



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

*Lawrence J. Hogan, Jr., Governor – Boyd K. Rutherford, Lt. Governor –
Van T. Mitchell, Secretary*

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Mitra Gavgani, Board President – Deena Speights-Napata, Executive Director

May 18, 2016

**BY CERTIFIED MAIL & REGULAR MAIL
RETURN RECEIPT REQUESTED
CERTIFIED NUMBER: 7014 0510 0001 0446 7789**

Rite Aid Pharmacy #4665
12224 Tullamore Road
Timonium, Maryland 21093
Attn: Nnenna Afor Otum Mba, R.Ph.

Re: Permit No. P02044
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacist Otum Mba:

On January 27, 2016, the Maryland Board of Pharmacy (the "Board") conducted an annual inspection of Rite Aid Pharmacy #4665 (the "Pharmacy") for compliance with statutes and regulations governing the operation of a pharmacy. The Board's inspection and additional documentation indicated that the Pharmacy was not compliant with laws relating to pharmacy technician registration. Specifically, the Board inspector observed an unregistered pharmacy technician trainee, S.S., performing delegated pharmacy acts in the prescription area. The Pharmacy's training program documentation indicated that the technician trainee was working beyond the six-month registration exemption for technician trainees. The Board's records indicate that the pharmacy technician was subsequently registered on February 25, 2016.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy permitted a technician trainee, S.S., to perform delegated pharmacy acts beyond the six-month registration exemption period allowable under Md. Code Ann., Health Occ. § 12-6B-01(b).

Based upon deficiencies at the Pharmacy, the Board finds that the Pharmacy is in violation of the Maryland Pharmacy Act; specifically, the Board finds the Pharmacy in

violation of Health Occ. Art. §§ 12-403(c)(1) and 12-6B-01.

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 cited 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 above in this Notice.

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 insure that the deficiencies noted herein have been addressed and corrected. 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 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 Heather McLaughlin, Compliance Coordinator, 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, 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 in the Reports, the Board may suspend or revoke the pharmacy permit, or impose civil penalties, or both. If the Pharmacy requests a hearing but fail to appear, the Board may nevertheless hear and determine the matter in the Pharmacy's 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:

Maryland Board of Pharmacy
P.O. Box 2051
Baltimore, MD 21203-2051

NOTE: Please include the case number, PI-16-143, on your check or money order to insure 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 inspection report dated, January 27, 2016, and shall be a public document in accordance with the Maryland Public Information Act.

If you have any questions concerning the instructions contained in this letter, please contact Heather McLaughlin, Compliance Coordinator, at 410-764-4152.

Sincerely,



Mitra Gavvani, PharmD
President

cc: Linda Bethman, Board Counsel
Deborah Hurley, Rite Aid Corporation