



DEPARTMENT OF HEALTH

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

Maryland Board of Pharmacy
Kristopher Rusinko, PharmD, Board President
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

October 15, 2024

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE # 7019 2280 0000 6568 8002**

Mercantile Pharmacy
c/o Kapiamba Muteba, R.Ph., owner
119 Hilltop Road
Silver Spring, Maryland

Re: Permit No. P08713
Case No. 25-031
Notice of Deficiencies, Imposition of Civil Monetary Penalty, and
Opportunity for Hearing

Dear Mr. Muteba:

On April 25, 2024, the Maryland Board of Pharmacy (the “Board”) attempted to conduct an annual inspection of Mercantile Pharmacy located at 1400 Mercantile Lane, Largo, Maryland (the “Pharmacy”) to determine if the Pharmacy was in compliance with State laws and regulations. The Pharmacy was located in a health clinic that was open, but the Pharmacy was closed contrary to its posted hours of operation. Thus, the Board’s inspector was unable to conduct an inspection of the Pharmacy. Subsequently, on May 16, 2024, the Board received notice that the Pharmacy would be closing on May 31, 2024. The Board attempted to schedule a closing inspection of the Pharmacy as required; however, the Pharmacy indicated it no longer had access to the premises. The Board then requested documentation evidencing appropriate transfer of prescription drugs and records. To date, the Board has not received any documentation or communication to fulfill the requirements of a closure of pharmacy in accordance with COMAR 10.34.14.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy ceased operations and failed to undergo a closing inspection and provide documentation to verify the disposition of drug inventory among other things, in violation of the Maryland Pharmacy Act.

Based upon the Pharmacy's failure to file proper notice of closure and failure to submit to a closing inspection, 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 10.34.14.

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 Pharmacy's infraction above, the Board hereby recommends the imposition of a **civil monetary penalty of \$500.00**.

In determining the recommended civil monetary penalty, the Board took into consideration the factors set forth in COMAR 10.34.11.08.

III. FOLLOW-UP ACTION REQUIRED

Please be advised that the Pharmacy shall ***within ten (10) days of the date of this Notice***, submit: (1) a copy of the inventory of prescription drugs, including controlled dangerous substances, disposed of, transferred, or returned; (2) names, contact information, and DEA numbers of persons or entities to whom prescription drugs were transferred; (3) original pharmacy permit; and (4) controlled dangerous substances permit, if applicable.

IV. OPPORTUNITY FOR HEARING

If the Pharmacy disputes the findings, conclusions or the recommended 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 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 Director, 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 and evidence, 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 herein, the Board may suspend or revoke the pharmacy permit, impose civil penalties, or both. If the Pharmacy requests a hearing but fails 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
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 25-031, on your check or money order to ensure proper assignment to your case.

Upon the Pharmacy'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 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. Compliance Director, at 443-635-8318.

Sincerely,



Deena Speights- Napata, M.A.
Executive Director

cc: Linda Bethman, Board Counsel