



MARYLAND

Department of Health

Larry Hogan, Governor • Boyd Rutherford, Lt. Governor • Dennis Schrader, Secretary

MARYLAND BOARD OF PHARMACY

4201, Patterson Avenue, Baltimore, Maryland 21215-2299

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

November 29, 2017

**BY CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED
CERTIFIED NUMBER: 7015 1520 0003 1509 6771**

Rosana E. Powell, R.Ph.



Re: License No. 11088
Case No. 17-141
Notice of Recommended Civil Penalty

Dear Ms. Powell:

The Board of Pharmacy (the "Board") conducted an annual inspection of Giant Pharmacy #121 on May 24, 2017. During that inspection, it was noted that your CPR card had expired in January 2017. The Board obtained additional pharmacy records which indicate that you administered approximately 15 vaccinations without an active CPR certification between February 2017 and June 15, 2017, when you renewed your CPR certification.

I. FINDINGS AND CONCLUSION

The Board finds that you failed to maintain an active CPR certification, between February 1, 2017 and June 14, 2017, as a condition of registration to administer vaccinations under the authority of your pharmacist license.

A pharmacist must maintain an active CPR certification in order to be registered to administer vaccinations in accordance with the Maryland Pharmacy Act, Health Occ. Art. § 12-508(b)(2) and COMAR 10.34.32.03.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under Maryland Health Occupations Article § 12-314 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 findings and conclusions above, the Board hereby recommends the imposition of a **civil monetary penalty of \$250.00.**

In determining the recommended civil monetary penalty, the Board took into consideration the aggregating and mitigating factors outlined in COMAR 10.34.11.04.

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 Heather McLaughlin, Compliance Coordinator, 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 herein, the Board may impose formal public disciplinary action against your license such as a reprimand, placing your license on probation, suspension, or revocation. The Board may also impose a civil penalty against your license not to exceed \$10,000. If you request a hearing but fail to appear, the Board may nevertheless hear and determine the matter in your absence.

V. 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 or money order to:

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

NOTE: Please include the case number, 17-141, 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 Heather McLaughlin, Compliance Coordinator, at 410-764-4152.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Linda Bethman, Board Counsel
