



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 Gaygani, Board President • Deena Speights-Napata, Executive Director

VIA REGULAR & CERTIFIED MAIL, RETURN RECEIPT REQUESTED
ARTICLE #7016 0750 0001 0747 6423

July 21, 2017

Andrew Militello
Director of Pharmacy and Retail Operation, Baltimore/D.C.
Walgreen Co.
7165 Columbia Gateway Drive
Columbia, Maryland 21046

Re: Walgreens #11594
Permit No. P06726
Case #PI-18-005
Notice of Deficiencies, Recommended Civil Monetary Penalty, and
Opportunity for Hearing

Dear Mr. Militello:

The Maryland Board of Pharmacy (the "Board") is in receipt of credible information indicating that Walgreens #11594 (the "Pharmacy") is not in compliance with State laws regarding the registration of pharmacy technicians. Specifically, the Pharmacy currently employs pharmacy technician W.B., whose pharmacy technician registration expired on December 31, 2015. The Board's records indicate that pharmacy technician W.B. began working at the Pharmacy on January 3, 2017.

I. FINDINGS AND CONCLUSION

The Board finds that the Pharmacy has employed pharmacy technician W.B., who is not duly registered as a pharmacy technician with the Board, since January 3, 2017.

Based on the above finding, 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 Md. Code Ann., Health Occ. §§ 12-403(b)(1) and 12-6B-01.

II. RECOMMENDED CIVIL MONETARY PENALTY

Under the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-410 and COMAR 10.34.11, the Board has the authority to impose a civil monetary penalty based on violations of the Maryland Pharmacy Act.

Based on the above findings, the Board hereby recommends the imposition of a **civil monetary penalty of \$1,000.00**. In determining the recommended civil monetary penalty, the Board took into consideration the aggravating and mitigating factors outlined in COMAR 10.34.11.08.

III. FOLLOW-UP INSPECTION

Please be advised that the Board may perform a follow-up inspection of the Pharmacy to ensure that there are no further deficiencies at the Pharmacy. Should a follow-up inspection indicate that the Pharmacy is not in substantial compliance with the Maryland Pharmacy Act, 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.

III. OPPORTUNITY FOR HEARING

If the Pharmacy disputes the findings, conclusions, or recommended 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 Vanessa Thomas Gray, Compliance Investigator, Maryland Board of Pharmacy, 4201 Patterson Ave., Baltimore, Maryland 21215, **no later than thirty (30) days following 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 the Pharmacy guilty of the violations cited in this Notice, the Board may suspend or revoke the Pharmacy permit, or impose monetary penalties, or both. 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 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 of money order to:

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

NOTE: Please include the Pharmacy's permit number, P06726, 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 formal action with respect to this matter, and shall be a public document in accordance with the Maryland Public Information Act, General Provisions Article § 4-333.

If you have any questions concerning the instructions contained in this letter, please contact Etzion Brand, Licensing Manager, at (410) 764-4701.

Sincerely,



Deena Speights-Napata
Executive Director

cc: Etzion Brand, Licensing Manager
Brett Felter, Board Counsel