

BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NO: 2013 IBP 0069

IN THE MATTER OF THE
UNLICENSED PRACTICE OF:

VILLAGE FERTILITY

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FILED

JUL 18 2013

Indiana Professional
Licensing Agency

MOTION FOR ORDER TO CEASE AND DESIST

The State of Indiana ("Petitioner"), by the Office of the Attorney General, by Darren R. Covington, Deputy Attorney General, pursuant to Ind. Code § 25-1-7-14 files this motion requesting the Indiana Board of Pharmacy ("Board") to order Village Fertility ("Respondent") to Cease and Desist its distribution of medications to Indiana residents, until such time as the Respondent is licensed to practice in Indiana. In support of this motion, the Petitioner alleges and states as follows:

1. The Board is charged with the responsibility of regulating the profession of pharmacy in the State of Indiana pursuant to Ind. Code art. 25-26.
2. Respondent's mailing address is 335 Bear Hill Road, Waltham, Massachusetts.
3. On or around February 20, 2013, the Massachusetts Board of Registration in Pharmacy issued Respondent a "Cease and Desist and Quarantine Notice" of its compounded sterile medications.
4. Respondent dispensed recalled medications to Indiana residents.
5. Respondent applied for a nonresident pharmacy permit, but abandoned the application.

6. Pursuant to Ind. Code § 25-26-13-29(a), "It is unlawful: (4) For any person to engage or offer to engage in the practice of pharmacy or to hold himself out as a pharmacist without a valid pharmacist's license that is classified as active by the board."

7. Furthermore, "a person who violates a provision of subsection (a) [quoted above] of this section commits a Class D Felony."

8. Respondent has engaged in the distribution of compounded medications and by doing so has led the public to believe that it is a licensed pharmacy, when in fact it does not hold a pharmacy license issued by the Board.

9. By engaging in activities for which a license is required under Ind. Code ch. 25-26-13, the Board should issue an Order to Cease and Desist pursuant to Ind. Code § 25-1-7-14(b).

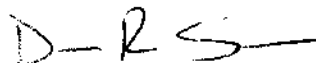
WHEREFORE, Petitioner respectfully requests an order against Respondent that:

1. Directs Respondent to immediately cease and desist any drug distribution in Indiana, pursuant to Ind. Code § 25-26-13-29(a)(4); and,
2. Provide any other relief that the Board deems just and proper.

Respectfully submitted,

Gregory F. Zoeller,
Attorney General of Indiana
Attorney No. 1958-98

By:

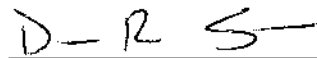


Darren R. Covington
Deputy Attorney General
Attorney No.: 28511-16

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of July, 2013, a copy of this Motion for Order to Cease and Desist was served upon the below-listed parties via First Class U.S. Mail, postage prepaid.

Village Fertility
335 Bear Hill Rd.
Waltham, MA.



Darren R. Covington
Deputy Attorney General
Atty. No. 28511-16

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