, 2020 attached hereto as **Exhibit 2**.
3. Respondent waives any further findings of fact with respect to this matter.

CONCLUSIONS OF LAW

1. Respondent admits that as a result of the previous admissions herein, he has violated S.C. Code Ann. § 40-43-86(DD)(5) (1976, as amended).

2. Respondent further admits that the conduct in this matter constitutes sufficient grounds for disciplinary or corrective action under S.C. Code Ann. §§ 40-1-120 and 40-43-140 (1976, as amended). Respondent hereby waives any further conclusions of law with respect to this matter.
3. Respondent has full knowledge that Respondent has the right to a hearing and to be represented by counsel in this matter, and freely, knowingly, and voluntarily waives such rights by entering into this Consent Agreement. Respondent understands and agrees that by entering into this Consent Agreement, Respondent voluntarily relinquishes any right to judicial review of Board action(s), which may be taken concerning any related matters. Respondent understands and agrees that this Consent Agreement will not become effective unless and until approved by the Board. Respondent understands and agrees that a representative of the Disciplinary Counsel's Office and Respondent may be present during presentation of this Consent Agreement to the Board. Respondent understands and agrees that if this Consent Agreement is not approved, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Board to adjudicate this matter.

THEREFORE, IT IS AGREED WITH RESPONDENT'S CONSENT THAT:

1. Respondent's permit shall continue uninterrupted in a probationary status to run concurrent with the probationary period imposed in the referenced Utah Order, further contingent upon Respondent's compliance with the following terms and conditions, which shall remain in effect until further Order of the Board.
2. Respondent shall comply with all terms and conditions in the attached Utah Order, a copy of which shall be attached hereto and incorporated herein as **Exhibit 1**.
3. Respondent shall promptly advise this Board in writing of any changes in address, practice, professional status, or any other factors affecting compliance with this Consent Agreement. Correspondence and copies of reports and notices mentioned herein shall be directed to:

LLR-Board of Pharmacy
P.O. Box 11927
Columbia, SC 29211-1927
4. Respondent enters into this Consent Agreement freely and voluntarily and not under duress, restraint, or compulsion.
5. It is understood and agreed that if Respondent fails to meet the conditions agreed to in this Consent Agreement, Respondent's permit may be immediately administratively suspended pending compliance. Non-compliance may result in further discipline. Any license law violations by Respondent constitute a failure to meet the conditions of this Consent Agreement.
6. Respondent agrees to comply with all state and federal statutes and regulations governing the practice of pharmacy. Respondent shall cooperate with the Board, its attorneys,

investigators, and other representatives in the investigation of Respondent's practice and compliance with the provisions of this Consent Agreement. Respondent may be required to furnish the Board with additional information as may be deemed necessary by the Board or its representatives. In addition to such requests, the Board in its discretion may require Respondent to submit further documentation regarding Respondent's practice, and it is Respondent's responsibility to comply with all reasonable requests in a timely fashion. Failure to comply with such requests is a violation of this Consent Agreement, and may result in the immediate administrative suspension of Respondent's permit, pending a hearing and until further Order of the Board.

7. Pursuant to the South Carolina Freedom of Information Act, this Consent Agreement, with attachments, is a public document, and this action will be reported to the National Practitioner Data Bank in accordance with P.L. 99-660 and 42 U.S.C. § 11101.
8. This Consent Agreement shall take effect upon service of an executed copy on Respondent or his counsel.

AND IT IS SO AGREED.

