



*Wes Moore, Governor · Aruna Miller, Lt. Governor · Laura Herrera Scott, M.D., M.P.H., 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

January 30, 2023

**VIA REGULAR & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE # 7017 1450 0002 3456 3804**

Walgreens Pharmacy #10977  
301 E. Pulaski Highway  
Elkton, Maryland 21921  
Attn: Pharmacy Manager

Re: Permit No. P06735  
Case No. 22-232  
Findings of Deficiencies and Imposition of Civil Monetary Penalty  
By Consent

Dear Pharmacy Manager:

On March 16, 2022, the Board of Pharmacy (the "Board") received information indicating that Walgreens Pharmacy #10977 (the "Pharmacy") was not in compliance with statutes and regulations governing the registration of pharmacy technicians. Specifically, the information indicated that the Pharmacy had an unauthorized individual on staff (Employee A) who performed prescription data entry without a pharmacy technician registration, and that the Pharmacy subsequently removed the individual from the prescription area. The Board's records indicate that similar issues with unregistered technicians at the Pharmacy were noted in the Board's 2015 inspection, and that the Pharmacy paid a fine of \$1,000 for labeling issues in 2019. The Board's records also

indicate that the unregistered individual has not yet become registered as a pharmacy technician in Maryland.

The Pharmacy timely requested a hearing on the matter. The Board convened a case resolution conference resulting in an agreement to resolve the findings of deficiencies as set forth herein.

## **I. FINDINGS AND CONCLUSION**

The Board finds that the Pharmacy permitted an unauthorized individual (Employee A) to perform delegated pharmacy acts in the Pharmacy without a pharmacy technician registration issued by the Board.

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 12-6B-01.

## **II. 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 imposes a **civil monetary penalty of \$2,500.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings above.

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. 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. PAYMENT OF MONETARY PENALTY**

The Pharmacy has agreed to pay the above civil monetary penalty within thirty (30) days of the date of this Finding, 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  
401 Market Street  
Philadelphia, PA 19106

**NOTE: Please include the case number, 22-232, on your check or money order to ensure proper assignment to your case.**

Upon the Pharmacy's payment of the civil monetary penalty, this Finding will constitute the Board's final action with respect to this matter, and shall be a final order and public document 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: Brian Bruns, Pharm.D., MBA, JD, Counsel for Walgreens  
Linda Bethman, AAG, Board Counsel