



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland Board of Pharmacy
Deena Speights-Napata, M.A.
Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

April 16, 2020

**BY REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7018 1130 0002 2824 6247**

CVS Pharmacy #1440
12209 Veirs Mill Road
Silver Spring, Maryland 20906
Attn: Pharmacy Manager

Re: Permit No. P05179
Case No. 20-136
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacy Manager:

On October 16, 2019, the Maryland Board of Pharmacy (the "Board") received notification from CVS Pharmacy corporation self-reporting an unregistered technician at CVS Pharmacy #1440 (the "Pharmacy"). Specifically, the Pharmacy staffed a pharmacy technician with a registration that expired on July 31, 2018, and allowed the technician to perform delegated pharmacy acts from August 23-26, 2019.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted an individual to perform delegated pharmacy acts as a pharmacy technician without an active pharmacy technician registration, or other authorization, from approximately August 23-26, 2019.

Based upon deficiencies at the Pharmacy, the Board concludes that the Pharmacy is in violation of the Maryland Pharmacy Act and the regulations adopted thereunder. Specifically, the Board concludes that the Pharmacy is in violation of Health Occ. Art. §§ 12-403(b)(1) and 12-6B-01.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-410 and COMAR 10.34.11, the Board of Pharmacy has the authority to impose a civil monetary penalty based upon violations of the Maryland Pharmacy Act.

Based upon the deficiencies cited at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$100.00**. The deficiencies upon which the civil monetary penalty is based are set forth above in this Notice.

In determining the recommended civil monetary penalty, the Board took into consideration the aggregating and mitigating factors outlined in COMAR 10.34.11.08.

III. FOLLOW-UP INSPECTION

Please be advised that the Board of Pharmacy may perform a follow-up inspection of the Pharmacy to ensure that the deficiencies noted herein have been addressed and corrected. Should the follow-up inspection indicate that the Pharmacy has further deficiencies, the Board may pursue further disciplinary action against the Pharmacy that may result in the imposition of sanctions such as suspension, revocation or additional monetary penalties.

IV. OPPORTUNITY FOR HEARING

If the Pharmacy disputes the findings, conclusions or the recommended civil monetary penalty, the Pharmacy may request an evidentiary hearing on the Board's decision in this matter. In the event that the Pharmacy requests an evidentiary hearing, the Board shall initiate formal disciplinary proceedings which will include the opportunity for a full evidentiary hearing. The hearing will be held in accordance with the Administrative Procedure Act, Md. Code Ann. State Gov't § 10-201 *et seq.*, and COMAR 10.34.01. Any request for a hearing must be submitted in writing to Donna Goldberg, R.Ph., J.D., Maryland Board of Pharmacy, 4201 Patterson Ave., 5th Floor, Baltimore, Maryland 21215, **no later than thirty (30) days from the date of this Notice**.

Please be advised that at the hearing the Pharmacy would have the following rights: to be represented by counsel, to subpoena witnesses, to call witnesses on its own behalf, to present evidence, to cross-examine witnesses, to testify, and to present summation and argument. Should the Board find the Pharmacy guilty of the violations cited herein, the Board may suspend or revoke the pharmacy permit, impose civil penalties, or both. If the Pharmacy requests a hearing but fails to appear, the Board may nevertheless hear and determine the matter in its absence.

V. OPTION TO PAY RECOMMENDED CIVIL MONETARY PENALTY

Alternatively, the Pharmacy may pay the recommended civil monetary penalty **within thirty (30) days** of the date of this Notice, in the form of a certified check or money order made payable to the Maryland Board of Pharmacy.

Please mail the check or money order to:

Wells Fargo Bank
Attn: State of MD - Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

NOTE: Please include the case number, 20-136, on your check or money order to ensure proper assignment to your case.

Upon the Pharmacy's payment of the civil monetary penalty, this Notice will constitute the Board's final formal action with respect to this matter, and shall be a public order and document in accordance with the Maryland Public Information Act, General Provisions Article § 4-101, *et seq.*, and shall be reported and posted in accordance with State and federal laws.

If you have any questions concerning the instructions contained in this letter, please contact Donna Goldberg, R.Ph., J.D., at 410/764-3768.

Sincerely,



Deena Speights-Napata, M.A.
Executive Director

cc: Linda Bethman, AAG, Board Counsel
John Long, CVS Corporation