



DEPARTMENT OF HEALTH

Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

Maryland Board of Pharmacy

Jennifer L. Hardesty, PharmD, Board President
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7019 2280 0000 6567 1721

February 17, 2023

CVS Pharmacy #5381
1001 S. Charles Street
Baltimore, Maryland 21230
Attn: Emmanuel Ezedike, R.Ph., Pharmacy Manager

Re: Permit No. P05459
Case No. 23-087
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacy Manager:

On May 25, 2022, the Board of Pharmacy (the “Board”) conducted an annual inspection of CVS Pharmacy #5381 (the “Pharmacy”) for compliance with statutes and regulations governing the operation of a pharmacy. The Board’s inspection indicated that the Pharmacy was not compliant with laws governing pharmacist administration of vaccines. Specifically, the Board’s inspector noted that a pharmacist (Pharmacist A) who was registered as a vaccinators had a CPR certification that expired on April 30, 2022. The Board received additional documentation indicating that Pharmacist A administered approximately 137 vaccinations with an expired CPR certification. The Board’s records indicate that Pharmacist A subsequently renewed his required CPR certification on July 11, 2022

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted Pharmacist A to administer approximately 137 vaccinations without active CPR certification obtained through in-person classroom instruction as required in order to administer vaccinations under the authority of a pharmacist’s license.

Based upon deficiencies at the Pharmacy, the Board finds that the Pharmacy is in violation of the Maryland Pharmacy Act and the regulations adopted thereunder. Specifically, the Board finds the Pharmacy in violation of Health Occ. Art. §§ 12-403(c)(1) and 12-508(b)(2).

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 reported at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$1,000.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above and the Inspection Report, dated May 25, 2022.

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 in the Inspection Report have been addressed. Specifically, all staff pharmacists who are registered to administer vaccinations must maintain proper active CPR certification obtained through live instruction. 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. In the event that the Pharmacy requests an evidentiary hearing, the Board shall initiate formal proceedings which will include notice and an 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 in violation of the Maryland Pharmacy Act, 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 Maryland - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 23-087, 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 action with respect to the deficiencies from the inspection of May 25, 2022, and shall be a final order and public document and order under the Maryland Public Information Act, Md. Code Ann., General Provisions Art. § 4-101 *et seq.*, and posted and reported 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