



DEPARTMENT OF HEALTH

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

Maryland Board of Pharmacy

Neil Leikach, RPh, MSc Board President

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

4201 Patterson Avenue

Baltimore, MD 21215-2299

October 16, 2023

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7018 1130 0002 28247329**

CVS Pharmacy #1521
9140 Rothbury Drive
Montgomery Village, Maryland 20886
Attn: Maria Maletta, R.Ph., Pharmacy Manager

**RE: Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing, Permit No. P05211
Case No. 23-364**

Dear Pharmacy Manager:

On February 9, 2023, the Board of Pharmacy (the "Board") conducted an annual inspection of CVS Pharmacy #1521 (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 governing pharmacist administration of vaccines. Specifically, the Board's inspector noted that a pharmacist (Pharmacist A) was administering vaccinations without being registered with the Board or possessing active CPR certification obtained through in-person instruction. The Board's records indicate that Pharmacist A subsequently became registered with the Board on March 13, 2023.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted Pharmacist A to administer vaccinations without being registered with the Board to provide vaccinations, and without an active CPR certification obtained through in-person classroom instruction as required in order to administer vaccinations under the authority of a pharmacist's license.

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. Specifically, the Board finds the Pharmacy in violation of Health Occ. Art. §§ 12-403(c)(1) and 12-508(b)(2).

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 \$1,000.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above and the Inspection Report, dated February 9, 2023.

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 in the Inspection Report have been addressed. Specifically, all staff pharmacists must be registered with the Board to administer vaccinations and must maintain active CPR certification obtained through live instruction. 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 recommended civil monetary penalty, the Pharmacy may request an evidentiary hearing. In the event that the Pharmacy requests an evidentiary hearing, the Board shall initiate formal proceedings which will include notice and an 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., 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 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 in violation of the Maryland Pharmacy Act, 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.

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
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 23-364, on your check or money order to ensure proper assignment to your case.

Upon the Pharmacy's payment of the recommended civil monetary penalty, this Notice will constitute the Board's final action with respect to the deficiencies from the inspection of February 9, 2023, and shall be a final order and public document and order under the Maryland Public Information Act, Md. Code Ann., 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 Donna Goldberg, R.Ph., J.D., at 410-764-3768.

Sincerely,



Deena Speights-Napata, M.A.
Executive Director

cc: Linda Bethman, AAG, Board Counsel