



# 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

August 30, 2018

**BY CERTIFIED & REGULAR MAIL  
RETURN RECEIPT REQUESTED  
CERTIFIED NUMBER 7016 0750 0001 0747 5808**

Safeway Pharmacy #4872  
6235 Oxon Hill Road  
Oxon Hill, Maryland 20746  
ATTN: Nebiat Gebremariam, R.Ph., Pharmacy Manager

Re: Permit No. P06645  
Case No. PT-16-028  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager:

On February 20, 2018, the Maryland Board of Pharmacy (the "Board") received credible information indicating that Safeway Pharmacy #4872 had permitted a pharmacy technician ("E.B.") to work with a suspended technician registration. The Board subsequently obtained information from the Pharmacy confirming that pharmacy technician E.B. worked with a suspended registration from approximately July 28, 2016, to February 15, 2018.

#### **I. FINDINGS AND CONCLUSION**

The Board finds that the Pharmacy permitted pharmacy technician E.B. to perform delegated pharmacy acts with a suspended technician registration from approximately July 28, 2016, to February 15, 2018.

Based upon deficiencies at your Pharmacy, the Board concludes that the Pharmacy is in violation of the Maryland Pharmacy Act and the regulations adopted thereunder. Specifically, the Board concludes that the Pharmacy is in violation of Health Occ. Art. §§ 12-403(b)(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 ensure 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 disciplinary 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., Investigations 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 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 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 of money order to:

Wells Fargo Bank  
Attn: State of MD - Board of Pharmacy  
Lockbox 2051  
7175 Columbia Gateway Drive  
Columbia, MD 21046

***NOTE: Please include the case number, PT-16-028, 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 formal action with respect to this matter, and shall be a public order and document in accordance with the Maryland Public Information Act, General Provisions Article § 4-333.

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

Sincerely,



Deena Speights-Napata  
Executive Director

cc: Linda Bethman, AAG, Board Counsel  
Tina Acevedo, Pharmacy Compliance & Analytics, Albertsons