



Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., Secretary

Maryland Board of Pharmacy

Neil B. Leikach R.Ph. MSc, Board President
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

April 11, 2024

**BY REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7019 2280 0000 6567 3855**

Matheson Tri-Gas, Inc.
909 Lake Carolyn
Suite 1100
Irving, TX 75039
Attn: Mark Celii, Director, FDA Regulatory Compliance

Re: Permit No. D02231(Closed)
Case No. 24-184
Notice of Deficiencies, Imposition of Civil Monetary Penalty, and
Opportunity for Hearing

Dear Permit Holder:

On November 1, 2023, the Maryland Board of Pharmacy (the "Board") conducted a closing inspection of Matheson Tri-Gas, Inc. (the "Distributor") located 7932 Reichs Ford Road, Frederick, Maryland 21704. The Board inspector noted that the Distributor had ceased operations on June 30, 2023, but did not notify the Board of its closure until October 23, 2023, as required in COMAR 10.34.22.10.

I. FINDINGS AND CONCLUSION

The Board finds that the Distributor failed to submit written notification to the Board at least 30 days prior to ceasing to operate.

Based upon the Distributor's failure to submit timely notification to the Board of its closure, the Board finds that the Distributor is subject to disciplinary action in accordance with the Maryland Pharmacy Act and the regulations adopted thereunder. Health Occ. Art. § 12-6C-11; COMAR 10.34.22.10B (1).

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-6C-11 and COMAR 10.34.22.05, the Board of Pharmacy has the authority to impose a civil monetary penalty based upon violations of the Maryland Pharmacy Act.

Based upon the Distributor's infractions 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 10.34.11.08.

III. OPPORTUNITY FOR HEARING

If the Distributor disputes the findings, conclusions or the recommended civil monetary penalty, the Distributor may request an evidentiary hearing on the Board's decision in this matter. In the event that the Distributor 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 Trina Leak, Pharm.D., Compliance Manager, 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 Distributor 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 Distributor guilty of the violations, the Board may reprimand, suspend or revoke the permit, place the permit on probation, and/or impose civil penalties. If the Distributor requests a hearing but fails to appear, the Board may nevertheless hear and determine the matter in its absence.

IV. OPTION TO PAY RECOMMENDED CIVIL MONETARY PENALTY

Alternatively, the Distributor 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.

Notice of Deficiencies, Imposition of Civil
Monetary Penalty, and Opportunity for Hearing
Case No. 24-184
Permit No. D02231

Please mail the check or money order to:

Wells Fargo Bank
Attn: State of MD - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 24-184, on your check or money order to ensure proper assignment to your case.

Upon the Distributor's 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 document in accordance with the Maryland Public Information Act, Md. Ann. Code, General Provisions Art. § 4-101 et seq., and posted and reported in accordance with State and federal laws.

If you have any questions concerning the instructions contained in this letter, please contact Trina Leak, Pharm.D., at 443-685-8318.

Sincerely,



Deena Speights- Napata, M.A.
Executive Director

cc: Linda Bethman, Assistant Attorney General, Board Counsel
Trina Leak, Pharm.D., Compliance Director
Jitan Patel, R. Ph., Compliance Investigator Supervisor