



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

May 24, 2024

**SENT VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7019 2280 0000 6567 4586**

Wendy O'Rourke
1006 Nesbitt Road
Colora, Maryland 21917

RE: Notice of Recommended Civil Penalty
Case No. 24-058, Registration No. T00273

Dear Ms. O'Rourke:

The Maryland Board of Pharmacy (the "Board") received your application for reinstatement of your pharmacy technician registration, Registration No. T00273, on or about September 5, 2023. On your application, you answered yes to the question "have you practiced as a pharmacy technician during the expiration of your pharmacy technician registration?" You provided the Board with further information indicating that you had been working at Sun Pharmacy on an expired registration since April 30, 2023. Your registration was subsequently reinstated on November 20, 2023.

I. FINDINGS AND CONCLUSION

The Board finds that you worked as a pharmacy technician at Sun Pharmacy without a current and active registration between April 30, 2023, and November 20, 2023.

A pharmacy technician must be duly registered with the Board 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 and 12-6B-12.

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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, the Board hereby recommends the imposition of a **civil fine of \$50.00**.

In determining the recommended civil monetary penalty, the Board took into consideration the aggravating and mitigating factors outlined in COMAR 10.34.11.09D(3).

III. OPPORTUNITY FOR HEARING

If you dispute the findings, conclusions, or the recommended civil monetary penalty, you may request an evidentiary hearing on the Board's decision in this matter. If you request an evidentiary hearing, the Board will initiate formal proceedings which would 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 following 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 violation cited in this Notice, 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 CIVIL FINE

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 of money order to:

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

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NOTE: Please include your case number, 24-058, 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 final and public order in accordance with the Maryland Public Information Act, Md. Code Ann., Gen. Provisions § 4-333(b), and be posted on the Board's website in accordance with Md. Code Ann., Health Occ. § 1-607, 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: Brett Felter, Board Counsel