



## DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

### **Maryland Board of Pharmacy**

Jennifer L. Hardesty, PharmD, Board President  
Deena Speights-Napata, M.A., Executive Director  
4201 Patterson Avenue  
Baltimore, MD 21215-2299

October 20, 2021

**VIA REGULAR & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE # 7018 1130 0002 2824 5165**

CVS Pharmacy #5381  
1000 S. Charles Street  
Baltimore, MD 21230  
Attn: Emmanuel Atta, R.Ph., Pharmacy Manager

Re: Permit No. P05459  
Case No. 22-036  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager:

On May 11, 2021, the Board of Pharmacy (the “Board”) conducted a virtual inspection of CVS Pharmacy #5381 (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 the operation of a pharmacy. Specifically, the Board inspector reported that after numerous attempts, the Pharmacy did not provide requested documentation regarding the Pharmacy’s refrigeration and freezer storage units that stored COVID-19 vaccines. The Board’s records indicate that, to date, the Pharmacy has still not provided the requested documentation from the inspection.

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

The Board finds that the Pharmacy failed to cooperate with a Board inspection and submit documentation of temperature logs for refrigerator and freezer units that stored COVID-19 vaccines despite requesting such information on May 11, May 25, and June 8, 2021.

Based upon the above, the Board finds that the Pharmacy is subject to disciplinary action in accordance with the Maryland Pharmacy Act. Specifically, the Board finds the Pharmacy in violation of Health Occ. Art. §§ 12-403(c)(1), 12-413(c) and 12-604(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 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 May 11, 2021.

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 ACTION AND INSPECTION

The Pharmacy shall submit the requested documents to the Board within TEN (10) DAYS of the date of this Notice.

Please also 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 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 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 guilty of the violations cited in the Reports, 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  
7175 Columbia Gateway Drive  
Columbia, MD 21046

***NOTE: Please include the case number, 22-036, on your check or money order to ensure proper assignment to your case.***

Upon the Pharmacy's payment of the civil monetary penalty and submission of the requested documents, this Notice will constitute the Board's final action with respect to this case regarding the deficiencies related to the inspection of May 11, 2021, and shall be a final order and public document 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  
John Long, CVS Corporation