

**BEFORE THE INDIANA
BOARD OF PHARMACY
CAUSE NUMBER: 2013 IBP 0115**

**IN THE MATTER OF THE
RENEWAL APPLICATION OF:**

VILLAGE FERTILITY

PERMIT NO. 64001462A

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**DECISION ON RENEWAL APPLICATION FOR REGISTRATION AS
NONRESIDENT PHARMACY**

The Indiana Board of Pharmacy (“Board”) requested that representatives of Village Fertility (“Applicant”) personally appear before the Board on December 9, 2013, for the purpose of providing information and answering questions concerning its application to renew its registration as a nonresident pharmacy.

The Board, after considering the information presented by the Applicant and reviewing its file in this matter, by a vote of 6 to 0, issues the following Decision.

FINDINGS OF FACT

1. Village Fertility (“Village”) is a corporation doing business at 335 Bear Hill Road, Waltham, Massachusetts 02451.
2. Village submitted an application to renew its registration as a nonresident pharmacy doing business in Indiana in an application submitted in 2013.
3. Along with the application, Village revealed that its license in Massachusetts is on probation due to a recall of its sterile compounding products.

4. Village is only involved in low risk compounding and maintains it is in full compliance with 797 standards. It passed an inspection by the Massachusetts Board of Pharmacy in July 2013.

5. In the past Village shipped medications into Indiana without a valid non-resident pharmacy permit. Village acknowledges the gross error of that practice.

6. Applicant is in agreement with the Board that its permit should be renewed and that the permit be placed on probationary status.

CONCLUSIONS OF LAW

1. Under Indiana law, Village is a nonresident pharmacy. Ind. Code § 25-26-17-2.
2. A nonresident pharmacy must register with the Board. Ind. Code § 25-26-17-3.
3. A nonresident pharmacy must comply with laws where it is domiciled. Ind. Code § 25-26-17-6.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board will renew the registration of Village Fertility as a nonresident pharmacy and place that registration on **INDEFINITE PROBATION**. Village Fertility may apply to have the probation withdrawn from its registration when its license in Massachusetts is unencumbered.

The **TERMS AND CONDITIONS** of Probation are as follows:

- a) Village must keep the Board apprised in writing of its current address, mailing address, e-mail address, and telephone number.

- b) Village must abide with the terms and conditions of the probation on its license in Massachusetts.
- c) Village must immediately notify the Indiana Board of any change in the above terms and conditions or any violations of those terms and conditions.
- d) Village must notify the Board immediately in writing of any action taken by any licensing authority against any license or permit it holds in any jurisdiction.
- e) If Village intends to ship medications into Indiana that are not the result of low risk compounding, it must obtain the written consent of this Board before it does so.
- f) Village shall not violate any laws regulating a nonresident pharmacy in Indiana.
- The failure of Village to comply with the terms of this decision may subject it to a show cause hearing and the imposition of further sanctions.

ISSUED, this 3rd day of January, 2014.

INDIANA BOARD OF PHARMACY

By: Nicholas W. Rhoad
Nicholas W. Rhoad
Executive Director
Indiana Professional Licensing Agency

NOTICE OF RIGHT TO PETITION FOR REVIEW OF THIS DECISION

You may petition for review of this decision under IC 4-21.5-3-7. The petition must be filed with the Indiana State Board of Nursing in writing, identifying the reasons for review and demonstrating that you have been aggrieved or adversely affected by the Board's decision. The petition for review must be filed no later than eighteen days from the issuance of this decision unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours in which case the deadline would be the first day which is not a Saturday, a Sunday a legal holiday under state statute or a day that the Indiana Professional Licensing Agency's offices are closed during regular business hours.

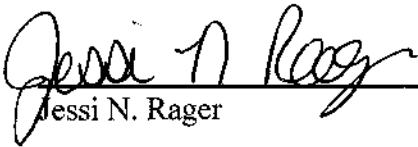
If your petition for review is timely filed and review granted, you will receive notification of an administrative hearing. You or your representative must be present at that hearing. You have the right to be represented by an attorney at your own expense. A deputy attorney general may be present to represent the State of Indiana. As petitioner, you will have the burden of proving that the Board's decision is incorrect.

CERTIFICATE OF SERVICE

I certify that a copy of the "Decision on Renewal Application for Registration as Nonresident Pharmacy" has been duly served upon:

Village Fertility
335 Bear Hill Road
Waltham, MA 02451
Service by U.S. Mail

1/3/14
Date


Jessi N. Rager

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Explanation of Service Methods

Personal Service: by delivering a true copy of the aforesaid document(s) personally.

Service by U.S. Mail: by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

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