



## DEPARTMENT OF HEALTH

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

### **Maryland Board of Pharmacy**

*Kristopher Rusinko, PharmD, MBA, M.Ed., MS, Board President*

*Deena Speights-Napata, M.A., Executive Director*

*4201 Patterson Avenue*

*Baltimore, MD 21215-2299*

May 2, 2024

**VIA REGULAR & CERTIFIED MAIL**

**RETURN RECEIPT REQUESTED**

**ARTICLE#: 7019 2280 0000 6567 1240**

Dev Veer Avi

Attn: Vaibhav Patel and Arti Patel, R.Ph.

10121 Fast Colors Lane

Berlin, Maryland 21811

Sri Ganesh Health Services

Attn: Prasad Mattupalli, R.Ph.

4515 Centennial Lane

Ellicott City, Maryland 21043

Re: Atlantic Discount Pharmacy

Permit No. P08417

Case No: 24-065

Notice of Deficiencies, Imposition of Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Permit Holders:

On March 15, 2023, the Maryland Board of Pharmacy (the "Board") conducted a closing inspection of Atlantic Discount Pharmacy, located in Berlin, Maryland (the "Pharmacy"). At the time of the inspection, the Pharmacy did not provide the Board's inspector with documentation of the proper transfer of its drug inventory and confidential patient records. Despite numerous requests, the Pharmacy has failed to provide such documentation in accordance with COMAR 10.34.14.05. The Board inspector also noted that the Pharmacy failed to provide the Board with 14-day notice of its closing as required in COMAR 10.34.14.03.

### **I. FINDINGS AND CONCLUSION**

The Board finds that the Pharmacy failed to provide the Board with documentation of the proper disposition of its prescription drug inventory and confidential patient records.

Based upon the Pharmacy's failure to provide documentation of the proper transfer of prescription drugs and patient records, 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 COMAR 10.34.14.05.

## 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 \$500.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the Notice above and the Closing Inspection Report, dated March 15, 2023.

In determining the recommended civil monetary penalty, the Board took into consideration the factors set forth in COMAR 10.34.11.08.

## III. 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 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 Director, Maryland Board of Pharmacy, 4201 Patterson Ave., 5<sup>th</sup> Floor, Baltimore, Maryland 21215, **no later than thirty (30) days of 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 and evidence, 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.

## IV. OPTION TO PAY RECOMMENDED CIVIL MONETARY PENALTY

Alternatively, the Pharmacy may pay the recommended civil monetary penalty within ninety (90) 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, 24-065, 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 this matter, and shall be a public document in accordance with the Maryland Public Information Act 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 Manager, at 443-635-8318.

Sincerely,



Deena Speights- Napata, M.A.  
Executive Director

cc: Linda Bethman, AAG, Board Counsel