9/14/22
DATE

8/26/22
DATE

9/14/22
DATE

STATE BOARD OF PHARMACY

Maatha C. Harris
~~ROBERT HUBBARD, D.R.Pi.~~
Chairman of the Board

[Signature]
JANICE ERICKSON
Permit Holder

[Signature]
PATRICK D. HANKS
Disciplinary Counsel
South Carolina Department of Labor,
Licensing and Regulation

ELIZABETH B. HARRIS (USB 11173)
Assistant Attorney General
Sean D. Reyes (USB 7969)
Utah Attorney General
OFFICE OF THE UTAH ATTORNEY GENERAL
Heber M. Wells Building, 5th Floor
160 East 300 South - Box 140872
Salt Lake City, Utah 84114-0872
Telephone: (801) 366-0310
Facsimile: (801) 366-0315
Email: sterlingc@agutah.gov

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
DEPARTMENT OF COMMERCE
STATE OF UTAH

IN THE MATTER OF THE LICENSES OF:

MEDS FOR VETS

LICENSE NOS.:

6769850-1703
6769850-8913

TO PRACTICE AS A PHARMACY AND
TO DISPENSE CONTROLLED
SUBSTANCES IN THE STATE OF UTAH

STIPULATION AND ORDER

Case No.: DOPL-2019-257

MEDS FOR VETS ("Respondent") and the **DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING** of the Department of Commerce of the State of Utah

("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Jan Erickson is the owner of Respondent pharmacy, and is agent for, and authorized to enter into binding agreements on behalf of, Respondent pharmacy.

2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Pharmacy ("Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent understands that by signing this document Respondent hereby waives the right to a hearing, the right to present evidence on Respondent's own behalf, the right to call witnesses, the right to confront adverse witnesses, and any other rights to which Respondent may be entitled in connection with said hearing. Respondent understands that by signing this document Respondent hereby waives all administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R151-4-901 through R151-4-907. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent understands that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license, to other persons and entities.

7. The Respondent neither admits nor denies the following, but agrees that the Division may find the following facts for the purposes of this Stipulation:

- a. On or about August 27, 2013, Respondent was licensed to operate as a pharmacy in the State of Utah. On or about December 3, 2014, Respondent was licensed to dispense controlled substances in the State of Utah.
- b. On or about October 10, 2017, the Division conducted Class A, sterile, and non-sterile inspections of Respondent's pharmacy. Based on its inspections, the Division determined that at the time of inspection the pharmacy engaged in the following conduct:
 - (1) Pharmacy had two pharmacy technician trainees in the prescription intake area under the supervision of only one pharmacist.
 - (2) The pharmacy stored 289 tubes of eye ointment in labeled plastic bags with labels inside but had not placed labels on each tube.
 - (3) The pharmacy had ten containers in which product had been transferred from one container to another but had not been labeled with the date of transfer. The containers contained all other required information.
 - (4) The master formulation records were missing compatibility and stability information, including references.
 - (5) A non-sterile compounding record was missing the description of the final preparation; results of the quality control procedures; name of the person who performed the quality control procedures; the duplicate label or proof of the duplicate label; and documentation of any quality control issues and any adverse reactions or preparation problems reported by the patient or caregiver. A sterile compounding record was missing the name of the person who performs quality control procedures, a description of the final preparation, and a place where quality control issues and any adverse reaction can be documented.
 - (6) Respondent's facility did not complete fingertip sampling according to USP <797> guidelines because the TSA plates were incubated face down.
 - (7) Although Respondent's personnel stated that Respondent did perform the initial three gloved fingertip test on all employees involved in sterile compounding, Respondent could only provide documentation of this testing for one employee.

- (8) The procedures for using antibacterial hand scrub and also gloving were not performed in the buffer room, despite that the facility's SOPs required these procedures to be performed in the buffer room.
- (9) Respondent's personnel did not wipe the DCA before compounding, despite that Respondent's SOPs state that the DCA will be wiped before a batch is made.
- (10) The facility was not wiping down supplies before the supplies enter ISO areas. Facility personnel are spraying, then letting dry.
- (11) The facility had cracks and crevices that were visible in the buffer room.
- (12) The facility had an autoclave in the buffer room which was a source of water.
- (13) Although the facility had a line of demarcation indicating that garbing needed to be removed and replaced upon crossing the demarcation, Respondent's personnel crossed over the line of demarcation several times without removing and replacing garbing.
- (14) The facility did not perform a smoke study on all hoods under dynamic conditions.
- (15) The temperature of the relevant portion of the facility is not being monitored during the shipping/transport of non-sterile compounded drugs. The facility is not using an item that will monitor the temperature of sterile compounded drugs during transit.
- (16) The facility did not have documentation showing appropriate training regarding hazardous drugs.
- (17) The facility did not perform bubble point integrity tests on all filters.
- (18) The facility did not use biological indicators (Bis) on steam or dry heat sterilization.
- (19) The facility did not have quantity listed for all labels

