



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland Board of Pharmacy
Deena Speights-Napata, Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

November 22, 2019

**BY REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7017 3040 0000 3785 4438**

Tracie Daniels
[REDACTED]

Re: Registration No. T06398
Case No. 20-129
Notice of Recommended Civil Penalty

Dear Ms. Daniels:

On September 30, 2019, an inspection of your pharmacy employer (the "Pharmacy") located in Jessup, Maryland, was conducted by the Board of Pharmacy (the "Board") to see if the Pharmacy was in compliance with federal and state laws regarding the operation of a pharmacy. During that inspection, the inspector noted that your pharmacy technician registration had expired on March 31, 2019, yet you were observed performing delegated pharmacy acts in the Pharmacy. The Board's records indicate that you submitted a reinstatement application to the Board on October 7, 2019, which is pending.

I. FINDINGS AND CONCLUSION

The Board finds that you worked as a pharmacy technician at the Pharmacy without a current and active registration between at least April 1, 2019 and September 30, 2019.

A pharmacy technician must be duly registered with the Board, or otherwise statutorily authorized, in order to perform delegated pharmacy acts. Working as a pharmacy technician without a registration is in violation of the Maryland Pharmacy Act, Health Occ. Art. § 12-6B-01.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under the Maryland Pharmacy Act, Health Occupations Article § 12-707(e), the Board of Pharmacy has the authority to impose a civil penalty of up to \$50,000 for working as an unregistered pharmacy technician, and specifically may impose a civil penalty of \$25.00 per month for each month a pharmacy technician works on an expired registration.

Based upon the facts set forth in Section I above, and COMAR 10.34.11.09, the Board hereby recommends the imposition of a **civil monetary penalty of \$150.00.**

III. OPPORTUNITY FOR HEARING

If you dispute the findings, conclusions or the civil monetary penalty, you may request an evidentiary hearing on the Board's decision in this matter. In the event that you request 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., Investigations Supervisor, 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 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 you guilty of the violations cited in the Reports, the Board may impose a civil penalty against you not to exceed \$250.00. If you request a hearing but fail to appear, the Board may nevertheless hear and determine the matter in your absence.

IV. OPTION TO PAY RECOMMENDED MONETARY PENALTY

Alternatively, you 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 20-129, on your check or money order to ensure proper assignment to your case.

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Upon your payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to this matter, and shall be a public order in accordance with the Maryland Public Information Act, General Provisions Art., Sec. § 4-101 *et seq.*, published on the Board's website in accordance with Health Occ., Sec. 1-607, 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., Investigations Supervisor, at 410-764-3768.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Linda Bethman, Board Counsel