



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

Maryland Board of Pharmacy

Neil B. Leikach, RPh, MSc, Board President
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

February 16, 2024

SENT VIA EMAIL

wnicodimos@gmail.com

Wasihun Nicodimos, R.Ph., Owner
7201 Sheehan Court
Derwood, Maryland 20855

RE: Rx Clinic, LLC - Notice of Deficiencies, Imposition of Civil Monetary Penalty,
and
Opportunity for Hearing
Permit No. P08490 Case No:23-381

Dear Mr. Nicodimos:

On January 13, 2023, the Maryland Board of Pharmacy (the “Board”) conducted a closing inspection of Rx Clinic, LLC, located in Silver Spring, Maryland (the “Pharmacy”). At the time of the inspection, the Pharmacy had not properly arranged for the transfer of all of its drug inventory and patient records. Despite numerous requests, the Pharmacy failed to provide documentation of the proper transfer or disposal of controlled and non-controlled drugs as well as its confidential patient records in accordance with COMAR 10.34.14.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy failed to timely arrange for the appropriate disposition of its controlled and non-controlled drug inventory and confidential prescription records at the time of the closing inspection, and failed to provide documentation of such disposition to the Board upon request thereafter.

Based upon the Pharmacy’s failure to transfer or appropriately dispose of its drug inventory and confidential prescription records at the time of the closing inspection, or provide documentation of such disposition thereafter, 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 deficiencies reported at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$500.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the Notice above and the Closing Inspection Report, dated January 13, 2023.

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

III. 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.

IV. OPTION TO PAY RECOMMENDED CIVIL MONETARY PENALTY

Alternatively, the Pharmacy may pay the recommended civil monetary penalty **within six (6) months** 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, 23-381, 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 Manager, at 443-635-8318.

Sincerely,



Deena Speights- Napata, M.A.
Executive Director

cc: Linda Bethman, AAG, Board Counsel