



## DEPARTMENT OF HEALTH

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

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

April 27, 2020

**BY REGULAR AND CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7018 1130 0002 2824 6322**

Erdman Avenue Pharmacy  
3109 Erdman Avenue  
Baltimore, MD 21213  
Attn: Olubunmi Owojuyigbe, R.Ph., Pharmacy Manager

Re: Permit No. P07983  
Case No. 20-166  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager:

On November 12, 2019, the Maryland Board of Pharmacy (the "Board") conducted an inspection of Erdman Avenue Pharmacy (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 relating to pharmacy technician registration. Specifically, the Board's inspector noted an individual (A.O.) in the Pharmacy performing delegated pharmacy acts without a Board registration or enrollment in a Board-approved technician training program. The Board's records indicate that the individual is still not registered to date. In addition, the Office of Controlled Substances Administration ("OCSA") conducted an inspection of the Pharmacy on October 8, 2019, and noted that the Pharmacy was open and operating without a pharmacist on the premises.

## **I. FINDINGS AND CONCLUSION**

The Board finds that the Pharmacy permitted an unauthorized individual (A.O.) to perform delegated pharmacy acts on November 12, 2019. The Board further finds that the Pharmacy was open and operating without a pharmacist on the premises on October 8, 2019.

Based upon deficiencies at the 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 (3) 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 noted at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$1,500.00**. The deficiencies upon which the civil monetary penalty is based are set forth above and in this Notice, the Board's inspection report dated November 12, 2019, and OCSA's inspection report dated October 8, 2019.

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 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:

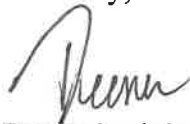
Wells Fargo Bank  
Attn: State of Maryland - Board of Pharmacy  
Lockbox 2051  
7175 Columbia Gateway Drive  
Columbia, MD 21046

***NOTE: Please include the case number, 20-166, 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 this matter and shall constitute a public order in accordance with the Maryland Public Information Act, Maryland Code Annotate, General Provisions Article § 4-101, *et seq.*, and be posted or 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, Board Counsel