MARYLAND
Department of Health
Larry Hogan, Governor • Boyd Rutherford, Lt. Governor • Robert R. Neall, Secretary

MARYLAND BOARD OF PHARMACY
4201 Patterson Avenue, Baltimore, Maryland 21215-2299
Kevin M. Morgan, Board President • Deena Speights-Napata, Executive Director

July 11, 2018

BY CERTIFIED & REGULAR MAIL
RETURN RECEIPT REQUESTED
CERTIFIED NUMBER: 7017 3040 0000 3785 0423

Edward Neuberger, R.Ph.
26 Parkin Street
Baltimore, Maryland 21201

Re: License No. 25096
Case No. 18-152
Notice of Recommended Civil Penalty

Dear Pharmacist Neuberger:

The Board of Pharmacy (the "Board") conducted an annual inspection of your Pharmacy employer ("Pharmacy A") in Baltimore, Maryland, on January 10, 2018. During that inspection, it was noted that you were certified by the Board to administer vaccinations. However, your CPR certification was obtained from online training rather than in-person classroom instruction as required by the Board's regulations. Your prior CPR certification, which expired on October 3, 2017, was duly obtained through in-person classroom instruction. You subsequently provided the Board with a valid CPR certification obtained on January 24, 2018.

I. FINDINGS AND CONCLUSION

The Board finds that you administered vaccinations from approximately October 4, 2017, to January 22, 2018, without having live CPR training through in-person classroom instruction as required in order to administer vaccinations under the authority of your pharmacist license.

A pharmacist must obtain CPR certification through in-person classroom instruction in order to register to administer vaccinations in accordance with the Maryland Pharmacy Act, Health Occ. Art. § 12-508(b)(2) and COMAR 10.34.32.03.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-314 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 findings and conclusions 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 10.34.11.04.

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 Lisa Sanderoff, R.Ph., Investigator Supervisor, 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 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 formal public disciplinary action against your license such as a reprimand, placing your license on probation, suspension, or revocation. The Board may also impose a civil penalty against your license not to exceed $10,000. 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 Maryland - Board of Pharmacy

Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

NOTE: Please include the case number, 18-152, 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 constitute a public order under the Maryland Public Information Act, General Provisions Art. § 4-333, and be posted on the Board's website in accordance with Health Occ. § 1-607.

If you have any questions concerning the instructions contained in this letter, please contact Lisa Sanderoff, R.Ph., Investigator Supervisor, at 410-764-3768.

Sincerely,

Deena Speights-Napata
Executive Director

cc: Linda Bethman, Board Counsel