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

September 11, 2018

BY CERTIFIED & REGULAR MAIL
RETURN RECEIPT REQUESTED
CERTIFIED NUMBER: 7016 0750 0747 5853

Ruth Rebecca King
6209 Foote Street
Capitol Heights, Maryland 20743

Re: Registration No. T06015
Case No. 18-241
Notice of Recommended Civil Penalty

Dear Ms. King:

On November 29, 2017, you submitted a reinstatement application to the Maryland Board of Pharmacy (the "Board") to reinstate your pharmacy technician registration which had expired on October 31, 2016. Since your application indicated that you were still working for your pharmacy employer ("Pharmacy A"), the Board requested additional information regarding your current job duties. Both you and your pharmacy employer provided information confirming that you continued to perform pharmacy technician duties after the expiration of your registration but that you were reassigned to a different position effective February 2, 2018.

I. FINDINGS AND CONCLUSION

Based on the above, the Board finds that you worked as a pharmacy technician at Pharmacy A without a current and active registration between approximately November 1, 2016, and February 1, 2018.

A pharmacy technician must be duly registered with the Board 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) and COMAR 10.34.11.09, the Board of Pharmacy has the authority to impose a civil penalty in the amount of $25.00 per month of practice past the expiration date of the registration, up to a maximum fine of $250.00 for working on an expired registration.

Based upon the facts set forth in Section I above, the Board hereby recommends the imposition of a **civil monetary penalty of $250.00**.

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 Heather McLaughlin, Compliance Coordinator, 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 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 allegations above, 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 of 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, 18-241, on your check or money order to insure proper assignment to your case.

Upon your payment of the civil monetary penalty, this Notice will constitute the Board's final action and order with respect to this matter, and shall be a public document in accordance with the Maryland Public Information Act, General Provisions Article, § 4-333 and shall be reported in accordance with State and federal laws.

If you have any questions concerning the instructions contained in this letter, please contact Heather McLaughlin, Compliance Coordinator, at 410-764-4152.

Sincerely,

Deena Speights-Napata
Executive Director

cc: Linda Bethman, Board Counsel