

IN THE MATTER OF	*	BEFORE THE
ERIN ANTHONY, PHARM TECH	*	STATE BOARD
Registration No.: T03128	*	OF PHARMACY
Respondent	*	CASE NO. PT-10-005

* * * * *

**FINAL ORDER OF REVOCATION OF THE
RESPONDENT'S PHAMACY TECHNICIAN'S REGISTRATION**

On December 16, 2010, the Maryland Board of Pharmacy (the "Board"), notified Erin Anthony, Pharmacy Technician (Pharm Tech), the Respondent, of its intent to revoke her Pharm Tech registration. The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., (the "Act") (2009 Repl. Vol.).

The pertinent provision of § 10-226(c) (1) of the APA states:

Revocation of suspension. (sic)— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,

(ii) an opportunity to be heard.

The pertinent provisions of § 12-6B-09.

Grounds 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:

- (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 [;].

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on February 13, 2009. The Respondent's registration expired on July 31, 2010.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy in Lusby, Maryland.

3. On August 28, 2009, the pharmacy was inspected by Inspector Peter Smith of the Division of Drug Control (DDC), who found discrepancies in the inventory of Oxycodone.

4. The Respondent was terminated from the pharmacy on September 7, 2009.

5. The Respondent wrote the pharmacy-owner that day apologizing "profusely", claiming that she just took a few pills and didn't know what happened to the other missing drugs.

6. The Calvert County Police subsequently recovered 100 tablets of Oxycodone, 30 mg, from the Respondent, who was criminally charged in the Circuit Court of Calvert County, as follows:

Count 1: Theft: less than \$500 value, to which she pled guilty and was found guilty on May 14, 2010, to an agreed statement of facts;

Count 2: CDS, with intent to distribute: Narcotics: She pled guilty, on May 14, 2010, and was found guilty, to an agreed statement of facts;

Count 3: CDS possession, not marijuana: the Respondent pled and was found guilty on May 14, 2010.

7. On June 21, 2010, based upon the above, the Board issued a Summary Suspension against the Respondent's registration. The Respondent failed to ask for a hearing.

8. On August 27, 2010, the Respondent pled guilty by an agreed statement of facts to Count 1 and was found guilty; she was given an 18 month jail sentence of which 18 months was suspended and she was given community work service. On that same date, the Respondent pled guilty to an agreed statement of facts to Count 2 and was found guilty; she was given a five year jail term of which four years was suspended. For the unsuspended one year term, she was to serve the sentence in the Calvert County Detention Center's work release program for one year. She was also placed on five years supervised probation. On that same date, the Respondent pled guilty to an

agreed statement of facts and was found guilty of Count 3 and was given 18 months incarceration, of which 18 months was suspended. The Respondent was also to make restitution to the pharmacy of \$3246.

9. As set forth above, the Respondent violated the Act and committed a crime of moral turpitude, for which revocation is warranted.


CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that revocation is warranted, pursuant to § 12-6B-09) and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-315 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

6-15-2011
Date



Michael N. Souranis, P.D., President
Board of Pharmacy