



## DEPARTMENT OF HEALTH

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

### Maryland Board of Pharmacy

Neil B. Leikach, RPh, MSc, Board President  
Deena Speights-Napata, M.A., Executive Director  
4201 Patterson Avenue  
Baltimore, MD 21215-2299

January 17, 2024

**BY REGULAR & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE# 7019 2280 0000 6567 2506**

CVS Pharmacy #16605  
17213 Cole Road  
Hagerstown, Maryland 21740  
Attn: Te Lim, R.Ph., Pharmacy Manager

**RE:** Permit No. P07040  
Case No. 24-044  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager:

The Maryland Board of Pharmacy (the "Board") conducted an annual inspection of CVS Pharmacy #16605 (the "Pharmacy") on September 1, 2023, for compliance with statutes and regulations governing the operation of a pharmacy. The Board's inspection reports indicated that the Pharmacy was not compliant with laws relating to pharmacy security and prescription confidentiality. Specifically, the Board's inspector observed that the Pharmacy installed new security gates that were not installed properly and were unable to be locked, thereby allowing potential access by the public or unauthorized personnel. The Pharmacy failed to notify the Board of its change in security gates. Furthermore, the Pharmacy maintained filled prescriptions in a will-call bin that was viewable by the public.

### I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy failed to maintain adequate security for the prescription area in a manner that prohibits entry by the public or unauthorized personnel. The Board finds that the Pharmacy failed to notify the Board of its change in security gates. The Board further finds that the Pharmacy violated the confidentiality of prescription information by maintaining the will call bin in an area that permitted the public to view prescription information.

Based upon the deficiencies noted at your 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), (12) and (13); COMAR 10.34.05.02A(2) and (5) and 10.34.30.05.

## 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 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 set forth above in this Notice and in the Board's inspection report, dated September 1, 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 ACTIONS AND INSPECTION

**The Pharmacy shall install security gates that provide adequate security for the Pharmacy area within THIRTY (30) DAYS of the date of this Notice and provide the Board with documentation of the installation.**

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 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., 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 in violation of the deficiencies cited above, 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 MD - Board of Pharmacy  
Lockbox 2051  
401 Market Street  
Philadelphia, PA 19106

**NOTE: Please include the case number, 24-044, 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 the September 1, 2023, inspection, and shall be public documents and orders 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 Trina Leak, Pharm.D., at 443-635-8318.

Sincerely,



Deena Speights-Napata, M.A.  
Executive Director

cc: Linda Bethman, AAG, Board Counsel