

IN THE MATTER OF	*	BEFORE THE
CVS PHARMACY, INC.; and	*	MARYLAND BOARD
MARYLAND CVS PHARMACY, LLC	*	OF PHARMACY
Pharmacy Permit Holder	*	
* * * * * * * * * * * *		

CONSENT ORDER

This Consent Order is made by and among the Maryland Board of Pharmacy (the “Board”) and CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, which hold pharmacy permits to operate community pharmacies in Maryland (hereafter collectively referred to as “CVS”). The Board received credible information indicating that on August 27, 2013, CVS had entered into an Assurance of Discontinuance with the Consumer Protection Division of the Maryland Office of the Attorney General based on allegations of improper disposal of personal identifying information and the sale of outdated products.

In consideration of the remedial efforts taken by CVS, and the dated allegations involved in this matter, the Board has voted to resolve this matter as set forth in this Consent Order in lieu of pursuing an independent investigation and instituting formal proceedings against CVS, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*

FINDINGS OF FACT

1. On or about August 27, 2013, the Maryland Attorney General’s Office and CVS entered into an Assurance of Discontinuance (attached as Exhibit A) in which CVS agreed to pay \$250,000.00 as part of an agreement resolving allegations that CVS Pharmacies in Maryland sold outdated products and improperly disposed personal identifying information in dumpsters that were accessible to the general public.

2. In addition to the payment of the fine, the Assurance of Discontinuance includes other provisions to ensure the proper maintenance and disposal of personal identifying information and appropriate inventory management of outdated products.
3. The Assurance of Discontinuance does not constitute an admission of liability by CVS, and CVS expressly denies any liability or wrongdoing related to the allegations therein.
4. On or about January 15, 2009, CVS entered into an agreement with the United States Department of Health and Human Services, Office of Civil Rights ("OCR"), resolving similar allegations that CVS improperly disposed of personal identifying information.
5. Under the terms of settlement with OCR, CVS was required to develop, maintain and monitor compliance with policies and procedures that include administrative and physical safeguards for the disposal of all non-electronic personal identifying information.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that CVS, on behalf of its active pharmacy permits located in Maryland, is subject to this Order in accordance with Md. Code Ann., Health Occ. §§ 12-403(b)(1), (12) and (21).

ORDER

Based upon an affirmative vote of the Board, and finding the within disposition adequately protective of the public health, safety, and welfare, on this 26th day of March, 2014, it is hereby,

ORDERED that CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, shall collectively pay a FINE in the amount of \$1,000.00, payable to the Maryland Board of Pharmacy within thirty (30) days of the date of this Order; and be it further,

ORDERED that CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, shall comply with all laws and regulations governing the operation of pharmacies in the State of Maryland;

and be it further,

ORDERED that this is a formal order and as such is a public document pursuant to Md. Code Ann., State Gov't § 10-611 *et seq.* (2004).

Date 3/26/14

for Lenna Israbian-Jamgochian, Pharm.D.
Board President

CONSENT

1. By signing this Consent, CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, as the permit holder for the current and active pharmacies located in Maryland, submit to the foregoing Consent Order as a resolution of this matter and agree to be bound by its terms and conditions.
2. CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, acknowledge the validity of this Consent Order as if it were made after a hearing in which it would have had the right to counsel, to confront witnesses, and to all other substantial procedural protections provided by law.
3. CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, acknowledge that, by entering into this Consent Order, CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, are waiving the right to appeal any adverse ruling of the Board that might have followed such an evidentiary hearing.
4. CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. By execution of this consent, CVS Pharmacy, Inc. and Maryland CVS Pharmacy, LLC, make no admission of liability by CVS, and CVS expressly denies any violation of

Maryland law.

6. CVS Pharmacy, Inc., and Maryland CVS Pharmacy, LLC, sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel, and with full understanding of the language, meaning, and effect of this Consent Order.

2/11/14
Date

Name: Misty D. Rager
Title: Director, Regulatory Compliance

STATE OF Rhode Island
COUNTY/CITY OF Providence:

I hereby certify that on this 11th day of February, 2014, before me, a Notary Public of the State and County/City aforesaid, personally appeared Misty Rager, and made an oath in due form that the foregoing Consent was his/her voluntary act and deed on behalf of CVS Pharmacy, Inc. and Maryland CVS Pharmacy, LLC.

Brenda J. Herb
Notary Public

My commission expires: _____

Brenda J. Herb
Notary Public of Rhode Island
My Commission Expires: 3-8-2018