



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

May 3, 2023

**CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED
ARTICLE # 7019 2280 0000 6567 5507**

McDougall's Drug Center
1645 Liberty Road, Suite 100
Sykesville, Maryland 21784
Attn: Kevin Pacquing, R.Ph., Pharmacy Manager

Re: Permit No. P08300
Case No. 22-390
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacy Manager:

On January 28, 2022, the Maryland Board of Pharmacy (the "Board") conducted an annual inspection of McDougall's Drug Center (the "Pharmacy") for 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 to pharmacy technician registration. Specifically, the Board's inspector requested documentation regarding an unregistered pharmacy technician trainee on staff, Trainee A; the documents indicated that Trainee A's permissible six (6) month training period in the Pharmacy was from February 1, 2021 to August 1, 2021. The Board's records indicate that Trainee A subsequently became registered with the Board on January 31, 2022.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted Technician A to perform delegated pharmacy acts without a technician registration issued by the Board, and beyond the six (6) month registration exemption period for trainees in a Board-approved technician-training program.

Based upon the deficiencies noted at your Pharmacy, the Board finds that the Pharmacy is in violation of the Maryland Pharmacy Act. Specifically, the Board finds the Pharmacy in violation of Health Occ. Art. §§ 12-403(c)(1) and 12-6B-01, and COMAR 10.34.34.

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 deficiencies cited at the Pharmacy, the Board hereby recommends the imposition of 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 and in the inspection report, dated January 28, 2022.

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. FOLLOW-UP INSPECTION

Please be advised that the Board of Pharmacy may perform a follow-up inspection of the Pharmacy to ensure that the deficiencies noted herein have been addressed and corrected. Should the inspection indicate that the Pharmacy has further deficiencies; 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.

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 determination 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 Donna Goldberg, R.Ph., J.D., 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, 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 in violation of the Maryland Pharmacy Act, 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:

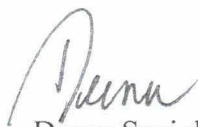
Wells Fargo Bank
Attn: State of MD - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 22-390, 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 the January 28, 2022 inspection, and shall be a public document and order under the Maryland Public Information Act, Md. Code Ann., 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 Donna Goldberg, R.Ph., J.D., at 410/764-3768.

Sincerely,



Deena Speights-Napata, M.A.
Executive Director

cc: Linda Bethman, AAG, Board Counsel