



STATE OF MARYLAND

DHMH Department of Health and Mental Hygiene

Larry J. Hogan, Governor – Boyd K. Rutherford, Lt. Governor – Dennis Schrader, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue, Baltimore, Maryland 21215-2299

Mitra Gavvani, Board President – Deena Speights-Napata, Executive Director

May 4, 2017

**BY CERTIFIED & REGULAR MAIL
RETURN RECEIPT REQUESTED
CERTIFIED NUMBER: 7015 1520 0003 1509 6146**

Medmerica Pharmacy
5003 Ritchie Highway
Brooklyn, Maryland 21225
Attn: Ajay Khanna, R.Ph.

Re: Permit No. P04195
Case No. PI-17-012
Finding of Deficiencies and Imposition of Civil Monetary Penalty
By Consent

Dear Mr. Khanna:

On July 7, 2016, the Board of Pharmacy (the "Board") conducted an annual inspection of Medmerica Pharmacy (the "Pharmacy") to ensure 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 medication inventory. Specifically, the Board inspector noted approximately 24 outdated medications during a spot check. The Board's records also indicate that the Pharmacy's prior two inspections on July 30, 2015, and September 19, 2014, indicated expired medications in stock.

I. FINDINGS AND CONCLUSION

Based on the Board's inspection of the Pharmacy on July 7, 2016, the Board finds that the Pharmacy had at least 24 expired drugs in its pharmacy inventory.

Based upon the above deficiencies, 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 COMAR 10.34.12.

II. 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, and the subsequent mitigating factors presented by the Pharmacy, the Board hereby imposes and the Pharmacy agrees to pay 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.

The civil monetary penalty is **due within thirty (30) days** of the date of this letter, in the form of a check made payable to the Maryland Board of Pharmacy.

Please mail the check or money order to:

Maryland Board of Pharmacy
P.O. Box 2051
Baltimore, MD 21203-2051

NOTE: Please include the case number, PI-17-012, 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 with respect to this matter, and shall be a public document in accordance with the Maryland Public Information Act.

Furthermore, the Pharmacy makes no admissions, but rather agrees to pay the civil monetary penalty as a resolution of this matter in lieu of formal charges, which process would have afforded the Pharmacy full evidentiary hearing rights in accordance with the Administrative Procedure Act.

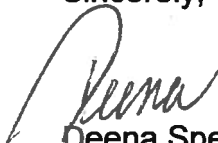
III. FOLLOW-UP DOCUMENT SUBMISSION AND INSPECTION

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 or has not revised its policies and procedures as agreed above, 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.

In addition, within 30 days of the date of this letter, the Pharmacy has agreed to: (1) submit to the Board its policies and procedures regarding inventory control; (2) train all pharmacy staff regarding inventory control and management; and (3) submit to the Board a sign-in sheet verifying the staff training.

If you have any questions concerning the information or instructions contained in this letter, please contact Vanessa Thomas Gray, Compliance Investigator, at 410-764-2493.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Linda M. Bethman, Board Counsel