



## DEPARTMENT OF HEALTH

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

October 8, 2020

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

**VIA REGULAR & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE # 7017 1450 0002 3456 2548**

Safeway Pharmacy #1459  
4370 Montgomery Road  
Ellicott City, MD 21043  
Attn: Pharmacy Manager

Re: Permit No. P06601  
Case No. 20-367  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager:

On January 3, 2020, the Board of Pharmacy (the “Board”) conducted an annual inspection of Safeway Pharmacy #1459 (the “Pharmacy”) for compliance with laws and regulations governing the operation of a pharmacy. The Board’s inspection indicated that the Pharmacy was not compliant with laws governing pharmacist administration of vaccines. Specifically, the Board’s inspector noted that the Pharmacy employed a pharmacist (C.R.) who did not have CPR certification through in-person classroom instruction as required in order to be registered with the Board to administer vaccines. The Board also received additional documentation from the Pharmacy indicating that the pharmacist administered vaccines without the proper CPR certification before and after the Board’s inspection noting the deficiency. The Board’s records indicate that the pharmacist subsequently obtained valid CPR certification through in-person instruction on January 29, 2020.

## **I. FINDINGS AND CONCLUSION**

The Board finds that the Pharmacy permitted a staff pharmacist (C.R.) to administer approximately 850 vaccinations, 47 of which were administered after the Board's inspection, without proper CPR certification obtained through in-person classroom instruction as required in order to administer vaccinations under the authority of a pharmacist's license.

Based upon deficiencies at the 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 § 12-508(b)(2).

## **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 reported at the Pharmacy, the Board hereby recommends the imposition of a **civil monetary penalty of \$2,000.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above and the Inspection Report, dated January 3, 2020.

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. Specifically, all staff pharmacists who are registered to administer vaccinations must have proper active CPR certification obtained through in-person instruction. 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 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., Maryland Board of Pharmacy, 4201 Patterson Avenue, 5<sup>th</sup> Floor, Baltimore, Maryland 21215, **no later than thirty (30) days from 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, 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 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, 20-367, on your check or money order to ensure proper assignment to your case.***

Upon the Pharmacy's payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to this case regarding the deficiencies related to inspection of January 3, 2020, and shall be a final order and public document and order 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, R.Ph., J.D., at 410-764-3768.

Sincerely,



Deena Speights-Napata, M.A.  
Executive Director

cc: Linda Bethman, AAG, Board Counsel  
Charlie Painter, Manager, Pharmacy Professional Services Dept., Albertsons  
Companies