

IN THE MATTER OF	*	BEFORE THE
IYONNA M. ANTHONY,	*	MARYLAND BOARD
PHARMACY TECHNICIAN	*	OF PHARMACY
RESPONDENT	*	
REGISTRATION NO.: T21741	*	Case No.: 20-478
* * * * *	*	

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN REGISTRATION**

The Maryland State Board of Pharmacy (the “Board”) notified **IYONNA M. ANTHONY**, Pharmacy Technician, **Registration Number T21741**, (the “Respondent”), of the Board’s intent to revoke her registration to practice as a pharmacy technician under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2020Supp.).

The Notice also informed the Respondent that, unless she requested a hearing in writing within thirty (30) days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than thirty (30) days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent’s violation of the following provisions of the Act:

§ 12-6B-09. Ground for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (1) Performs an act that is restricted to a licensed pharmacist;
.....
- (3) Fraudulently uses a pharmacy technician's registration;
.....
- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:
 - (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
 - (ii) Any appeal or other proceeding is pending regarding the matter;

- (25) Violates any regulation adopted by the Board;
.....
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title[.]

With respect to Health Occ. § 12-6B-09 (27), the underlying grounds for Board action under § 12-313(b) include:

- (23) Is convicted of a violation of this title;
.....
- (25) Violates any rule or regulation adopted by the Board[.]

The pertinent provisions of the Board's regulations under the Code of Maryland Regulations ("COMAR") 10.34.10 provide as follows:

COMAR 10.34.10.01. Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct – Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03;

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

With respect to COMAR 10.34.10.01(A)(1)(e), the pertinent provisions of COMAR 10.19.03 provide as follows:

COMAR 10.19.03.09. Controlled Substances Listed in Schedules III, IV, and V.

- A. Requirement of Prescriptions Listed in Schedules III, IV, and V (21 CFR §1306.21).
 - (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedules III, IV, or V, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, or State Law, only pursuant to either a written prescription signed by a prescribing individual practitioner or a facsimile received by facsimile equipment of a written, signed prescription transmitted by the practitioner or the practitioner's agent to the pharmacy or pursuant to an

oral prescription made by a prescribing individual practitioner and immediately reduced to writing by the pharmacist containing all information required in Regulation .07 of this chapter, except the signature of the prescribing individual practitioner.

FINDINGS OF FACT

The Board makes the following findings of fact:

1. On or about November 8, 2018, the Respondent was originally registered to practice as a pharmacy technician in the State of Maryland. The Respondent's registration expires on July 31, 2020. The Respondent's pharmacy technician registration is currently suspended.¹
2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a national chain pharmacy (the "Pharmacy").²
3. On or about May 26, 2020, the Board received a complaint (the "Complaint") from the Baltimore County Police Department, Narcotics Pharmaceutical Diversion Unit. Enclosed with the Complaint was a Police Report and a written statement signed by the Respondent.
4. The Police Report provided, in part:

[C]overt camera[s] [were installed in the Pharmacy] . . . with a view of the shelf where the Alprazolam^{l3]} is kept. . . .

¹ On July 24, 2020, the Board issued an Order for Summary Suspension of the Respondent's registration to practice as a pharmacy technician pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. and 2019 Supp.) and COMAR 10.34.01.12 concluding that the public health, safety, and welfare imperatively required emergency action in the case.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

On May 7, 2020, [the Respondent] is seen selecting pill bottles and placing the pill bottles in her right jacket pocket. . . . On May 19, 2020, [the Respondent] is seen selecting a bottle of Alprazolam from its *[sic]* place of display on the shelf at approximately 1111 hours. She is then seen putting it back on the self at approximately 1114 hours. [The District Pharmacy Manager] pulled a reported showing what was dispensed on May 19, 2020, which showed that 2mg Alprazolam was not dispensed before 1200 hours on May 19, 2020, but showed that (53) Alprazolam tablets were missing from the count.

During the interview between [Pharmacy] personnel and [the Respondent] she admitted to taking 1mg and 2mg Alprazolam on various dates She stated that her family did not want her to be medicated, so she self-medicated. She then provided a written statement to [Pharmacy] personnel

At 1337 hours, [the Detective and the Corporal] sat down with [the Respondent] at [the Pharmacy] She advised the same details to the detectives that she told [Pharmacy] personnel. She further advised that she would take bottles of Alprazolam 1mg and 2mg off the shelf, put them in her jacket pocket while working, open the lid and pour pills into her pocket and then put the bottle back on the shelf. She would then keep the loose pills and take them with her. She would sell some of them to people and use some of them. . . . She advised that the medication would put her brain in a fog and that's why her [relative] would not let her get the medication prescribed. Despite that fact, she took it anyway because it helped her to not think about anything. [The Respondent] also admitted to selling the pills to pay for a hotel room, food and her credit card. She said she made \$360.00 from the (53) pills. . . .

