

AGREED BOARD ORDER #2022-03129

RE: IN THE MATTER OF
TEXAS STAR PHARMACY
(PHARMACY LICENSE #32282)

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy (Board) the matter of pharmacy license number 32282 issued to Texas Star Pharmacy (Respondent), 3033 West Parker Road, Suite 100, Plano, Texas 75023.

By letter dated June 23, 2023, the Board gave preliminary notice to Respondent of its intent to take disciplinary action. This action was taken as a result of an investigation which produced evidence indicating that Respondent may have violated:

Sections 565.001(a)(1), (2), (12) and (13); and 565.002(a)(3) and (4) of the Texas Pharmacy Act, TEX. OCC. CODE ANN. Title 3, Subtitle J (2021); and

Sections 281.7(a)(13); 291.31(15); 291.32(a)(2)(H); 291.32(c)(1)(E); and 295.3(a) of the Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2022), in that allegedly:

COUNT

From on or about January 10, 2022, through February 8, 2022, Raman Bhaumik, while acting as an employee (pharmacist-in-charge) and corporate managing officer of Texas Star Pharmacy, 3033 West Parker Road, Suite 100, Plano, Texas 75023, allowed Texas Star Pharmacy to unlawfully engage in the operation of a pharmacy, in that Texas Star Pharmacy dispensed and sold nineteen prescriptions to nineteen patients in North Dakota when Texas Star Pharmacy did not possess a license from the North Dakota Board of Pharmacy or other North Dakota licensing entity necessary to operate in that state as a pharmacy or wholesale facility. Texas Star Pharmacy was subsequently granted a license by the North Dakota Board of Pharmacy.

An informal conference was held via videoconference on July 11, 2023, with Raman Bhaumik, R.Ph., Managing Officer, Bhaumik Diversified, LLC, on behalf of Respondent, and Stephen T. Snow, Legal Counsel for Respondent, in attendance. The informal conference was heard by Board Members: Donnie Lewis, R.Ph.; and Bradley A. Miller, Ph.T.R.; with Megan G. Holloway, General Counsel. Kelly M. Souza, Staff Attorney, was also in attendance.

At the informal conference, Respondent presented information that Respondent mistakenly believed the pharmacy's North Dakota pharmacy license application had been approved, when only the pharmacy's business license had been approved.

By appearing at the informal conference and by signing this Order, Raman Bhaumik, on behalf of Respondent, and Respondent's counsel neither admit nor deny the truth of the matters previously set out in this Order, and agree that the Board has jurisdiction in this matter and waive the right to notice of hearing, formal administrative hearing, and judicial review of this Order.

The parties acknowledge that this Order resolves the allegations set forth herein, and agree to the terms and conditions set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board does hereby ORDER that:

- (1) Respondent shall pay an administrative penalty of one thousand dollars (\$1,000) due one hundred twenty (120) days after the entry of this Order.
- (2) Respondent shall develop and implement policies and procedures to ensure compliance with pharmacy and pharmacist licensure requirements from licensing entities in states where Respondent operates or seeks to operate as a pharmacy or wholesale facility. A written report of such policies and procedures shall be submitted to Board staff within one hundred twenty (120) days after the entry of this Order.
- (3) Respondent shall be responsible for all costs relating to compliance with the requirements of this Order.
- (4) Respondent shall allow Board staff to directly contact Respondent on any matter regarding the enforcement of this Order.
- (5) Failure to comply with any of the requirements in this Order constitutes a violation and shall be grounds for further disciplinary action. The requirements of this Order are subject to the Texas Pharmacy Act, TEX. OCC. CODE ANN., Title 3, Subtitle J (2021), and Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2023).

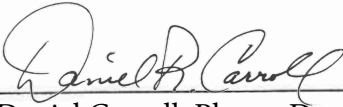
And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

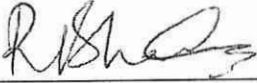
SIGNED AND ENTERED ON THIS 7th day of November, 2023.



MEMBER, TEXAS STATE BOARD OF PHARMACY

ATTEST:

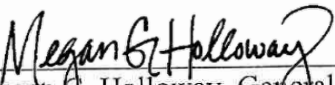

Daniel Carroll, Pharm.D.
Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:


Raman Bhaumik, R.Ph., Managing Officer, Bhaumik Diversified, LLC
On behalf of Texas Star Pharmacy


Stephen T. Snow, Legal Counsel for Texas Star Pharmacy
Bendin Sumrall & Ladner, LLC
1360 Peachtree Street, Suite 800
Atlanta, Georgia 30309

APPROVED AS TO FORM:


Megan J. Holloway, General Counsel
Texas State Board of Pharmacy