

**IN THE MATTER OF  
CHELSEA BOOTH,  
REGISTRATION NO. T24845**

**\* BEFORE THE  
\* MARYLAND BOARD  
\* OF PHARMACY  
\* Case No. 21-218**

**Respondent**

\* \* \* \* \*

**FINAL ORDER**

**Procedural Background**

On May 27, 2021, the Maryland Board of Pharmacy (the “Board”) issued a Notice of Intent to Revoke Pharmacy Technician Registration against the registration held by the Respondent, Chelsea Booth, to work as a pharmacy technician in the State of Maryland based on information indicating that the Respondent was found guilty but not criminally responsible for a criminal act in May 2014. The Board’s Notice included the opportunity to request a hearing within thirty (30) days. The Board received the Respondent’s timely written request for a hearing. On August 18, 2021, the Board held an evidentiary hearing before a quorum of the Board, in accordance with Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t § 10-201 *et seq.*, and the Board’s regulations, COMAR 10.34.01.

**SUMMARY OF THE EVIDENCE**

The Board admitted documentary and testimonial evidence from the State and the Respondent as set forth below.

**A. Documents**

The following documents were admitted into evidence:

- State’s Exhibit No. 1 - Report of Investigation, dated April 23, 2021

- State's Exhibit No. 2 - Application for Pharmacy Technician Registration, dated February 3, 2021
- State's Exhibit No. 3 - Referral from Licensing Unit, dated April 21, 2021
- State's Exhibit No. 4 - Licensing Information
- State's Exhibit No. 5 - Court documents: Guilty Finding but Not Criminally Responsible – 1<sup>st</sup> degree murder in 2014
- State's Exhibit No. 6 - Court documents: Guilty Convictions – Assault in the 2<sup>nd</sup> degree of a Police Officer and Resisting Arrest – April 24, 2009
- State's Exhibit No. 7 - Court documents: Guilty Convictions – Resisting Arrest and Failure to Obey Lawful Order – January 30, 2009
- State's Exhibit No. 8 - Court documents: Guilty Finding – Probation Before Judgment – Possession of Marijuana – May 9, 2006
- State's Exhibit No. 9 - Notice of Intent to Revoke Pharmacy Technician Registration and unexecuted Final Order of Revocation of Pharmacy Technician Registration, dated May 27, 2021

Respondent's Exhibit 1 - Letter from Crossroads Community, dated August 6, 2021

Respondent's Exhibit 2 - Letter from LCSW-C, dated August 2, 2021

## **B. Witness Testimony**

Trina Leak, Pharm.D., Compliance Director

Heather McLaughlin, Compliance Coordinator

M.S. R.Ph., Pharmacy Manager

M.S., Store Manager

Chelsea Booth, Respondent

## **FINDINGS OF FACT**

Based upon the documentary and testimonial evidence admitted into the administrative record in this matter, the Board finds the following:

1. At all times relevant hereto, the Respondent was registered to work as a pharmacy technician in the State of Maryland under Registration Number T24845. (State's Ex. 4)
2. The Respondent was initially issued a registration to work as a pharmacy technician in Maryland on or about March 17, 2021. (State's Ex. 4)
3. On or about February 17, 2021, the Board received an Application for Pharmacy Technician Registration (the "Application") from the Respondent. On the Application, the Respondent answered "yes" to the following question, in relevant part, under Personal Attestation Questions:
  6. 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?
4. The Respondent indicated on her Application that she was found not criminally responsible for the charge of first degree murder in 2013 and was hospitalized from 2013 to 2018. The Respondent also indicated on her Application that she received probation before judgment for possession of marijuana in 2005 and successfully completed the probationary term. (State's Ex. 2)
5. After reviewing the Application and the Respondent's responses to the Personal Attestation Questions, the Board initiated an investigation into the Respondent's criminal history.

6. However, before the Board staff completed the investigation of the Respondent's criminal history, the Board learned that the Respondent was erroneously mailed a pharmacy technician registration. (T. 16-17)
7. On or about May 5, 2014, the Respondent pled not criminally responsible to the charge of murder in the second degree. The Respondent was found guilty but not criminally responsible to the charge of murder in the second degree for suffocating her child because she believed her child was possessed by an evil spirit. (State's Ex. 5)
8. The Respondent was committed to a mental health facility (the "Facility") in Maryland. In or around August 2018, the Respondent was granted conditional release for five (5) years. The Respondent's release from the Facility is conditioned on her full participation in a residential rehabilitation community program. (T. 42-44)
9. The Respondent currently lives in a residential and psychiatric rehabilitation community and has been fully compliant with all clinical treatment requirements, including therapy and medication management. The Respondent also obtained her GED and has applied for independent housing. The rehabilitation program and the Respondent's psychiatrist both support the Respondent's current employment as a pharmacy technician. (Respondent's Exs. 1 and 2)
10. The Respondent obtained employment at a community pharmacy (the "Pharmacy") in March 2020 as a clerk, and was subsequently advanced into the pharmacy technician training program during which she obtained her pharmacy technician certification. (State's Ex. 2, T. 28)
11. The Respondent informed the Pharmacy that she is in a community rehabilitation program and receiving mental health treatment. In addition, the Pharmacy conducts

criminal background checks on its employees and is aware of her criminal history. (T. 29-36)

