

**IN THE MATTER OF  
BILEN T. ARAIA  
APPLICANT**

**\* BEFORE THE  
\* MARYLAND BOARD  
\* OF PHARMACY  
\* Case No.: PT-18-005**

\* \* \* \* \*

**CONSENT ORDER**

On July 31, 2018, the Maryland State Board of Pharmacy (the “Board”) issued a Notice of Intent to Deny Application for Pharmacy Technician Registration of **BILEN T. ARAIA** (“the Applicant”) based on her violations of the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.). Specifically, the pertinent provisions of Health Occ. provide as follows:

**§ 12-6B-02. Qualifications**

- (a) *In general* - To qualify for registration an applicant shall be an individual who:
  - ....
  - (2) Meets the requirements of this section.
- (b) The applicant shall:
  - (1) Be of good moral character[.]

**§ 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:

....

- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or

deceptively obtaining 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;
- (23) Violates any provision of this title[.]

On October 3, 2018, the Applicant attended a Case Resolution Conference (“CRC”) with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. As a result of the CRC, the Applicant agreed to enter into this Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

#### I. FINDINGS OF FACT

The Board finds that:

1. On or about May 12, 2017, the Board received the Applicant’s Application for Pharmacy Technician Registration (the “Application”).
2. On her Application, the Applicant answered, “yes” to the question, “Have you committed an offense involving alcohol or controlled substances to which you pled guilty or *nolo contendere*, or for which you were convicted or received probation before judgment?”
3. On her Application, the Applicant answered, “no” to the question, “Have you committed a criminal act for which you pled guilty or *nolo contendere* . . . or for which you were convicted or received probation before judgment?”

## **CRIMINAL BACKGROUND CHECK**

4. A routine criminal background check conducted by the Board as part of the Application process revealed the following criminal history:
  - a. On or about December 8, 2011, in the District Court for Prince George's County, Maryland, the Applicant was found guilty of: 1) Driving, Attempting to Drive, Motor Vehicle With Alcohol in Blood, (Citation Number 0650C92); 2) Driving Vehicle While Under the Influence of Alcohol (Citation Number 0670C92); and 3) Driving While Impaired by Alcohol (Citation Number 0690C92). The Applicant also pled guilty to, and received probation before judgement, for Driving Under the Influence of Alcohol Per Se (Citation Number 0680C92).
  - b. On or about February 3, 2015, in the District Court for Montgomery County, Maryland, the Applicant pled guilty to, and was found guilty of, Driving/Attempting Drive Motor Vehicle on Highway Without Required License and Authorization (Citation Number 03Z0HXM).
  - c. On or about January 4, 2016, in the District Court for Montgomery County, Maryland, the Applicant pled guilty to, and was found guilty of, Failure to Display Registration Card Upon Demand By Police Officer (Citation Number 025J0CKM) and Operating Motor Vehicle with Operator Not Restrained by Seat Belt (Citation Number 025K0CKM).
  - d. On or about April 28, 2016, in the District Court for Montgomery County, Maryland, the Applicant pled guilty to, and received probation before judgement for, Driving Motor Vehicle While License Suspended (Citation Number 0R00HY4).

e. On or about April 29, 2016, in the District Court for Montgomery County, Maryland, the Applicant pled guilty to, and was found guilty of, Driving Vehicle While Under the Influence of Alcohol (Citation Number 01N40EP2). The Applicant was sentenced to sixty-five (65) days of incarceration with sixty (60) days suspended. The Applicant was also sentenced to supervised probation.

f. On or about April 17, 2018, in the District Court for Montgomery County, Maryland, the Applicant was found guilty of, 1) Driving While Impaired By Alcohol (Citation Number 0D50QR3); 2) Person Driving Motor Vehicle on Highway or Public Use Property on Revoked License and Privilege (Citation Number 0D70QR3); 3) Failure of Individual Driving on Highway to Display License to Uniformed Police on Demand (Citation Number 0D90QR3); 4) Exceeding Posted Maximum Speed Limit: 80 MPH in a Posted 50 MPH Zone (Citation Number 0DC0QR3); 5) Driving Vehicle in Excess of Reasonable and Prudent Speed on Highway (Citation Number 0DD0QR3); 6) Negligent Driving Vehicle in Careless and Imprudent Manner Endangering Property, Life and Person (Citation Number 0DF0QR3); 7) Failure to Display Registration Card Upon Demand By Police Officer (Citation Number 0DH0QR3). The Applicant was sentenced to sixty (60) days of incarceration with fifty-two (52) days suspended. The Applicant was also sentenced to supervised probation.

