



DEPARTMENT OF HEALTH

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

Maryland Board of Pharmacy
Deena Speights-Napata, MA
Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

May 26, 2020

CVS Pharmacy #6765
2003 Davidsonville Road
Crofton, Maryland 21114
Attn: Samuel Brackett, RPh, Pharmacy Manager

Re: Permit No. P05225
Case No. 19-126
Finding of Deficiencies and Imposition of Civil Monetary Penalty
By Consent

Dear Pharmacy Manager:

On September 14, 2018, the Board of Pharmacy (the "Board") conducted an annual inspection of CVS Pharmacy #6765 (the "Pharmacy") for compliance with statutes and regulations governing the operation of a pharmacy. The Board's inspection found the Pharmacy to be non-compliant with the regulatory requirements concerning pharmacy technician registration. Specifically, the Board inspector observed three (3) unregistered personnel (T.F., S.P., and C.T.) performing delegated pharmacy acts in the Pharmacy. Two of the personnel were technician trainees working beyond the six-month training program limitation, and one (1) staff person had not yet enrolled in a board-approved training program. The Board's records indicate that one of the trainees has since been duly registered by the Board.

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 CVS #6765 allowed three (3) unregistered personnel (T.F., S.P., and C.T.) to perform delegated pharmacy acts without being duly registered with the Board or otherwise authorized by law.

Based upon the above deficiencies, 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 § 12-6B-01.

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 \$3,000.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above and the Inspection Report, dated September 14, 2018.

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 recommended 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, 19-126, 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 the inspection of September 14, 2018, and shall be a final order and public document 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, J.D., at 410-764-3768.

Sincerely,



Deena Speights-Napata, MA
Executive Director

cc: Linda Bethman, AAG, Board Counsel
Brian Convery, Esq., Counsel for CVS Corporation