

STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Lawrence J. Hogan, Jr. Governor – Boyd K. Rutherford, Lt. Governor – Dennis R. Schrader,
Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Mitra Gavvani, Board President – Deena Speights-Napata, Executive Director

VIA REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED
ARTICLE #7016 0750 0001 0747 6140

June 13, 2017

Brayan Molina

Re: Registration No. T09156
Case No. PI-17-184
Notice of Recommended Civil Penalty

Dear Mr. Molina:

On December 2, 2016, an inspection of Cystic Fibrosis, Inc. (the "Pharmacy") was conducted by the Maryland Board of Pharmacy (the "Board") to see if the Pharmacy was in compliance with federal and state laws regarding the operation of a pharmacy. During that inspection, the inspector noted that you were working as a pharmacy technician on a registration that expired on November 30, 2016. The Board's records indicate that you have since applied for reinstatement and currently have an active technician registration.

I. FINDINGS AND CONCLUSION

The Board finds that you worked as a pharmacy technician at Cystic Fibrosis without a current and active registration between approximately November 30, 2016, and December 6, 2016.

A pharmacy technician must be duly registered with the Board in order to perform delegated pharmacy acts. Working as a pharmacy technician without a registration is in violation of the Maryland Pharmacy Act, Health Occ. Art. § 12-6B-01.

410-764-4755 • Fax 410-384-4128 ext. 500 • Toll Free 800-542-4964

DHMH 1-877-463-3464 • Maryland Relay Service 1-800-735-2258

Web Site: www.dhmh.maryland.gov/pharmacy

II. RECOMMENDED CIVIL MONETARY PENALTY

Under the Maryland Pharmacy Act, Health Occupations Article § 12-707(e), the Board of Pharmacy has the authority to impose a civil penalty of up to \$50,000 for working as an unregistered pharmacy technician.

Based upon the facts set forth in Section I above, the Board hereby recommends the imposition of a **civil monetary penalty of \$50.00**.

In determining the recommended civil monetary penalty, the Board took into consideration the following factors:

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 you dispute the findings, conclusions or the civil monetary penalty, you may request an evidentiary hearing on the Board's decision in this matter. In the event that you request 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 Vanessa Thomas Gray, Compliance Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., 1st Floor, Baltimore, Maryland 21215, **no later than thirty (30) days of the date of this Notice**.

Please be advised that at the hearing you would have the following rights: to be represented by counsel, to subpoena witnesses, to call witnesses on your own behalf, to present evidence, to cross-examine witnesses, to testify, and to present summation and argument. Should the Board find you guilty of the violations cited in the Reports, the Board may impose a civil penalty against you not to exceed \$50,000. If you request a hearing but fail to appear, the Board may nevertheless hear and determine the matter in your absence.

IV. OPTION TO PAY RECOMMENDED MONETARY PENALTY

Alternatively, you 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 of money order to:

Maryland Board of Pharmacy
P.O. Box 2051
Baltimore, MD 21203-2051

NOTE: Please include the case number, PI-17-184, on your check or money order to insure proper assignment to your case.

Upon your payment of the civil monetary penalty, this Notice will constitute the Board's final action with respect to this matter, and shall be a public document in accordance with the Maryland Public Information Act.

If you have any questions concerning the instructions contained in this letter, please contact Vanessa Thomas Gray, Compliance Investigator, at 410-764-2493.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Linda Bethman, AAG, Board Counsel