Maryland
DEPARTMENT OF HEALTH
Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland Board of Pharmacy
4201 Patterson Avenue
Baltimore, MD 21215-2299

December 11, 2019

VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7017 1450 0002 3456 8625

Adolf Schwartz M. Ayuketah, R.Ph.
5405 Fords Endeavor Drive
Bowie, MD 20720

Re: License No. 18665
Case No. 20-045
Notice of Recommended Civil Penalty

Dear Mr. Ayuketah:

The Board of Pharmacy (the "Board") conducted an annual inspection of your pharmacy employer ("Pharmacy A") in Odenton, Maryland, on March 13, 2019. During that inspection, it was noted that you were certified by the Board to administer vaccinations. However, you did not have proof of active CPR certification readily available, and subsequently you submitted a copy of your CPR certification which was no longer active as required by the Board's regulations. The Board received further information that you administered approximately 45 vaccinations without active CPR certification, 33 of which were administered after the Board's inspection. You advised the Board that you updated your CPR certification on May 14, 2019.

I. FINDINGS AND CONCLUSION

The Board finds that you administered approximately 45 vaccinations without having active CPR certification, 33 of which were administered after the Board's inspection. In addition, you failed to have a copy of your CPR certification readily available at the time of the Board's inspection.

A pharmacist must maintain active CPR certification through in-person classroom instruction in order to administer vaccinations and must keep such certification readily available in accordance with the Maryland Pharmacy Act, Health Occ. Art. § 12-508(b)(2) and COMAR 10.34.32.03.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-314 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 findings and conclusions above, the Board hereby recommends the imposition of a **civil monetary penalty of $500.00**.

In determining the recommended civil monetary penalty, the Board took into consideration the aggregating and mitigating factors outlined in COMAR 10.34.11.04.

III. OPPORTUNITY FOR HEARING

If you dispute the findings, conclusions or the civil monetary penalty, you may request an evidentiary hearing on the Board's decision in this matter. In the event that you request 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 Donna Goldberg, R.Ph., J.D., Investigations Supervisor, 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 you would have the following rights: to be represented by counsel, to subpoena witnesses, to call witnesses on your own behalf, to present evidence, to cross-examine witnesses, to testify, and to present summation and argument. Should the Board find you guilty of the violations cited herein, the Board may impose formal public disciplinary action against your license such as a reprimand, placing your license on probation, suspension, or revocation. The Board may also impose a civil penalty against your license not to exceed $10,000. If you request a hearing but fail to appear, the Board may nevertheless hear and determine the matter in your absence.

IV. OPTION TO PAY RECOMMENDED MONETARY PENALTY

Alternatively, you 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
7175 Columbia Gateway Drive
Columbia, MD 21046

NOTE: Please include the case number, 20-045, on your check or money order to ensure proper assignment to your case.

Upon your payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to this matter, and shall constitute a public order under the Maryland Public Information Act, General Provisions Art. § 4-333, be posted on the Board's website in accordance with Health Occ. § 1-607, 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., Investigations Supervisor, at 410/764-3768.

Sincerely,

Deena

Deena Speights-Napata
Executive Director

cc: Linda Bethman, Board Counsel