8. For the purpose of resolving the matter in the above-captioned case and to avoid the expense and uncertainty of a hearing, Respondent agrees that at a hearing, the Division may produce evidence to support a conclusion by the Board that the conduct described above is

unprofessional conduct by the Respondent as defined in Utah Code Ann. §§ 58-1-501(2)(a) and (b) and Utah Administrative Code R156-17b-502. The Respondent agrees that an Order, which constitutes disciplinary action against its license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), may be issued in this matter providing for the following action against Respondent's license:

9. Respondent's licenses to operate as a pharmacy and to dispense controlled substances shall be subject to a term of probation for a period of two years. The period of probation shall commence on the date the Division Director signs the attached Order. During the period of probation Respondent's license shall be subject to all the following terms and conditions. If the Board or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.

a. **Meeting with Compliance Specialist.** Respondent's pharmacist in charge (PIC) shall meet with the Division Compliance Specialist Sicity Hill within two weeks of the effective date of this Order to schedule a meeting for the purpose of discussing the terms and conditions of this Stipulation and Order. An appointment with Ms. Hill can be scheduled by contacting her by phone at (801) 530-6128 or by email at shill@utah.gov.

b. **Written Practice Plan.** Respondent shall submit a written practice plan along with policies and procedures for compounding, and address all conduct described above, to the Division and Board, within 30 days of the effective date of this Stipulation and Order. The Board will review the practice plan, policies, and procedures for compounding. If the Board does not approve the practice plan after two Board meetings, Respondent shall immediately cease all compounding until the Board approves a practice plan submitted by Respondent.

c. **Meetings with the Board.** Respondent's pharmacist-in-charge (PIC) shall meet with the Board at the Board's next scheduled meeting following the signing of the accompanying Order. The PIC shall meet with a Division staff person prior to the PIC's first meeting with the Board to review this agreement. For the remainder of the duration of probation, the PIC shall meet with the Board or with

the Division, as directed by the Division, annually or at such other greater or lesser frequency as the Division may direct.

d. **Compliance with Laws Governing Pharmacies.** Respondent shall come into compliance with all statutes and administrative rules governing pharmacies in the State of Utah within 90 days of the date of this Stipulation and Order.

e. **Inspections.** Respondent shall undergo periodic inspections conducted by a Division approved inspector.

f. **Fine.** Respondent pharmacy shall pay a fine of \$15,000 (Fifteen thousand, dollars) to the Division, pursuant to Utah Code Ann. § 58-17b-504. Of that fine, \$7,500 (seven thousand five hundred dollars) shall be immediately stayed. Respondent shall pay the unstayed \$7,500 (seven thousand five hundred dollars) portion of the fine to the Division no later than three (3) months after the effective date of this Stipulation and Order. If Respondent fails to pay the unstayed portion of the fine to the Division within three (3) months, the entire amount of the fine shall be due immediately. In the event Respondent fails to successfully complete the probationary period, the stayed \$7,500 (seven thousand five hundred dollars) shall become immediately due and payable.

