



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor - Anthony G. Brown, Lt. Governor - Joshua M. Sharfstein, M.D. Secretary

MARYLAND BOARD OF PHARMACY

420I Patterson Avenue • Baltimore, Maryland 21215-2299

Michael N. Souranis, Board President - LaVerne G. Naesea, Executive Director

VIA REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED
ARTICLE #7010 2780 0001 4231 2152

January 3, 2012

CVS Pharmacy # 1484
402 Jefferson Street
Frederick, MD 21701
Attn: Larry Reynolds, R.Ph.

Re: Permit No. P05286
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Mr. Reynolds:

On August 16, 2011, an annual inspection was conducted by the Board of Pharmacy (the "Board") to determine if CVS Pharmacy #1484 (the "Pharmacy") was in compliance with federal and state laws regarding the operation of a pharmacy. The Inspection Report indicated that the Pharmacy was not in compliance with regulatory requirements concerning registration of pharmacy technicians. Specifically, the Pharmacy employed one (1) pharmacy technician with a registration that expired in October 31, 2010, and one (1) pharmacy technician who had completed an approved technician training program but was not duly registered with the Board. The Board's records indicate that both technicians have since registered with the Board.

I. FINDINGS AND CONCLUSION

The Board adopts the findings of deficiencies as set forth in the Pharmacy Inspection Report dated August 16, 2011, and attached as Exhibit A.

Based upon deficiencies cited at your Pharmacy, the Board finds that the Pharmacy is in violation of the Maryland Pharmacy Act and the regulations adopted thereunder.

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Specifically, the Board finds the Pharmacy 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 \$2,000.00**. The deficiencies upon which the civil monetary penalty is based are enclosed with this letter on Pharmacy Inspection Report dated August 16, 2011.

In determining the recommended civil monetary penalty, the Board took into consideration the following factors:

1. The extent to which the permit holder derived any financial benefit from the unprofessional or improper conduct;
2. The willfulness of the unprofessional or improper conduct;
3. The extent of actual or potential public harm caused by the unprofessional or improper conduct;
4. The permit holder's history or previous violations;
5. The existence of mitigating factors.

III. FOLLOW-UP INSPECTION

Please be advised that the Board of Pharmacy may perform a follow-up inspection of the Pharmacy to insure that the deficiencies noted the Report have been addressed and corrected. Should the follow-up inspection indicate that the Pharmacy has not come into substantial compliance, 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 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

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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 Vanessa Thomas Gray, Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., 1st 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, to call witnesses on its behalf, to present evidence, to cross-examine witnesses, and to present summation and argument. Should the Board find the Pharmacy guilty of the violations cited in the Reports, the Board may suspend or revoke the pharmacy permit, or 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. Upon the Pharmacy's payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to the Inspection Report dated August 16, 2011, and shall be a public document in accordance with the Maryland Public Information Act.

If you have any questions concerning the instructions contained in this letter, please contact Vanessa Thomas Gray, Investigator, at 410-764-2493.

Sincerely,



LaVerne G. Naesea
Executive Director

cc: Steven Riggin, CVS
Linda Bethman, Board Counsel
Vanessa Thomas-Gray, Compliance Investigator

Attachment

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