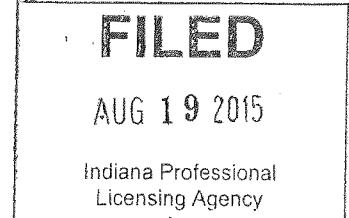


**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0046**

**IN THE MATTER OF THE INDIANA
NON-RESIDENT PHARMACY PERMIT OF:**

**PHARMACY CREATIONS, INC.
PERMIT NUMBER: 64001516A**

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Pharmacy Creations, Inc. ("Petitioner") appeared at a hearing before the Indiana Board of Pharmacy ("Board") on August 10, 2015, in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana concerning its request to have the probationary terms withdrawn from its permit as a non-resident pharmacy.

The State of Indiana appeared by Stephanie Sluss, Deputy Attorney General. Petitioner appeared by Randall Fearnow, of Quarles & Brady, LLP.

The Board, after considering the evidence, by a vote of 5 to 0, issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Creations, whose mailing address is 540 Route 10 West, Randolph, New Jersey 07869, is a duly permitted non-resident pharmacy holding permit number 64001516A.

2. The Indiana Professional Licensing Agency sent, and Petitioner received, timely and proper notice of the date, time and location of this hearing pursuant to Ind. Code § 4-21.5-3-20.

3. The Board is empowered to hold this administrative hearing pursuant to the authority of Ind. Code § 25-1-9-9 and Ind. Code § 4-21.5-3.

4. The Board issued Petitioner's permit on probation in October 2013 because during the application process it became apparent that Petitioner had been shipping drugs into Indiana for years without a permit to do so. Petitioner explained that shipping drugs here without a permit was a gross error and oversight on their part.

5. In June 2015 Petitioner asked that the probation be withdrawn from its permit.

6. At the hearing on withdrawal, Joseph Bitterman, R.Ph., testified that Petitioner has complied with the terms of its Indiana probation and scrupulously complied with Indiana law. Bitterman stated that Petitioner was purchased by the company he represents, ImprimisRx, in April 2014. He claimed that the previous owners of Petitioner were fine pharmacists and scientists but did not do a good job of maintaining their licenses. Under the ownership of ImprimisRx, Petitioner has done a better job of managing its licenses and permits.

7. Petitioner was recently inspected by the NABP Verified Pharmacy Program. The inspection identified certain deficiencies but they are fixable and Petitioner is working to correct them.

8. The deficiency that led to the probation of Petitioner's permit involved violating Indiana law by shipping drugs into this state without a valid permit. Petitioner's compliance with its probation constitutes evidence that this problem has been remedied.

CONCLUSIONS OF LAW

1. "The board may withdraw or modify the probation ... if it finds, after a hearing, that the deficiency that required disciplinary action has been remedied, or that changed circumstances warrant a modification of the order." Ind. Code § 25-1-9-9(b).
2. Petitioner's compliance with its probation constitutes evidence that the deficiency that required disciplinary action has been remedied.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board **WITHDRAWS** the probation on Petitioner's permit.

SO ORDERED this 19th of August, 2015.

INDIANA BOARD OF PHARMACY

By: Maurice Bennett

for William Cover, R.Ph., President
Indiana State Board of Pharmacy

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CERTIFICATE OF SERVICE

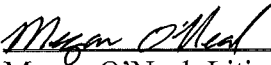
I certify that a copy of the Findings of Fact, Conclusions of Law and Order has been duly served upon:

Pharmacy Creations, Inc.
540 Route 10 West
Randolph, NJ 07869
Service by U.S. Mail

Randall Fearnow
QUARLES & BRADY, LLP.
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Stephanie Sluss
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B-19-2015
Date


Megan O'Neal, Litigation Specialist

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