g. **Supervisor.** Respondent pharmacy shall practice only under the general supervision of a pharmacist in good standing with the Division. The supervisor shall be pre-approved by the Division and Board. The supervisor shall have extensive experience in compounding. Respondent shall cause the supervisor to read this Stipulation and Order in its entirety and cause the supervisor to provide input on Respondent's supervisor reports to the Division and Board. The supervisor reports shall be submitted to the Division and Board on pre-approved forms, on a quarterly basis, or at any frequency otherwise directed by the Division or Board. "General supervision" as defined in Utah Administrative Code R156-1-102a(4)(a) means (1) that the supervising licensee has authorized the work to be performed by Respondent; (2) is available for consultation with Respondent by personal face-to-face contact, or direct voice contact by telephone, radio, or some other means, without regard to whether the supervising licensee is located on the same premises as Respondent; and (3) can provide any necessary consultation within a reasonable period of time and personal contact is routine.

h. **Payment of Costs.** Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.

i. **Active License.** Respondent shall maintain active licenses at all times during the period of this agreement.

j. **Address Changes.** Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.

k. **Cease and Desist Unprofessional Conduct.** Respondent shall cease and desist from all unprofessional conduct described in paragraph 7 above.

l. **Compounding Task Force.** Respondent's pharmacist-in-charge shall attend and participate in the Division's Compounding Task Force, with a minimum attendance of three meetings during the year following the effective date of this Stipulation and Order.

10. Upon approval by the Director of the Division, this Stipulation and Order shall be the final compromise and settlement of this non-criminal administrative matter, and that any hearings or prehearing conferences currently scheduled are hereby vacated. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

11. Respondent shall abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

12. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between

the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Board members during a meeting of the Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

13. The accompanying Order becomes effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall comply with and timely complete all the terms and conditions of probation. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Division or Board. Failure to comply with and timely complete a term or condition shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

14. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

15. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

16. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

17. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY: 
JENNIFER ZAELT
Bureau Manager

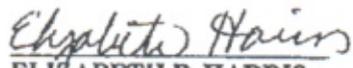
BY: 
JAN ERICKSON
Owner

DATE: 16 Oct 2019

DATE: 10/15/19

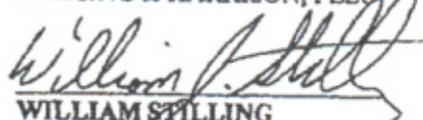
ACKNOWLEDGED AND APPROVED:

SEAN D. REYES
UTAH ATTORNEY GENERAL


ELIZABETH B. HARRIS
Counsel for the Division

DATE: 10/15/2019

STILLING & HARRISON, PLLC


WILLIAM STILLING
Counsel for Respondent

DATE: 10/15/19

ORDER

THE ABOVE STIPULATION, in the matter of **MEDS FOR VETS**, is hereby approved by the Division of Occupational and Professional Licensing and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 21 day of October, 2019.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

Investigator: Sharilee McIntyre

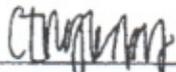
CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of OCTOBER, 2019, a true and correct copy of the foregoing STIPULATION AND ORDER has been served on the parties of record in this proceeding by mailing a copy thereof, properly addressed by first class mail with postage prepaid, to the following:

and caused a copy to be electronically mailed to:

William J. Stilling and Mary A. Squire, Respondent's attorneys
bstilling@shhealthlaw.com
msquire@shhealthlaw.com

Elizabeth Harris, Assistant Attorney General
(eharris@agutah.gov)



Carol Inglesby
Administrative Assistant
Division of Occupational
and Professional
Licensing

EXHIBIT 2

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSES OF :
MEDS FOR VETS : ORDER REINSTATING LICENSE
TO PRACTICE AS A : Case No. DOPL-2019-257
PHARMACY AND TO DISPENSE :
CONTROLLED SUBSTANCES :
IN THE STATE OF UTAH :
:

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated October 21, 2019, in the above-referenced case number.

IT IS HEREBY ORDERED the probation on the licenses of MEDS FOR VETS to practice as a pharmacy and to dispense controlled substances is terminated and said licenses are reinstated with full privileges effective the date of this Order.

Dated this 30 day of July, 2020.



Mark B. Steinagel
Division Director

S E A L