. . . [The Respondent] advised that the pills were actually in a container in her purse, which was sitting on the chair next to her. She further advised in a whole that she had been stealing Alprazolam pills from the pharmacy since February of 2019

[The Corporal searched the Respondent's purse and] . . . removed a purple pill bottle like container containing (41) blue pills marked "031", which were identified as 1mg Alprazolam.

³ Alprazolam is a benzodiazepine used to treat anxiety and panic disorder. It is a Schedule IV CDS.

... The total calculation based on [the Respondent's] records of pills taken/lost from the pharmacy from May 2019 to May 2020 was 2,946 Alprazolam tablets, with a total store loss value of \$183.09.

5. According to the written statement the Respondent provided to the Pharmacy, dated May 20, 2020, the Respondent admitted, in part:

I stole due to anxiety depression. My family doesn't want me on any medication. I was prescribed Alprazolam, but I don't get the prescription. I am not aware of the amount I stole. I believe I have about 100 something.

Pharmacy Internal Investigation

6. By correspondence dated June 12, 2020, the Board received a DEA (Drug Enforcement Agency) – 106 – Report of Theft or Loss of Controlled Substances (the “Report”) from the Pharmacy related to the loss of Alprazolam.
7. The Report listed the controlled dangerous substances (“CDS”) that were lost/stolen as:

Trade Name	NDC Number	Dosage Str.	Quality Lost/Stolen
Alprazolam 2 mg Tablet	00228203910	2 mg	244
Alprazolam 2 mg Tablet	51991070701	2 mg	56
Alprazolam 2 mg Tablet	51991070705	2 mg	310
Alprazolam 2 mg Tablet	59762372201	2 mg	9
Alprazolam 2 mg Tablet	65862067901	2 mg	5
Alprazolam 2 mg Tablet	65862067905	2 mg	477
Alprazolam 2 mg Tablet	67253090310	2 mg	70
Alprazolam 1 mg Tablet	00228203150	1 mg	994
Alprazolam 1 mg Tablet	65862067805	1 mg	381
Alprazolam 1 mg Tablet	67253090250	1 mg	417

8. On May 20, 2020, the Pharmacy terminated the Respondent's employment.

Criminal Charges

9. On or about June 4, 2020, the Respondent was charged in the District Court for Baltimore County, Maryland with two (2) criminal misdemeanor counts and one (1) criminal felony count related to the theft from the Pharmacy. The Respondent was charged with the following: one (1) count of CDS: Possession- Not Marijuana; one (1) count of CDS Possession With Intent to Distribute; and one (1) count of Theft: \$100 To Under \$1,500.

10. On or about March 24, 2021, the Respondent pled guilty to, and was found guilty of, CDS Possession With Intent to Distribute, a felony and a crime involving moral turpitude.⁴ A nolle prosequi was entered for the remaining counts. The Respondent was sentenced to five (5) years of incarceration with the entire term suspended, and was placed on supervised probation for eighteen (18) months.

11. Based on the above information, the Board has reason to believe that the Respondent diverted multiple CDS and prescription-only medications over an extended time period.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. 12-6B-09 (1), (3), (22), (25) and (27), and Health Occ.

⁴ The specific statute the Respondent was convicted of violating was Md. Code Ann., Crim. Law § 5-602.

§ 12-313(b) (23) and (25), and COMAR 10.34.10.01 (A)(1)(c), (d), and (e) and COMAR 10.34.10.01 (B)(1), (2), and (3), and COMAR 10.19.03.09(A)(1)

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of July 2021, by a majority of the quorum of the Board hereby

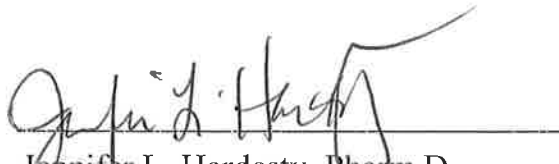
ORDERED that the Respondent, **IYONNA M. ANTHONY'S**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Board all Maryland pharmacy technician registrations within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Order is final and a public document pursuant to Md. Code Ann., Gen. Prov. § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol.).

7/21/21
Date


Jennifer L. Hardesty, Pharm.D.
President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 12-316, you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. & 2019 Supp.) and Title 7, Chapter 200 of the Maryland Rules.