



MARYLAND

Department of Health

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

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue, Baltimore, Maryland 21215-2299

Kevin M. Morgan, Board President • Deena Speights-Napata, Executive Director

BY CERTIFIED AND REGULAR MAIL, RETURN RECEIPT REQUESTED
CERTIFIED NUMBER: 7017 3040 0000 3785 1581

December 17, 2018

Giant Pharmacy #147
9580 Livingston Road
Ft. Washington, MD 20744
Attn: Pharmacy Manager

Re: Permit No. P00283
Case No. 18-142
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacy Manager:

On December 15, 2017, the Maryland Board of Pharmacy (the “Board”) conducted an annual inspection of Giant Pharmacy #147 (the “Pharmacy”) for compliance with statutes and regulations governing the operation of a pharmacy. The Board’s inspection noted that a pharmacist on staff (C.F.) was registered to administer vaccinations; however, the pharmacist did not possess proof of CPR certification. The pharmacist subsequently provided evidence of CPR certification obtained on December 26, 2017, however, the certification was obtained through online rather than in-person classroom instruction as required. The Board subsequently received records from the Pharmacy indicating that the pharmacist administered at least 45 vaccinations without CPR certification that complies with the Board’s regulatory requirements. The pharmacist has also notified the Board that the pharmacist is no longer employed at the Pharmacy as of April 2018.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy employed a pharmacist to administer vaccinations without proper CPR certification from approximately December 2017 through April 2018, during which time approximately 45 vaccinations were administered.

Based upon deficiencies at your Pharmacy, the Board finds that the Pharmacy is in violation of the Maryland Pharmacy Act and the regulations adopted thereunder. Specifically, the

410-764-4755 • Fax 410-358-6207 • Toll Free 800-542-4964
MDH 1-877-463-3464 • Maryland Relay Service 1-800-735-2258
Web Site: www.health.maryland.gov/pharmacy

Board finds the Pharmacy in violation of Health Occ. Art. §§ 12-403(c)(1), 12-508(b)(2) and COMAR 10.34.32.03.

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 \$1,000.00**. The deficiencies upon which the civil monetary penalty is based are set forth above in this Notice.

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 insure 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 disciplinary 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 Jada Collins, Compliance Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., 5th 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 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, or impose civil penalties, or both. If the Pharmacy requests a hearing but fail 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
Lockox 2051
Columbia, MD 21046

NOTE: Please include the case number, 18-142, on your check or money order to insure proper assignment to your case.

Upon the Pharmacy's payment of the civil monetary penalty, this Notice will constitute the Board's final formal action with respect to the inspection of December 15, 2017, and shall be a public order in accordance with the Maryland Public Information Act, General Provisions Article § 4-101 *et seq.*.

If you have any questions concerning the instructions contained in this letter, please contact Jada Collins, Compliance Investigator, at 410/764-4759.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Bryan Dunwoody, Manager, Pharmacy Compliance
Linda Bethman, AAG, Board Counsel