



DEPARTMENT OF HEALTH

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

Maryland Board of Pharmacy

Kevin M. Morgan, Pharm.D., Board President
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue
Baltimore, MD 21215

February 5, 2021

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7017 1450 0002 3456 2890**

CVS Pharmacy #352
1519 Rock Spring Road
Forest Hill, MD 21050
Attn: Nasim Raeisi, R.Ph., Pharmacy Manager

Re: Permit No. P05185
Case No. 20-436
Finding of Deficiencies and Imposition of Civil Monetary Penalty
By Consent

Dear Pharmacy Manager:

On November 14, 2019, the Board of Pharmacy (the "Board") conducted an annual inspection of CVS Pharmacy #352 (the "Pharmacy") for compliance with statutes and regulations governing the operation of a pharmacy. The Board's inspection indicated that the Pharmacy was not compliant with laws governing drug storage and inventory. Specifically, the Board inspector noted approximately 9 outdated medications in the pharmacy inventory during a spot check. The Board's records indicate that the Pharmacy also had approximately 9 outdated prescription medications noted on its prior inspection on December 12, 2018.

The Pharmacy timely requested a hearing on the matter. The Board convened a case resolution conference resulting in an agreement to resolve the findings of deficiencies as set forth herein.

I. FINDINGS AND CONCLUSION

The Board finds that during a spot check of the Pharmacy's inventory by a Board inspector, the Pharmacy had at least 9 outdated medications. These findings are included in the Pharmacy's Inspection Report dated November 14, 2019.

Based upon deficiencies at the Pharmacy, the Board finds 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(c)(1) and COMAR 10.34.12.

II. 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 reported at the Pharmacy, the Board hereby imposes a **civil monetary penalty of \$500.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above and the Inspection Report, dated November 14, 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 may perform a follow-up inspection of the Pharmacy to ensure that the deficiencies noted in the Inspection Report 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. PAYMENT OF MONETARY PENALTY

The Pharmacy has agreed to pay the above civil monetary penalty within thirty (30) days of the date of this Finding, 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, 20-436, on your check or money order to ensure proper assignment to your case.

Upon the Pharmacy's payment of the civil monetary penalty, this Finding will constitute the Board's final action with respect to this case regarding the deficiencies related to inspection of November 14, 2019, and shall be a final order and 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, R.Ph., J.D., at 410-764-3768.

Sincerely,



Deena Speights-Napata, M.A.
Executive Director

cc: Brian Convery, Esquire, Counsel for CVS
Linda Bethman, AAG, Board Counsel