



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 12, 2021

**VIA REGULAR & CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE # 7018 1130 0002 2824 5110**

Monaghan Medical Corporation
153 Industrial Blvd.
Plattsburgh, NY 12901
Attn: Cari Reil, Regulatory Affairs Manager

Re: Permit No. D05127
Case No. 21-258
Notice of Deficiencies, Imposition of Civil Monetary Penalty, and
Opportunity for Hearing

Dear Ms. Reil:

On May 19, 2021, the Maryland Board of Pharmacy (the “Board”) received a renewal application from Monaghan Medical Corporation (the “Distributor”) which indicated an address that differed from the Distributor’s address of record with the Board. The Board staff thereafter received information from the Distributor stating that the Distributor had moved its facility to its present location in November 2020. The Distributor failed to submit a change of location application and appurtenant information to the Board prior to commencing operations at the Distributor’s new facility location.

I. FINDINGS AND CONCLUSION

The Board finds that the Distributor relocated and commenced operations at another facility location without prior Board approval of a relocation application.

Based upon the Distributor's failure to comply with the Board's relocation regulations as stated above, the Board finds that the Distributor is in violation of the Maryland Pharmacy Act and the regulations adopted thereunder. Specifically, the Board finds the Pharmacy in violation of COMAR 10.34.22.11F and 10.34.30.04.

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, 21-258, 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