MARYLAND
Department of Health

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland Board of Pharmacy
4201 Patterson Ave.
Baltimore, MD 21215

June 14, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7016 0750 0001 0747 7178

Sylvia Jane Latishia McGowan
2045 Parker Drive
Annapolis, Maryland 21401

Re: Registration No. T18258 (non-renewed)
Case No. 19-314
Notice of Recommended Civil Penalty

Dear Ms. McGowan:

On March 20, 2019, the Maryland Board of Pharmacy (the "Board") conducted an annual inspection of Correct Rx Pharmacy Services (the "Pharmacy") to see if the Pharmacy was in compliance with federal and state laws regarding the operation of a pharmacy. During that inspection, the inspector noted that your pharmacy technician registration expired on August 31, 2017, but your registration was still posted at the Pharmacy. Subsequent information received by the Board indicated that you worked at the Pharmacy as a pharmacy technician without an active registration between September 1, 2017, and March 20, 2019. Further, on the same day as the inspection, you submitted an application to the Board for reinstatement of your pharmacy technician registration on which you answered "no" to the question "[h]ave you practiced as a pharmacy technician during the expiration of your pharmacy technician registration," which was false.

I. FINDINGS AND CONCLUSION

The Board finds that you worked as a pharmacy technician at Correct Rx Pharmacy Services without a current and active registration between September 1, 2017 and March 20, 2019.

A pharmacy technician must be duly registered with the Board, or otherwise statutorily authorized, in order to perform delegated pharmacy acts. Working as a pharmacy technician without a registration is in violation of the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-6B-01.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-707(e), the Board of Pharmacy has the authority to impose a civil fine of up to $50,000 for working as an unregistered pharmacy technician.

Based upon the facts set forth in Section I above, and COMAR 10.34.11.09, 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 Donna F. Goldberg. R.Ph., J.D., Pharmacist Investigator Supervisor, Maryland Board of Pharmacy, 4201 Patterson Ave., 5th Floor, Baltimore, Maryland 21215, **no later than thirty (30) days from 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 violations cited herein, the Board may impose a civil penalty against you not to exceed $50,000. 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 or money order to:

Wells Fargo Bank
Attn: State of MD - Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

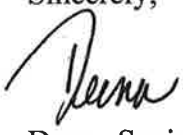
NOTE: Please include the case number, 19-314, on your check or money order to ensure proper assignment to your case.

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 order in accordance with the Maryland

Public Information Act. Please note that upon receipt of the civil monetary penalty, the Board will process your application for reinstatement of your pharmacy technician registration, provided you are otherwise eligible for reinstatement.

If you have any questions concerning the instructions contained in this letter, please contact Donna F. Goldberg, R.Ph., J.D., Pharmacist Investigator Supervisor, at (410) 764-4755.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Brett Felter, Board Counsel