

IN THE MATTER OF * BEFORE THE
TYANNIA BOLDEN, PHARM TECH * STATE BOARD
REGISTRATION NO.: T05450 * OF PHARMACY
Respondent * Case No. PT-11-021

* * * * *

CONSENT ORDER

On or about August 15, 2012, the Maryland Board of Pharmacy (the "Board") issued a Notice of Intent to Revoke the Pharmacy Technician Registration of Tyannia Bolden, Pharmacy Technician (Pharm Tech), (the "Respondent"), pursuant to the Administrative Procedural Act ("APA") and the Maryland Pharmacy Act (the "Act") codified at Md. Code Ann., Health Occ. (H.O.) § 12-101, *et seq.* (2009 Repl. Vol. and 2012 Supp).

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 provision of § 12-6B-09 states: 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[;].

On December 19, 2012, a Case Resolution Conference (CRC) was held, at which the following persons appeared: David Chason, P.D. and Mitra Gavgani, P.D., Pharmacist Board members, Brett Felter, Board Counsel, and Steven Kreindler, Board Staff. Also present were the Respondent and her attorney, Andrew M. Battista, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General. At the conclusion of the CRC, the parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on May 20, 2009. The Respondent's registration expired on January 31, 2011.
2. At all times relevant herein, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Baltimore County, Maryland. The Respondent had been employed with the company since January 2005.
3. On October 16, 2010, a caller informed the company that the Respondent had been stealing medication from the pharmacy and that her son had been getting it from her to sell it on the street. When confronted by his mother, the son confessed that he had gotten it from the Respondent. She estimated that it had been going on "for a

long time” and she estimated that the value of the medication was about “\$900+”. The caller indicated that the drugs stolen and subsequently sold were Suboxone¹

4. On or about December 14, 2010, the company confronted the Respondent who denied stealing the Suboxone, but admitted, orally and in writing to, stealing approximately \$35 worth of other drugs. The Respondent admitted to stealing Diazepam, Clonidine and Hydrocodone.²

5. As a result of this admission, the company terminated the Respondent, and contacted the police who filed criminal charges against her. The company also did an audit and filed a DEA report indicating that she had stolen \$447.99 worth of Hydrocodone.

6. The criminal charges were as follows:

<u>CASE NO.</u>	<u>COUNT NO.</u>	<u>DESCRIPTION</u>	<u>DATE</u>
03K11000815	1	CDS-Distribute-Narcotic	2/14/11
03K11000815	2	CDS-Distribute-Narcotic	2/14/11
03K11000815	3	CDS-Possess/Not Marijuana	2/14/11
08K11000815	4	CDS Possess/Not Marijuana	2/14/11
08K11000815	5	Theft less than \$100	2/14/11

¹ Suboxone is used to treat opiate addiction.

² Diazepam is used for the management of anxiety disorders or for the short-term relief of symptoms of anxiety. Clonidine lowers blood pressure by decreasing the levels of certain chemicals in blood, and Hydrocodone is in a group of drugs called narcotic pain relievers.

7. Based upon the above, on March 24, 2011, the Board issued a Summary Suspension of the Respondent's registration. On July 21, 2011, a Show Cause hearing was held during which the Respondent put forth arguments why the suspension should not be continued. However, after listening to the Respondent's arguments and that of the Administrative Prosecutor, the Board voted to continue the Suspension. The Respondent was advised, via a letter, dated July 22, 2011, that she could request an evidentiary hearing on the merits, but she chose not to.

8. On or about July 14, 2011, the criminal charges were later transferred to the Circuit Court of Baltimore County and were classified as felonies, several of which were subject to up to 20 years incarceration and up to a \$25,000 fine.

9. On March 16, 2012, the Respondent entered an Alford plea to Count 1— Distribution of Narcotics (CDS)--; the other charges were nolle prossed. The Respondent was found guilty and was given Probation Before Judgment, according to § 6-220 of the Criminal Law Article. The Respondent was put on supervised probation; her fines and court costs were waived; and, she was to abide by all standard conditions, including random urinalysis.

10. On August 15, 2012, the Board issued a Notice of Intent to Revoke the Respondent's registration to practice as a Pharm Tech, but the Respondent timely filed a hearing request, which led to a CRC, which resulted in the following Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent is subject to discipline pursuant to H.O. § 12-6B-09 22 (i) and (ii).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, by a majority of the Board considering this case, it is:

ORDERED that the Respondent's registration to practice as a Pharm Tech continues to be **SUSPENDED** for one year, effective from the date that the Order is signed by the Board; and it is further

ORDERED that, upon applying for reinstatement, the Respondent shall submit to a State criminal history records check;

ORDERED that, in the event the Respondent's criminal history records check indicates further criminal activity, the Board may impose further disciplinary action against the Respondent's registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further

ORDERED, following Suspension, the Respondent shall be placed on PROBATION for two years, during which the Respondent shall:

1. Notify the Board, in writing, before she begins working as a Pharmacy Technician in Maryland;
2. Provide a copy of the Consent Order to her pharmacy employer(s) and ensure that her pharmacy employer(s) provide the Board with signed verification that a copy has been received; and,
3. Ensure that her pharmacy employer(s) provide quarterly reports to the Board;
4. After completion of one year of Probation, the Respondent may petition the Board for modification of the probationary terms, provided that she has been

fully compliant with the terms of Probation and there are no pending complaints filed against her.

ORDERED, that, after completion of two years of Probation, the Respondent may petition the Board for termination of Probation, provided that she has been fully compliant with the terms of Probation and there are no pending complaints filed against her.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that, should the Board receive a report that the Respondent has violated the Act or, if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to remove any conditions or restrictions on her registration, provided that she can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary; and be it further ordered

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy technicians in Maryland; and be it further

ORDERED that this Consent Order is a PUBLIC DOCUMENT pursuant to Md.
Code Ann. State Gov't § 10-611, *et seq.* (2009 Repl. Vol. and 2012 Supp.)

3/29/13
Date



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

CONSENT

I, Tyannia Bolden, Pharmacy Technician, acknowledge that by this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

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 my own behalf, and to all other substantive and procedural protections provided by the law.

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

I sign this Consent Order voluntarily and without reservation after having an opportunity to consult with counsel, Andrew Battista, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

3/18/13
Date

T. Bolden
Tyannia Bolden, Pharm Tech

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 18th day of March, 2013,
before me, a Notary Public of the foregoing State and City/County personally appear
Tyannia Bolden, Registration Number T05450, and made oath in due form of law that
signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

 Beverly J. Kaufman
Notary Public

My commission expires: March 30, 2016