



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Ryan Moran, DrPH, MHSA, Acting Secretary*

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

April 3, 2025

**VIA CERTIFIED & REGULAR MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE # 7019 2280 0000 6569 4904**

Airgas USA, LLC  
924 Sweeny Drive  
Hagerstown, MD 21740  
Attn: Matthew Hoffman, President

**Re:** Permit No. D06803  
Case No. 25-235  
Notice of Deficiencies, Imposition of Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Permit Holder:

On March 22, 2024, the Maryland Board of Pharmacy (the "Board") conducted an annual inspection of Airgas USA, LLC, (the "Distributor") located in Hagerstown, Maryland. The Board inspector noted that the individuals identified as the Distributor's Designated Representative was not the same individual identified on the Distributor's application to the Board, and thus had not submitted to a criminal background check as required by Maryland law.

## **I. FINDINGS AND CONCLUSION**

The Board finds that the Distributor failed to submit notification to the Board of the change in its Designated Representative within 30 days of the change, and thus the

Distributor has failed to comply with minimum requirements to have its Designated Representative submit to a criminal background check to order to obtain a wholesale distributor's permit.

Based upon the Distributor's failure to provide notice within 30 days of its change of Designated Representative and failure to have its Designated Representative submit to a criminal background check, the Board finds that the Distributor is subject to disciplinary action in accordance with the Maryland Pharmacy Act and the regulations adopted thereunder. Health Occ. Art. §§ 12-601; 12-6C-05.1; COMAR 10.34.22.03B and I.

## II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-6C-11 and COMAR 10.34.22.05, the Board of Pharmacy has the authority to impose a civil monetary penalty based upon violations of the Maryland Pharmacy Act.

Based upon the Distributor's infractions above, the Board hereby recommends the imposition of a **civil monetary penalty of \$1,000.00**.

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 ACTION REQUIRED

Please be advised that the Distributor shall submit immediate notice of its change in Designated Representative to the Board and shall have its new Designated Representative submit to a CJIS criminal background check for the Board's review.

## IV. OPPORTUNITY FOR HEARING

If the Distributor disputes the findings, conclusions or the recommended civil monetary penalty, the Distributor may request an evidentiary hearing on the Board's decision in this matter. In the event that the Distributor requests an evidentiary hearing, the Board shall initiate formal 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 Trina Leak, Pharm.D., Compliance Manager, Maryland Board of Pharmacy, 4201 Patterson Ave., 5th Floor, Baltimore, Maryland 21215, **no later than thirty (30) days of the date of this Notice**.

Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
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Please be advised that at the hearing the Distributor 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 Distributor in violation of the Maryland Pharmacy Act, the Board may reprimand, suspend or revoke the permit, place the permit on probation, and/or impose civil penalties. If the Distributor 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 Distributor 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  
401 Market Street  
Philadelphia, PA 19106

***NOTE: Please include the case number, 25-235, on your check or money order to ensure proper assignment to your case.***

Upon the Distributor's payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to the Inspection Report, dated March 22, 2024, and shall be a public document in accordance with the Maryland Public Information Act, Md. Ann. Code, 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 Trina Leak, Pharm.D., Compliance Director, at 443-685-8318.

Sincerely,



Deena Speights- Napata, M.A.  
Executive Director