



# MARYLAND

## Department of Health

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

### **MARYLAND BOARD OF PHARMACY**

4201 Patterson Avenue, Baltimore, Maryland 21215-2299

Kevin M. Morgan, Board President • Deena Speights-Napata, Executive Director

**BY CERTIFIED AND REGULAR MAIL, RETURN RECEIPT REQUESTED**  
**CERTIFIED NUMBER: 7017 3040 0000 3785 0478**

December 17, 2018

Crayton Franklin, R.Ph.

Re: License No. 12020  
Case No. 18-142  
Notice of Recommended Civil Penalty and  
Opportunity for a Hearing

Dear Pharmacist Franklin:

The Board of Pharmacy (the “Board”) conducted an annual inspection of your former Pharmacy employer on December 15, 2017. During that inspection, it was noted that you were registered with the Board to administer immunizations; however, you were not in possession of an active CPR certification. You subsequently provided the Board with proof of CPR certification on December 26, 2017, however, it was obtained online rather than through in-person classroom instruction as required. Ultimately, you submitted to the Board a copy of proper CPR certification obtained through in-person classroom instruction on August 8, 2018. The Board obtained information from your former Pharmacy employer indicating that you administered vaccinations without valid CPR certification between December 2017 and April 2018.

### **I. FINDINGS AND CONCLUSION**

The Board finds that you failed to maintain proper CPR certification through in-person classroom instruction as a condition of registration to administer vaccinations under the authority of your pharmacist license, and that you administered vaccinations without proper CPR certification.

A pharmacist must maintain an active CPR certification through in-person classroom instruction in order to be registered 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 Jada Collins, Compliance Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., 5th Floor, Baltimore, Maryland 21215, **no later than thirty (30) days of 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**

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 MD - Board of Pharmacy  
Lockbox 2051  
7175 Columbia Gateway Drive

Columbia, MD 21046

***NOTE: Please include the case number, 18-142, on your check or money order to insure proper assignment to your case.***

Upon your 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 order under the Maryland Public Information Act, General Provisions Art. § 4-101 *et seq.*, and reported in accordance with State and federal laws.

If you have any questions concerning the instructions contained in this letter, please contact Jada Collins, Compliance Investigator, at 410-764-4759.

Sincerely,

A handwritten signature in black ink, appearing to read 'Deena', written in a cursive style.

Deena Speights-Napata  
Executive Director

cc: Linda Bethman, AAG, Board Counsel