



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Maryland Board of Pharmacy

Deena Speights-Napata, M.A.
Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

September 11, 2020

VIA REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7018 1130 0002 2824 9682

Specialty Rx LLC
9650 Santiago Road, Suite 8
Columbia, MD 21045
Attn: Leo Friedman, Owner

Re: Permit No. P07110
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Mr. Friedman:

On July 23, 2020, at 10:17 a.m., the Board of Pharmacy (the "Board") attempted to inspect Specialty Rx LLC (the "Pharmacy") to determine if the Pharmacy is in compliance with federal and state laws. The Pharmacy was not open and thus the Board inspector was not able to perform an annual inspection of the pharmacy premises. The Pharmacy subsequently contacted the Board inspector to reiterate that the Pharmacy's business hours were Monday and Thursday from 8:30/9:00 a.m. – 12:00 p.m., and PRN for other days. Thus, the Board's inspector returned to the Pharmacy on Monday, August 5, 2019, at 9:08 a.m. to conduct the inspection and again found the Pharmacy closed. The Board's inspector had to contact the owner and await the arrival of a pharmacist, who arrived at approximately 9:23 a.m.

The Board's records indicate that this is a repeated pattern with the Pharmacy, having similar issues with the Pharmacy being open and subject to inspection during its stated hours of operation in 2017 and 2018, for which it paid a fine.

I. FINDINGS AND CONCLUSION

The Pharmacy must be open and available for inspections during its normal business hours. The Board finds that the Pharmacy failed to satisfactorily comply with

statutorily required annual inspections. The Board concludes 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(b)(1), 12-413, and 12-604.

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 above deficiency cited at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$1,000.00**. The deficiency upon which the civil monetary penalty is based is set forth above in this Notice and in the Inspection Report dated August 5, 2019.

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 perform a follow-up inspection of the Pharmacy to determine whether the deficiencies have been addressed. Should the follow-up inspection indicate that the Pharmacy has not come into substantial compliance, 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 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 Donna Goldberg, RPh, JD, 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 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 violations cited in the inspection report be proven by a preponderance of the evidence, 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 MD - Board of Pharmacy
Lockbox 2051
7175 Columbia Gateway Drive
Columbia, MD 21046

NOTE: Please include the case number, 20-240, 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 August 5, 2019 inspection, and shall be a 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, RPh, JD, at 410/764-3768.

Sincerely,



Deena Speights-Napata, M.A.
Executive Director

cc: Linda Bethman, Board Counsel