



STATE OF MARYLAND

**DHMH**

Department of Health and Mental Hygiene

*Larry J. Hogan, Jr. Governor – Boyd K. Rutherford, Lt. Governor – Van T. Mitchell, Secretary*

**MARYLAND BOARD OF PHARMACY**

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

*Mitra Gavani, Board President – LaVerne G. Naesea, Executive Director*

**VIA REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED**  
**ARTICLE #7013 1090 0000 3937 5578**

November 20, 2015

CVS Pharmacy # 4274  
8669 Belair Road  
Baltimore, Maryland 21236  
Attn: Kristy Liddic, R.Ph.

Re: Permit No. P05483  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing  
Case #PI-16-045

Dear Ms. Liddic:

On August 5, 2015, an annual inspection was conducted by the Board of Pharmacy (the "Board") to determine if CVS Pharmacy #4274 (the "Pharmacy") was in compliance with federal and state laws regarding the operation of a pharmacy. The inspector reported that the Pharmacy maintained a medication refrigerator and freezer outside the secured prescription area. The freezer contained Zostavax vaccinations, and the refrigerator held patient-specific prescriptions awaiting pick-up. At times when the pharmacy is not in operation, the refrigerator and freezer are not locked or moved into the secured area.

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

The Board finds that the Pharmacy maintains prescription drug inventory and filled/labeled medications in a refrigerator/freezer unit located outside of the secured prescription area when the Pharmacy is not in operation.

Based upon deficiencies cited 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) and (12) and COMAR 10.34.05.02 & .04.

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Web Site: [www.dhmb.maryland.gov/pharmacy](http://www.dhmb.maryland.gov/pharmacy)

## 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 \$2,500.00**. The deficiencies upon which the civil monetary penalty is based are set forth in Section I above.

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 shall 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 not corrected the 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, Compliance Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., 1<sup>st</sup> 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 the Pharmacy's 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 the Pharmacy requests a hearing but fails to appear, the Board

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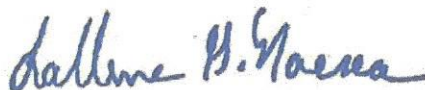
may nevertheless hear and determine the matter in the Pharmacy's absence.

#### 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 Inspection conducted on August 5, 2015, 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, Compliance Investigator, at 410-764-2493.

Sincerely,



LaVerne G. Naesea  
Executive Director

cc: Linda M. Bethman, Board Counsel  
John Rocchio, R.Ph.  
Director, Regulatory Affairs  
CVS Rx Services, Inc.  
1 CVS Drive, Mail Code 2325  
Cumberland, Rhode Island 02895