

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

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

VILLAGE FERTILITY
PERMIT NUMBER: 64001462A

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FILED

NOV 18 2016

Indiana Professional
Licensing Agency

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Village Fertility ("Village") appeared at a hearing before the Indiana Board of Pharmacy ("Board") on November 14, 2016, 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Center South, 402 West Washington Street, Indianapolis, Indiana concerning its request to have the probationary terms withdrawn from its permit as a non-resident pharmacy.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 Laura Iouse, Deputy Attorney General. Village appeared by Bryan Assael.

The Board, after considering the evidence, by a vote of 6 to 0, issued the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Village, whose mailing address is 335 Bear Hill Road, Waltham, Massachusetts 02451, is a duly permitted non-resident pharmacy holding permit number 64001462A.

2. The Indiana Professional Licensing Agency sent, and Village 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.

2. The Board renewed Village's permit on probation in 2013 because Village revealed that its license in Massachusetts was on probation due to a recall of its sterile compounding products.

3. Village was only involved in low risk compounding and maintained it was in full compliance with USP 797 standards. It passed an inspection by the Massachusetts Board of Pharmacy in July 2013.

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

5. In August 2016 Village asked that the probation be withdrawn from its permit.

6. At the hearing on withdrawal, Bryan Assael, in house counsel, testified that Village has complied with the terms of its Indiana probation which included complying with and completing its probation in Massachusetts.

7. The deficiency that led to the probation of Village's permit involved discipline in another state. Village'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. Village's compliance with its probation constitutes evidence that the deficiency that required disciplinary action has been remedied.

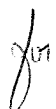
ORDER

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

SO ORDERED this 18th of November, 2016.

INDIANA BOARD OF PHARMACY

By: Maura Beaudin

 Donna Wall, R.Ph.
President

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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:

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

Laura Iosue
Deputy Attorney General
Office of the Indiana Attorney General
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Service by Email

11-18-16
Date

Donna Moran
Signature

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