



# MARYLAND

## Department of Health

Larry Hogan, Governor • Boyd Rutherford, Lt. Governor • Robert R. Neall, Secretary

### **MARYLAND BOARD OF PHARMACY**

4201 Patterson Avenue, Baltimore, Maryland 21215-2299

Kevin M. Morgan, Board President • Deena Speights-Napata, Executive Director

May 8, 2018

**BY CERTIFIED: REGULAR MAIL  
RETURN RECEIPT REQUESTED  
CERTIFIED NUMBER: 7016 0750 0001 0746 7315**

CVS Pharmacy #1495  
11729 Beltsville Drive  
Beltsville, Maryland 20705  
Attn: Jenny Mathew, R.Ph.

Re: Permit No. P05194  
Case No. 18-127  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacist Mathew:

On October 3, 2017, the Maryland Board of Pharmacy (the "Board") conducted an annual inspection of CVS Pharmacy #1495 (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 relating to medication inventory. Specifically, the Board's inspector conducted a spot check of the medication inventory and found approximately 10 expired medications. The Board's records indicate that the Pharmacy also had expired drugs in its inventory during its January 2017 inspection.

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

The Board adopts as findings the deficiencies as stated in the Board's inspection report, dated October 3, 2017, and attached hereto as Exhibit A.

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.

410-764-4755 • Fax 410-358-6207 • Toll Free 800-542-4964  
MDH 1-877-463-3464 • Maryland Relay Service 1-800-735-2258  
Web Site: [www.health.maryland.gov/pharmacy](http://www.health.maryland.gov/pharmacy)

Specifically, the Board finds the Pharmacy in violation of Health Occ. Art. §§ 12-403(c)(1) and 12-403(c)(12), and COMAR 10.34.12.

## 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 noted 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 Exhibit A.

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 herein have been addressed and corrected. 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 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 Lisa Sanderoff, R.Ph., Investigator Supervisor, Maryland Board of Pharmacy, 4201 Patterson Ave., 5th 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 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 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.

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, 18-127, on your check or money order to insure 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 October 3, 2017, inspection, and shall constitute a public order in accordance with the Maryland Public Information Act, Maryland Code Annotate, General Provisions Article § 4-101, *et seq.*

If you have any questions concerning the instructions contained in this letter, please contact Lisa Sanderoff, Investigator Supervisor, at 410/764-3768.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward B. Fields, III", with a small flourish at the end.

Edward B. Fields, III, MBA  
Deputy Director

cc: Linda Bethman, AAG, Board Counsel  
Bill Irvin, R.Ph., CVS Director, Regulatory Affairs

Attachment