



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

August 03, 2023

**REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE # 7018 1130 0002 2825 2408**

CVS Pharmacy #169
403 Constant Friendship Blvd.
Abingdon, Maryland 21009
Attn: Hillary Schlerf, R.Ph.

**RE: Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing
Permit No. P07046
Case No. 23-254**

Dear Pharmacy Manager:

The Maryland Board of Pharmacy (the "Board") conducted an annual inspection of CVS Pharmacy #169 (the "Pharmacy") on October 6, 2022, for compliance with statutes and regulations governing the operation of a pharmacy. The Board's inspection report indicated that the Pharmacy was not compliant with laws relating to pharmacy technician registration. Specifically, the Board's inspector noted two (2) technician trainees ("Trainee A and Trainee B") on staff without documentation indicating that the trainees were in a Board-approved technician training program for no more than six (6) months. Although training documentation for the technician trainees was requested, the Pharmacy failed to submit such documentation. In addition, the Board's inspector requested a copy of the Pharmacy's alarm system activity report which was also not provided.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted Technician Trainees A and B to perform delegated pharmacy acts without documentation of enrollment in a Board-approved technician training program for no more than six (6) months, or other authorization. The Board also finds that the Pharmacy failed to submit a copy of its alarm system activity report as part of its inspection, as requested.

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), 12-6B-01 and 12-413(c).

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 October 6, 2022.

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 proposed 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 Donna Goldberg, R.Ph., J.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 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 MD - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 23-254, 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 October 6, 2022, inspection, and shall be a 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