



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, 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

October 19, 2021

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7018 1130 0002 2824 5134**

Annapolis Healthcare Supplies
117 Gibraltar Avenue
Annapolis, MD 21401

Attn: Susan Tomchik, President

Re: Permit No. D00182
Case No. 21-225
Notice of Deficiencies, Imposition of Civil Monetary Penalty, and
Opportunity for Hearing

Dear Ms. Tomchik:

On April 20, 2021, the Maryland Board of Pharmacy (the "Board") attempted to conduct an inspection of Annapolis Healthcare Supplies (the "Distributor") with an address of record at 117 Gibraltar Avenue, Annapolis, Maryland. The Board inspector noted that the Distributor was no longer at this location, and subsequent information indicated that the Distributor had sold its assets and ceased operating in July 2020. The Distributor failed to submit prior notification to the Board that it was ceasing operations and failed to submit to a closing inspection in accordance with COMAR 10.34.22.10.

I. FINDINGS AND CONCLUSION

The Board finds that the Distributor ceased operations without prior notification to the Board and failed to submit to and pass a closing inspection.

Based upon the Distributor's failure to comply with the Board's closing regulations as stated above, the Board finds that the Distributor is subject to disciplinary action in

accordance with the Maryland Pharmacy Act and the regulations adopted thereunder. Health Occ. Art. § 12-6C-11; COMAR 10.34.22.05A(3)(d); 10.34.22.10.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-6C-11 and COMAR 10.34.22.05, the Board of Pharmacy has the authority to impose a civil monetary penalty based upon violations of the Maryland Pharmacy Act.

Based upon the Distributor's infractions above, the Board hereby recommends the imposition of a **civil monetary penalty of \$500.00**.

In determining the recommended civil monetary penalty, the Board took into consideration factors set forth in COMAR 10.34.11.

III. OPPORTUNITY FOR HEARING

If the Distributor disputes the findings, conclusions or the recommended civil monetary penalty, the Distributor may request an evidentiary hearing on the Board's decision in this matter. In the event that the Distributor 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, R.Ph., J.D., Compliance Pharmacist, 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 Distributor 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 Distributor guilty of the violations, the Board may reprimand, suspend or revoke the permit, place the permit on probation, and/or impose civil penalties. If the Distributor requests a hearing but fails to appear, the Board may nevertheless hear and determine the matter in its absence.

IV. OPTION TO PAY RECOMMENDED CIVIL MONETARY PENALTY

Alternatively, the Distributor 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, 21-225, on your check or money order to ensure proper assignment to your case.

Upon the Distributor's payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to this matter and shall be a public document in accordance with the Maryland Public Information Act 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., Compliance Pharmacist, at 410-764-3768.

Sincerely,



Deena Speights- Napata, M.A.
Executive Director

cc: Linda Bethman, Board Counsel