



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

Maryland Board of Pharmacy
Deena Speights-Napata, M.A.
Executive Director
4201 Patterson Avenue
Baltimore, MD 21215-2299

April 16, 2020

**BY REGULAR AND CERTIFIED MAIL
RETURN RECEIPT REQUESTED
ARTICLE #7018 1130 0002 2824 6254**

K&C Pharmacy Depot dba Chesapeake Bay Pharmacy
c/o Laurence Weiss
SWMS Holdings, LLC
5557 Baltimore Avenue
Hyattsville, MD 20781

Re: Permit No. P08017
Case No. 20-195
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Pharmacy Manager:

On October 9, 2019, the Board of Pharmacy (the "Board") attempted to conduct an annual inspection of Chesapeake Bay Pharmacy (the "Pharmacy") for compliance with statutes and regulations governing the operation of a pharmacy. The Board's inspection memo of the Pharmacy revealed that the Pharmacy was closed and the Pharmacy premises was vacant. The Board's records indicate that the Pharmacy submitted notification that it had closed, but was instructed by the Board that it must submit to a closing inspection by the Board within 72 hours of ceasing operations. The Pharmacy never requested or submitted to a closing inspection. In addition, the Board's regulations require at least 14 days' written notice prior a pharmacy ceasing operations.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy ceased operations without notifying the Board of the Pharmacy within 14 days of its anticipated closing, and failed to undergo a closing inspection by the Board.

Based upon the Pharmacy's non-compliance, 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 Occupations Art., §§ 12-403(b)(1) and COMAR 10.34.14.

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 \$500.00**. The deficiencies upon which the civil monetary penalty is based are set forth in the findings and inspection memo noted 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. 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 guilty of the violations cited above, 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, 20-195, 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 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: Linda Bethman, Board Counsel