



STATE OF MARYLAND

**DHMH**

Department of Health and Mental Hygiene

*Martin O'Malley, Governor - Anthony G. Brown, Lt. Governor - Joshua M. Sharfstein, M.D., Secretary*

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**MARYLAND BOARD OF PHARMACY**

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

*Michael N. Souranis, Board President - LaVerne G. Naesea, Executive Director*

**VIA CERTIFIED & REGULAR MAIL, RETURN RECEIPT REQUESTED**  
**ARTICLE #7012 3460 0001 7103 7846**

June 28, 2013

Giant Pharmacy #319  
625 Hungerford Drive  
Rockville, Maryland 20850  
Attn: Pharmacy Manager

Re: Permit No. P03027  
Notice of Violations, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager:

On April 9, 2013, the Board of Pharmacy (the "Board") received information from Giant indicating that Giant #319 (the "Pharmacy") permitted pharmacist M.P. to practice from approximately November 1, 2012 through March 15, 2013, on an expired license. The Pharmacy subsequently terminated the pharmacist on April 3, 2013 for violation of company policy.

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

The Board finds that the Pharmacy permitted pharmacist M.P. to practice pharmacy on an expired license from approximately November 1, 2012 through March 15, 2012.

Based upon the above finding, 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(b)(1) and § 12-301.

### **II. RECOMMENDED 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 finding of violation noted above at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$2,000.00.**

In determining the recommended civil monetary penalty, the Board took into consideration the following factors:

1. History of previous violations;
2. Whether the violation was self-reported;
3. Admission of misconduct and cooperation during Board inspection;
4. Remedial measures implemented;
5. Timely good faith effort to rectify consequences of misconduct;
6. Potential harm to the public or adverse impact;
7. Whether incident was isolated and unlikely to recur;
8. Whether misconduct was motivated by financial gain.

### **III. FOLLOW-UP INSPECTION**

Please be advised that the Board of Pharmacy may perform a follow-up inspection of the Pharmacy to insure that the violations above have been addressed and corrected. Should a follow-up inspection indicate that the Pharmacy is not in substantial compliance, 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. OPPORTUNITY FOR HEARING**

If the Pharmacy disputes the findings, conclusions or the recommended civil monetary penalty, the Pharmacy may request an evidentiary hearing on the Board's decision in this matter. In the event that the Pharmacy 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 Vanessa Thomas Gray, Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., 1<sup>st</sup> 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 the Pharmacy guilty of the violations cited in the Reports, the Board may suspend or revoke the pharmacy permit, or impose civil penalties, or both. If you request a hearing but fail to appear, the Board may nevertheless hear and determine the matter in your absence.

#### **V. OPTION TO PAY RECOMMENDED CIVIL MONETARY PENALTY**

Alternatively, the Pharmacy 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. Upon the Pharmacy's payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to the violation cited herein, and shall be a public document in accordance with the Maryland Public Information Act.

If you have any questions concerning the instructions contained in this letter, please contact Vanessa Thomas Gray, Investigator, at 410-764-2493.

Sincerely,



LaVerne G. Naesea  
Executive Director

cc: David A. Sencabaugh, P.D., Giant Pharmacy Compliance Manager  
Linda M. Bethman, Assistant Attorney General, Board Counsel  
Vanessa Thomas-Gray, Compliance Investigator