5. According to the Maryland Motor Vehicle Administration Driving Record Information, as of June 5, 2017, the Applicant's Maryland driver's license has a status of revoked and suspended. The Applicant's Maryland driver's license has a court ordered alcohol restriction from April 17, 2018, until at least April 17, 2021. In addition, the Applicant's

Maryland driver's license has an indefinite court ordered ignition interlock (beginning April 25, 2018) and a three-year alcohol restriction (beginning May 31, 2018).

6. By letter dated May 12, 2017, sent to the Applicant, the Board instructed the Applicant to submit a detailed explanation of the incidents dated March 14, 2012; May 26, 2012; and April 29, 2016, which were reflected on the criminal background check.
7. In the Applicant's written explanation dated May 19, 2017, the Applicant stated, in part:

On March 14, 2012 around 8 o'clock I believe, I was arrested and charged with possession and paraphernalia . . . . My friends and I were heading to go home and the stuff that they found in the car was not mine but since it was my car the cops took me in. The court ordered me to do a program and one year, unsupervised probation which I completed.<sup>[1]</sup> The second incident<sup>[2]</sup> occurred . . . around 2 in the morning I believe and I was parked on the side of the road because I was too tired to drive so I decided to take a nap. The cops pulled up and had no reason to search my car but still proceeded to and found paraphernalia which also was not mine. That whole incident was not necessary at all and there was no reason for me to ever get arrested and processed. . . . The third situation was a DUI which occurred . . . near my home the night of my birthday . . . . I made the wrong decision to drive home after I went out and was just trying to get my mom's car back so she could go to work the next morning. The court ordered me to do 2 days in jail and to complete a program which I just finished recently.

#### UNLICENSED PRACTICE

8. In a prior case involving the Applicant (Case Number PI-16-202), on November 9, 2016, the Board issued a Notice of Intent to Petition for Injunctive Relief and/or Pursue Civil Fine ("Notice of Intent to Petition") to the Applicant. The Notice of Intent to Petition alleged during an annual inspection of a pharmacy ("Pharmacy")<sup>3</sup> the Applicant, an

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<sup>1</sup> The criminal background check revealed on or about March 24, 2014, a *nolle prosequi* was entered for the following charges in the District Court for Montgomery County, Maryland (Case Number 3D00272436): 1) CDS: Possession-Marijuana and 2) CDS: Possession Paraphernalia.

<sup>2</sup> The criminal background check revealed on or about October 4, 2012, a *nolle prosequi* was entered for the following charges in the District Court for Montgomery County, Maryland (Case Number 1E00488202): 1) CDS: Possession-Marijuana; 2) CDS: Possession Paraphernalia; and 3) CDS: Possession Paraphernalia.

<sup>3</sup> For purposes of ensuring confidentiality, proper names are not utilized. Upon written request, the Administrative Prosecutor will provide the information to the Applicant.

unregistered technician, was observed performing technician duties such as pulling, counting, and labeling drugs to be dispensed. The Pharmacy's pharmacist ("Pharmacist") indicated that the Applicant was working under the Pharmacy's Tech-in-Training program, which was not a Board-approved technician training program.

## II. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant violated the following provisions of the Act:

### **§ 12-6B-02. Qualifications**

- (a) *In general* - To qualify for registration an applicant shall be an individual who:

....

- (2) Meets the requirements of this section.

- (b) The applicant shall:

- (1) Be of good moral character[.]

### **§ 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:

....

- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining 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;
- (23) Violates any provision of this title[.]

### **III. ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 14<sup>th</sup> day of November, 2018, by the affirmative vote of a majority of the members of the Board then serving:

**ORDERED** that the Respondent, Bilen T. Araia, shall be **GRANTED** a registration to practice as a pharmacy technician in the State of Maryland; and it is further

**ORDERED** that the Respondent's registration to practice as a pharmacy technician shall be placed on **PROBATION** for a period of at least **THREE (3) YEARS** subject to the following conditions:

1. The Respondent shall provide a copy of the Consent Order to her employer within five (5) days of commencing any employment;
2. During the period of probation, the Respondent's pharmacist supervisor shall provide the Board with quarterly reports addressing the Respondent's employment;
3. The Respondent shall provide the Board with a signed release to allow the Respondent's probation officer to release information regarding the Respondent's compliance with her criminal probation to the board;
4. The Respondent shall immediately report to the Board if she is the subject of any criminal investigation;
5. The Respondent shall submit to a CJIS background check at each registration renewal, the results of which shall indicate that the Respondent has not incurred further criminal violations; and

