



## DEPARTMENT OF HEALTH

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

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

October 2, 2020

**VIA REGULAR & CERTIFIED MAIL  
RETURN RECEIPT REQUESTED  
ARTICLE #7017 1450 0002 3456 2524**

Giant Pharmacy #135  
3860 International Drive  
Silver Spring, Maryland 20906  
Attn: Pharmacy Manager

Re: Permit No. P01288  
Case No. 20-340  
Notice of Deficiencies, Recommended Civil Monetary Penalty, and  
Opportunity for Hearing

Dear Pharmacy Manager

On February 14, 2020, the Maryland Board of Pharmacy (the "Board") received a complaint from a staff member at Giant Pharmacy #135 (the "Pharmacy") alleging that a fellow staff member was performing delegated pharmacy acts despite unsuccessful completion of a Board-approved technician training program (Clerk A). The Board subsequently received information from the Pharmacy indicating that Clerk A performed delegated pharmacy acts without being registered with the Board or otherwise legally exempt. The Board's records also demonstrate that the Pharmacy was previously fined by the Board for similar issues involving improper delegation of technician duties to unregistered pharmacy technicians.

### **I. FINDINGS AND CONCLUSION**

Based on review of the Pharmacy's dispensing and scheduling records, the Board finds that the Pharmacy permitted an unregistered staff member (Clerk A) to perform

delegated pharmacy acts beyond the six-month training exemption period without being duly registered with the Board.

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 12-6B-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 \$1,000.00**. 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 an inspection of the Pharmacy to ensure that the deficiencies noted herein have been addressed and corrected. Should the 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 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 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 in violation of the deficiencies cited in the Report, 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, 20-340, 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, and shall be a 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  
Bryan Dunwoody, Manager, Pharmacy Compliance, Ahold USA