12. Both the Pharmacy Manager and Store Manager testified on behalf of the Respondent stating that the Respondent is a valued employee. The Store Manager testified that the Pharmacy is very busy and provides COVID vaccinations, and that the Respondent is an asset to their team. (T. 32)

### **OPINION**

The Respondent committed a heinous offense for which she was found not criminally responsible and spent over five (5) years in a forensic hospital receiving treatment. Upon being conditionally released, the Respondent has fully engaged in all facets of rehabilitation and recovery including therapy and medication compliance. She has obtained her GED and pharmacy technician certification. She has also made significant strides in moving toward independent living and reunification with her teenage daughter.

The Board is persuaded by the candid testimony and presentation of the Respondent and her concerted efforts to abide by all requirements imposed by the Facility and her treatment team. Equally as persuasive is the testimony of the Respondent's two Pharmacy managers who took time away from a very busy pharmacy during the COVID pandemic to personally testify regarding the value and work ethic of the Respondent. Specifically, the Pharmacy Manager testified:

[The Respondent] is a kind and respectful person. She is an asset to the pharmacy team. She is a team player and dedicated to her job. She has excellent customer service skills and always does her best to care for the patients and customers that use our pharmacy. I believe it would be a mistake to revoke her license based on her past history, history that she has taken corrective action to better her life (*sic*). She has followed the directions of the courts and her medical caregivers, and she

has made great progress with her life, something I believe which she should not be punished (*sic*). (T. 26)

The evidence demonstrates that the Respondent has made every effort to become a contributing member of society again, and that she possesses the skills and ethics to continue working as a pharmacy technician. Particularly during this COVID pandemic, it is integral that we encourage and retain healthcare practitioners who are committed to improving the health of patients in Maryland. Provided that the Respondent fully adheres to her treatment plan, and complies with the terms set forth herein, the Board sees no risk to Maryland patients by allowing the Respondent to continue working as a pharmacy technician.

### **CONCLUSIONS OF LAW**

Based upon the foregoing findings of fact, the Board concludes that the Respondent is subject to discipline pursuant to Health Occupations Article § 12-6B-09(22).

### **ORDER**

Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a majority vote of the Board it is hereby:

**ORDERED** that the Respondent's registration shall be placed on PROBATION for a minimum of five (5) years, during which time the Respondent shall:

1. Continue her participation in and fully comply with her treatment plan at Crossroads Community rehabilitation services program, or other rehabilitation program required under the terms of the Respondent's conditional release from the Facility, to include requirements for individual therapy and medication management;

2. Ensure that Crossroads Community rehabilitation services program submit quarterly reports to the Board documenting the Respondent's compliance with therapy sessions and medication management;

3. Ensure that the Respondent's pharmacy employer submit to the Board quarterly reports regarding the Respondent's overall performance;

4. Bear all costs for compliance with the terms of probation herein; and be it further,

**ORDERED** that after one (1) year from the date of this Order, the Respondent may petition for modification of the terms of probation provided that the Respondent has been fully compliant with all terms of the Order and there are no pending complaints filed against her; and be it further,

**ORDERED** that after five (5) years from the date of this Order, the Respondent may petition for termination of probation provided that: (1) the Respondent has been fully compliant with all terms of the Order; (2) there are no pending complaints filed against the Respondent; and (3) the Respondent submits to an evaluation by a Board-ordered evaluator at the expense of the Board; and be it further,

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

**ORDERED** that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

**ORDERED** that in the event the Board finds for any good faith reason that the Respondent has violated any of the conditions of probation herein, or in the event that the Board finds for any good faith reason that the Respondent has committed a violation of Title 12 of the

Health Occupations Article or regulations adopted thereunder, the Board may take further disciplinary action against the Respondent's registration, provided that the Respondent is given notice and an opportunity for a hearing; and be it further,

**ORDERED** that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Prov. Art., §4-333.

2-10-22  
Date

  
Deena Spoughs-Napata, M.A.  
Executive Director

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. Art., § 12-316, you have the right to take a direct judicial appeal. A petition for judicial appeal shall be filed within thirty (30) days of the date of this mailing and in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't Art., §10-222, and Title 7, Chapter 200 of the Maryland Rules.