Maryland
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

VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7017 1450 0002 3456 9875

August 27, 2020

Patricia Burgess, R.Ph.
2332 White Owl Way
Suitland, MD 20746

Re: License No. 09536
Case No. 20-251
Notice of Recommended Civil Penalty

Dear Ms. Burgess:

The Board of Pharmacy (the "Board") conducted an annual inspection of your pharmacy employer ("Pharmacy A") in Bryans Road, Maryland, on November 22, 2019. During that inspection, it was noted that you were certified by the Board to administer vaccinations. However, you could did not have CPR certification obtained through in-person instruction as required by the Board's regulations but rather your certification was obtained through online instruction. The Board received further information from the Pharmacy indicating that you administered vaccinations without the proper CPR certification.

I. FINDINGS AND CONCLUSION

The Board finds that you administered vaccinations without having active CPR training through in-person classroom instruction as required in order to administer vaccinations under the authority of your pharmacist's license.

A pharmacist must maintain active CPR certification through in-person classroom instruction in order to register to administer vaccinations in accordance with the Maryland Pharmacy Act, Health Occ. Art. § 12-508(b)(2) and COMAR 10.34.32.03.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-314 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 findings and conclusions above, the Board hereby recommends the imposition of a **civil monetary penalty of $250.00**.

In determining the recommended civil monetary penalty, the Board took into consideration the aggregating and mitigating factors outlined in COMAR 10.34.11.04.

III. OPPORTUNITY FOR HEARING

If you dispute the findings, conclusions or the civil monetary penalty, you may request an evidentiary hearing on the Board's decision in this matter. In the event that you request 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 Rochen Wang, Pharm.D., Compliance Investigator Supervisor, 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 Board find you guilty of the violations cited herein, the Board may impose formal public disciplinary action against your license such as a reprimand, placing your license on probation, suspension, or revocation. The Board may also impose a civil penalty against your license not to exceed $10,000. 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 MONETARY PENALTY/FOLLOW-UP ACTION

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 or money order to:

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

NOTE: Please include the case number, 20-251, on your check or money order to ensure proper assignment to your case.

Please also submit to the Board a copy of CPR certification obtained through in-person classroom instruction in order to maintain your vaccination registration.

Upon your payment of the civil monetary penalty and submission of proper CPR certification, this Notice will constitute the Board's final action with respect to this matter, and shall constitute a public order under the Maryland Public Information Act, General Provisions Art. § 4-333, and be posted on the Board's website in accordance with 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 Rochen Wang, Pharm.D., Compliance Investigator Supervisor, at 410-764-4239.

Sincerely,

Deena

Deena Speights-Napata, M.A.
Executive Director

cc: Linda Bethman, AAG, Board Counsel