MARYLAND
Department of Health
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

July 22, 2019

BY REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #: 7017 3040 0000 3785 1178

Ellen Kent, R.Ph.
26281 T. Wood Drive
Mechanicsville, Maryland 20659

Re: License No. 23374
Case No. 19-092
Notice of Recommended Civil Penalty and
Opportunity for a Hearing

Dear Pharmacist Kent:

The Board of Pharmacy (the "Board") conducted an annual inspection of your Pharmacy employer on August 14, 2018. During that inspection, it was noted that you were registered with the Board to administer immunizations; however, you were not in possession of an active CPR certification. The Board's records indicate that your CPR certification expired in October 2017. You subsequently provided the Board with proof of live CPR certification obtained on August 28, 2018. The Board obtained information from your Pharmacy employer indicating that you administered approximately seven (7) vaccinations without valid CPR certification between November 2017 and August 2018.

I. FINDINGS AND CONCLUSION

The Board finds that you failed to maintain active CPR certification through in-person classroom instruction as a condition of registration to administer vaccinations under the authority of your pharmacist license, and that you administered vaccinations without proper CPR certification.

A pharmacist must maintain an active CPR certification through in-person classroom instruction in order to be registered to administer vaccinations in accordance with the Maryland Pharmacy Act, Health Occ. Art. § 12-508(b)(2) and COMAR 10.34.32.03.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-314 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 findings and conclusions above, the Board hereby recommends the imposition of a **civil monetary penalty of $250.00**.

In determining the recommended civil monetary penalty, the Board took into consideration the aggregating and mitigating factors outlined in COMAR 10.34.11.04.

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 Jada Collins, Compliance Investigator, 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 herein, the Board may impose formal public disciplinary action against your license such as a reprimand, placing your license on probation, suspension, or revocation. The Board may also impose a civil penalty against your license not to exceed $10,000. 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** from 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, 19-092, on your check or money order to ensure proper assignment to your case.

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 under the Maryland Public Information Act, General Provisions Art. § 4-101 *et seq.*, and reported in accordance with State and federal laws.

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: Linda Bethman, AAG, Board Counsel