

IN THE MATTER OF * **BEFORE THE**
ANDREA BAKER * **STATE BOARD**
PHARMACY TECHNICIAN * **OF**
Registration Number: T05345 * **PHARMACY**
Respondent * **Case Number: 19-243**

* * * * *

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

On November 20, 2019, the State Board of Pharmacy (the “Board”), notified **ANDREA BAKER, Pharmacy Technician**, the Respondent, **Registration No. T05345**, 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, which was enclosed. More than 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 its Act, Md. Code Ann., Health Occupations (“Health Occ.”), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.):

Health Occ. § 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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (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, the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule or regulation adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**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 the State of Maryland. The Respondent was first registered on May 6, 2009. The Respondent's registration expires on September 30, 2020.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a regional food chain, located in Rockville, Montgomery County, Maryland.¹

¹ The names of facilities and/or individuals are confidential.

3. On February 1, 2019, the Board received an “Initial Notification of Controlled Substance Theft or Potentially Significant Loss” and a Drug Enforcement Administration “Report of Theft or Loss of Controlled Substances” from the Pharmacy which both disclosed that 1570 tablets of Carisoprodol², 350 mg was lost due to employee pilferage by the Respondent.

4. The Pharmacy reported that the Respondent admitted, orally and in writing, that she removed the drugs on her person since February 2018 twice a week due to pain she was “suffering from a car accident in 2016”. The Respondent offered to pay back some kind of restitution. The Respondent was terminated from employment with the Pharmacy on January 21, 2019, as a result of the thefts.³

5. As a result of the above thefts, on June 20, 2019, the Board issued an Order for Summary Suspension of the Respondent’s registration. The Respondent failed to request a hearing and/or contest the findings.

6. As set forth above, by diverting drugs from her pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician’s registration); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313); namely, § 12-313 (b) (25) (Violates any rule or regulation

² Carisoprodol is a muscle relaxer that blocks pain sensations between the nerves and the brain. Carisoprodol is used together with rest and physical therapy to treat skeletal muscle conditions such as pain or injury. Carisoprodol should only be used for short periods (up to two or three weeks) because there is no evidence of its effectiveness in long term use and most skeletal muscle injuries are generally of short duration.

³ As a result of the thefts, the Respondent was also criminally charged with Theft less than \$100 and CDS Poss, not marijuana, in the District Court for Montgomery County. Both Counts were stetted—placed on an inactive docket for one year with no conditions—on April 20, 2019.

adopted by the Board); and, COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not: (3) (Engage in unprofessional conduct.)

7. The Respondent’s conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313 (25), and COMAR § 10.34.10.01 B (3).


ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **ANDREA BAKER**, the Respondent, Registration Number **T05345** be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2018 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201, *et seq.* (2014 Repl. Vol. and 2018 Supp.), 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 aforecited authority.

1/15/20
Date



Kevin Morgan, Pharm.D., President
State Board of Pharmacy