6. The Respondent's substance abuse recovery shall be monitored directly by the Board which monitoring shall include the following terms:
  - a. Participation in at least four (4) AA, NA, or other similar 12-step program meetings per month;
  - b. The Respondent shall submit proof of attendance at four (4) AA, NA, or other similar 12-step program meetings per month to the Board by the first of each month;
  - c. The Respondent shall submit to random Board-ordered enhanced drug and alcohol urinalysis at least twice a month and comply with the Board's usual and customary provisions regarding urine screen monitoring;
  - d. All urine screens submitted under this Consent Order shall be:
    - i. Submitted by the Respondent within 24 hours of Board staff instructing her to submit to the test;
    - ii. Submitted at a CLIA-certified Laboratory;
    - iii. Observed; and
    - iv. Negative for any controlled dangerous substances, narcotics, cocaine, alcohol, or other mood-altering substances or drugs of concern, except as provided in paragraph 6(e);
  - e. The Respondent shall completely abstain from the ingestion of alcohol, unprescribed controlled dangerous substances ("CDS"), narcotics, illegal drugs and other mood-altering substances. The Respondent may take CDS, but only if prescribed by a licensed health care provider for a legitimate medical purpose and only as prescribed. Prior to accepting any CDS medication prescription from a licensed health care provider, the Respondent shall provide the licensed health care provider with a copy of the Consent Order. Within 48 hours of being prescribed CDS, the Respondent shall notify the Board of the CDS prescribed, the prescriber, the medical conditions prescribed for, the pharmacy at which the prescription was filled, and the amount and dosage prescribed; and it is further

**ORDERED** that after **ONE (1) YEAR** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting modification of the terms of probation; and it is further



**ORDERED** that after **THREE (3) YEARS** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation, provided that she has been fully compliant with this Consent Order and has no outstanding complaints filed against her; and it is further

**ORDERED** that the Respondent shall practice as a pharmacy technician in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and it is further

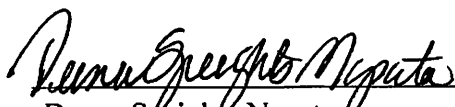
**ORDERED** that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of her compliance with the terms and conditions of this Order; and it is further

**ORDERED** that the Respondent shall bear the cost(s) of complying with the Consent Order; and it is further

**ORDERED** that failure to comply with the terms and conditions of the Consent Order, constitutes a violation of the Consent Order and the Board, in its discretion, after notice and an opportunity for a show cause hearing before the Board, may impose any appropriate sanction under the Act; and it is further

**ORDERED** that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014).

11-14-18  
Date

  
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Deena Speights-Napata  
Executive Director, for  
Kevin Morgan, Pharm.D., President  
State Board of Pharmacy

**CONSENT**

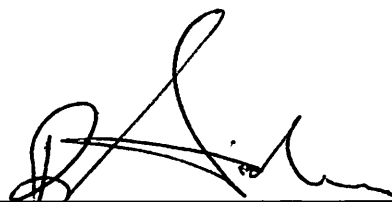
I, Bilen T. Araia, acknowledge that I have had the opportunity to consult with legal counsel before signing this document. By this Consent, I accept, to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on its behalf and to all other substantive and procedural protections as provided by law.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its meaning and effect.

11/2/18  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bilen T. Araia, Applicant

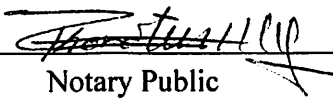
**NOTARY**

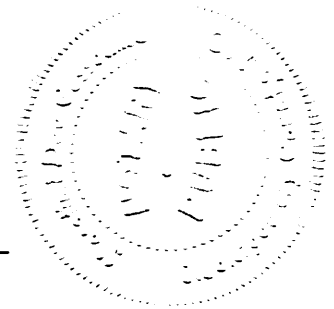
STATE OF Maryland

COUNTY/CITY OF: Montgomery

I hereby certify that on this 02 day of November, 2018, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared **Bilen T. Araia**, and made an oath in due form that the foregoing Consent was her voluntary act and deed.

AS WITNESSETH my hand and notarial seal.

  
\_\_\_\_\_  
Notary Public



My Commission Expires: 02/02/2021

**KOROTIMI DAO CESSOUMA  
NOTARY PUBLIC  
MONTGOMERY COUNTY  
STATE OF MARYLAND  
MY COMMISSION EXPIRES  
FEBRUARY 02, 2021**