



DEPARTMENT OF HEALTH

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

Maryland Board of Pharmacy

Jennifer L. Hardesty, PharmD, Board President
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

January 31, 2023

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE # 7018 1130 0002 2825 1630**

Parkland Pharmacy
6104 Old Silverhill Road
District Heights, MD 20747
Attn: Anthony Brown, R.Ph., Pharmacy Manager

Re: Permit No. P08541
Case No. 23-020
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacy Manager:

On February 10, 2022, the Board of Pharmacy (the "Board") conducted an annual inspection of Parkland Pharmacy (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 governing pharmacist administration of vaccines and drug storage.

Specifically, the Pharmacy employed a pharmacist (Pharmacist A) who did not have CPR certification obtained through in-person classroom instruction as required in order to administer vaccinations. The Board also received additional documentation indicating that the Pharmacist A administered approximately eight (8) vaccinations without proper CPR certification. The Board's inspector also noted that the Pharmacy's

Schedule II controlled dangerous substance inventory was segregated, but not secured. The Board's inspector also observed that the Pharmacy was sharing space on the Pharmacy premises with a "clinic", although the Board had not received notification of changes on the Pharmacy premises. Lastly, the Board's inspector requested that the Pharmacy forward to the Board within seven (7) days copies of certain documents that the Pharmacy was unable to readily retrieve at the time of inspection; however, the Pharmacy did not submit these documents until July 20, 2022. The Board's records indicate that Pharmacist A subsequently obtained the required CPR certification on November 28, 2022

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted Pharmacist A to administer approximately eight (8) vaccinations without active CPR certification obtained through in-person classroom instruction as required in order to administer vaccinations under the authority of a pharmacist's license. The Board also finds that the Pharmacy failed to store its segregated Schedule II controlled dangerous substance inventory in a securely locked, substantially constructed cabinet.

Based upon deficiencies at the Pharmacy, 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), 12-508(b)(2) and COMAR 10.19.12B.

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 \$1,000.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above and the Inspection Report, dated February 10, 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 in the Inspection Report have been addressed and corrected, to include the following:

- all staff pharmacists who are registered to administer vaccinations must maintain active CPR certification obtained through in-person classroom instruction
- controlled dangerous drug inventory is stored in a securely locked, substantially constructed cabinet; or dispersed throughout the stock of noncontrolled substances in such a manner as to obstruct theft and diversion
- the Board receive written notification at least 30 days in advance of any change in information submitted on the Pharmacy's application, to include changes in the floorplan, or other changes that may affect the security or storage condition of prescription drugs or devices
- the Board receives any requested documentation following an inspection in a timely manner

Should the follow-up 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. In the event that the Pharmacy requests an evidentiary hearing, the Board shall initiate formal proceedings which will include notice and an 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 from 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 Maryland - Board of Pharmacy
Lockbox 2051
401 Market Street
Philadelphia, PA 19106

NOTE: Please include the case number, 23-020, 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 deficiencies from the inspection of February 10, 2022, and shall be a final order and 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