

**State of New Hampshire
Board of Pharmacy
Concord, New Hampshire**

In the Matter of:
Qualgen, LLC
License No. 9014
(Misconduct Allegations)

SETTLEMENT AGREEMENT

In order to avoid the delay and expense of further proceedings and to promote the best interests of the public and the practice of pharmacy, the New Hampshire Board of Pharmacy (“Board”) and Qualgen, LLC (“Respondent”), an outsourcing facility licensed by the Board, do hereby stipulate and agree to resolve certain allegations of professional misconduct now pending before the Board according to the following terms and conditions:

1. Pursuant to RSA 318:29, I; 318:30; and 318:31, and Pharmacy Administrative Rule (“Ph”) 204, the Board has jurisdiction to investigate and adjudicate allegations of professional misconduct committed by its licensees. Pursuant to RSA 318:30, VII, 318:31, IV and Ph 204.15, the Board may, at any time, dispose of such allegations by settlement and without commencing a disciplinary hearing.
2. The Board first granted Respondent a license to practice as an outsourcing pharmacy in the State of New Hampshire on August 7, 2015. Respondent holds license number 9014. Respondent operates as an outsourcing facility in Edmond, Oklahoma.
3. On June 15, 2016, the Oklahoma State Board of Pharmacy issued an *Agreed Findings of Fact, Conclusions of Law and Final Order* imposing disciplinary action against Respondent.

4. Respondent stipulates that if a disciplinary hearing were to take place, Hearing Counsel would prove that Respondent engaged in professional misconduct, in violation of RSA 318:29, II, (c) and RSA 318:29-b, I, by being subjected to a disciplinary action in Oklahoma.
5. The Board finds that Respondent committed the acts as described above and concludes that, by engaging in such conduct, Respondent violated RSA 318:29, II, (c).
6. Respondent acknowledges that this conduct constitutes grounds for the Board to impose disciplinary sanctions against Respondent's license to practice as an outsourcing facility in the State of New Hampshire.
7. Respondent consents to the Board imposing the following discipline, pursuant to RSA 318:29, IV, and 318:55.
 - A. Respondent is reprimanded.
 - B. Respondent is placed on probation until June 15, 2021.
 - C. Respondent is assessed an administrative fine in the amount of \$1,000.
Respondent shall pay this total amount in full within thirty (30) days of the effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 121 South Fruit Street, Concord, New Hampshire 03301.
 - D. Respondent is assessed \$500 in costs of investigation and prosecution.
Respondent shall pay this total amount in full within thirty (30) days of the

effective date of this *Settlement Agreement*, as defined further below, by delivering a money order or bank check, made payable to "Treasurer, State of New Hampshire," to the Board's office at 121 South Fruit Street, Concord, New Hampshire 03301.

- E. The Board may consider Respondent's compliance with the terms and conditions herein and with the recommendations of the treating mental health professional in any subsequent proceeding before the Board regarding Respondent's license.
8. Respondent's breach of any terms or conditions of this *Settlement Agreement* shall constitute unprofessional conduct pursuant to RSA 318:29, II (c), and shall be a separate and sufficient basis for further action by the Board.
9. Except as provided herein, this *Settlement Agreement* shall bar the commencement of further disciplinary action by the Board based upon the misconduct described above. However, the Board may consider the fact that discipline was imposed by this *Settlement Agreement* as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.
10. This *Settlement Agreement* shall become a permanent part of Respondent's file, which is maintained by the Board as a public document.
11. Respondent voluntarily enters into and signs this *Settlement Agreement* and states that no promises or representations have been made to it other than those terms and conditions expressly stated herein.

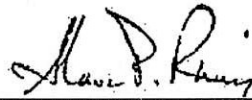
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12. The Board agrees that in return for Respondent executing this *Settlement Agreement*, the Board will not proceed with the formal adjudicatory process based upon the facts described herein.
13. Respondent understands that its action in entering into this *Settlement Agreement* is a final act and not subject to reconsideration or judicial review or appeal.
14. Respondent has had the opportunity to seek and obtain the advice of an attorney of its choosing in connection with its decision to enter into this *Settlement Agreement*.
15. Respondent understands that the Board must review and accept the terms of this *Settlement Agreement*. If the Board rejects any portion, the entire *Settlement Agreement* shall be null and void. Respondent specifically waives any claims that any disclosures made to the Board during its review of this *Settlement Agreement* have prejudiced its right to a fair and impartial hearing in the future if this *Settlement Agreement* is not accepted by the Board.
16. Respondent certifies that it has read this document titled *Settlement Agreement*. Respondent understands that it has the right to a formal adjudicatory hearing concerning this matter and that at said hearing it would possess the rights to confront and cross-examine witnesses, to call witnesses, to present evidence, to testify on its own behalf, to contest the allegations, to present oral argument, and to appeal to the courts. Further, Respondent fully understands the nature, qualities and dimensions of these rights. Respondent understands that by signing this *Settlement Agreement*, it waives these rights as they pertain to the misconduct described herein.

17. This *Settlement Agreement* shall take effect as a Final Order of the Board on the date it is signed by an authorized representative of the Board.

FOR THE RESPONDENT

Date: 8-10-17



Qualgen, LLC
Respondent

FOR THE BOARD/*

This proceeding is hereby terminated in accordance with the binding terms and conditions set forth above.

Date: 8/16/17



(Signature)

Michael D. Bullock

(Print or Type Name)
Authorized Representative of the
New Hampshire Board of Pharmacy

/* Board members, did not participate: