



MARYLAND

Department of Health

Larry Hogan, Governor • Boyd Rutherford, Lt. Governor • Dennis Schrader, Secretary

MARYLAND BOARD OF PHARMACY

4201, Patterson Avenue, Baltimore, Maryland 21215-2299

Mitra Gavvani, Board President • Deena Speights-Napata, Executive Director

REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED
ARTICLE #7014 0510 0001 6257 5846

November 27, 2017

Pharmacy 4 Less
7112 Darlington Drive
Parkville, Maryland 21234
Attn: Charles Ezeh, R.Ph.

Re: Permit No. P05528
Case No. PI-16-207
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Mr. Ezeh:

On August 16, 2016, the Maryland Board of Pharmacy (the "Board") conducted a follow-up annual inspection of Pharmacy 4 Less (the "Pharmacy") for compliance with statutes and regulations governing the operation of a pharmacy. The Board's follow-up inspection was conducted due to the Pharmacy's inability to permit the inspector access to the Pharmacy's C2 inventory during the annual inspection on May 10, 2016. The Board's inspector was advised that the Pharmacy had been burglarized on April 20, 2015, and March 7, 2016, which resulted in loss of controlled dangerous substances. In addition, the Board also received information from law enforcement that the Pharmacy was burglarized on April 23, 2014, which resulted in the loss of prescription drugs. The Pharmacy failed to report any of the above incidents to the Board. The Board subsequently conducted an annual inspection on May 12, 2017, and found that the Pharmacy had expired medications, which was also noted in the Pharmacy's 2015 and 2016 inspections.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy failed to report the theft of drugs to the Board as a result of burglaries occurring on April 23, 2014, April 20, 2015, and March 7, 2016. The Pharmacy also hindered the Board's inspection in not permitting the Board inspector to access C2 inventory. Lastly, the Pharmacy maintained expired drugs in its inventory during the last three years of inspections; specifically in April 2015 (16), May 2016 (3); May 2017 (1).

Based upon deficiencies at your 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 (12), 12-604(c) and COMAR 10.34.05.05C and 10.34.12.01.

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 deficiencies cited at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$2,500.00**. The deficiencies upon which the civil monetary penalty is based are set forth above in this Notice.

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 insure that the deficiencies noted herein 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. OPPORTUNITY FOR HEARING

If the Pharmacy disputes the findings, conclusions or the 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 disciplinary 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 Lisa Sanderoff, Investigator Supervisor, 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 the Pharmacy 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 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 the Pharmacy requests a hearing but fails to appear, the Board may nevertheless hear and determine the matter in its 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.

Please mail the check of money order to:

Maryland Board of Pharmacy
P.O. Box 2051
Baltimore, MD 21203-2051

NOTE: Please include the case number, PI-16-207, on your check or money order to insure proper assignment to your case.

Upon the Pharmacy's payment of the civil monetary penalty, this Notice will constitute the Board's final formal action with respect to the above-referenced inspections, and shall be a public document in accordance with the Maryland Public Information Act, General Provisions Article § 4-333.

If you have any questions concerning the instructions contained in this letter, please contact Lisa Sanderoff, Investigator Supervisor, at 410/764-3768.

Sincerely,



Deena Speights-Napata
Executive Director
Maryland Board of Pharmacy

cc: Linda Bethman, AAG, Board Counsel

Attachment