



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

*Marin O'Malley, Governor Anthony G. Brown, Lt. Governor Joshua M. Sharfstein, M.D.
Secretary*

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

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

VIA REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED
ARTICLE #7011 3500 0000 7160 2395

February 21, 2013

CVS Pharmacy # 2775
2601 Riva Road
Annapolis, Maryland 21401
Attn: Pharmacy Manager

Re: Permit No. P05302
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Permit Holder:

On June 26, 2012, the Board of Pharmacy (the "Board") received a self-report from CVS Corporate disclosing that certain pharmacies within the CVS Corporate chain were determined to be non-compliant with the Board's regulatory requirements concerning pharmacy technician registration. Specifically, the CVS Corporate indicated that CVS #2775 employed a pharmacy technician who worked beyond the six-month trainee exemption period.

I. FINDINGS AND CONCLUSION

The Board adopts the findings of deficiencies at CVS #2775, as self-reported by CVS Corporate. Specifically, CVS #2775 allowed pharmacy technician M.L. to work 6 days beyond the six-month trainee exemption period. CVS #2775 has subsequently resolved the issue in compliance with the Board's technician requirements.

Based upon deficiencies reported at CVS #2775, 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(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 \$100.00**. The deficiencies upon which the civil monetary penalty are based on the self-report by CVS Corporate, dated June 26, 2012.

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

1. History of previous violations;
2. Whether the violation was self-reported;
3. Admission of misconduct and cooperation during Board inspection;
4. Remedial measures implemented;
5. Timely good faith effort to rectify consequences of misconduct;
6. Potential harm to the public or adverse impact;
7. Whether incident was isolated and unlikely to recur;
8. Whether misconduct was motivated by financial gain.

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 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 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.**

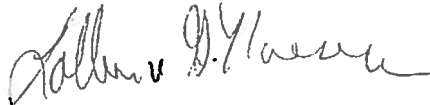
Please be advised that at the hearing you would have the following rights: to be represented by counsel, to subpoena witnesses, to call witnesses on your own behalf, to present evidence, to cross-examine witnesses, to testify, and to present summation and argument. Should the Board find the Pharmacy guilty of the violations cited in the Reports, the Board may suspend or revoke the pharmacy permit, or impose civil penalties, or both. If you request a hearing but fail to appear, the Board may nevertheless hear and determine the matter in your 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 June 26, 2012, self-report of deficiencies at CVS #2775, 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: Linda Bethman, Board Counsel
CVS, Director of Regulatory Compliance
1 CVS Drive
Woonsocket, RI 02895
Vanessa Thomas-Gray, Compliance Investigator