

IN THE MATTER OF	*	BEFORE THE
AMBER COLEMAN, Pharm Tech	*	STATE BOARD
Registration No. T04395	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-12-009 /12-208

* * * * *

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

On October 16, 2013, 2013, the State Board of Pharmacy (the "Board"), notified **AMBER COLEMAN**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to revoke her pharmacy technician 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 have 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 State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2009 Repl. Vol.), and the Maryland Pharmacy Act (the "Act"), Heath Occ. Code Ann. ("H.O.") §§12-101, *et seq.* (2009 Repl. Vol.).

S.G. § 10-226. Licenses.-Special Provisions:

(c) *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 of the Act 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 [;].

**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 March 11, 2009. The Respondent's registration expired on March 31, 2012.
2. At all times relevant hereto, the Respondent was employed by a National chain pharmacy, hereinafter "Pharmacy A", in Damascus, Maryland in Montgomery County, as a Pharm Tech.
3. On or about July 27, 2011, the Board was notified that Pharmacy A had sent a DEA 106 form regarding a notice of suspected loss or theft involving the Respondent. The form stated that, on July 19, 2011, the Respondent admitted that she had taken Hydrocodone/APAP¹, 10/650, #1864. The Respondent was terminated from

¹Hydrocodone is in a group of drugs called narcotic pain relievers. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. The combination of hydrocodone and acetaminophen is

employment as a result and law enforcement was contacted. Pharmacy A indicated that it was researching other drug loss.

4. In addition, the Board received notice that the Respondent's Virginia registration posed a substantial danger to the public health or safety and, as a result, on October 7, 2011, that board summarily suspended it. The basis for the suspension was that, while working at a pharmacy in Danville, Virginia, between May 2 and July 15, 2011, the Respondent diverted approximately 250 tablets of Hydrocodone/APAP 10/500² (Sch. II) and approximately 250 tablets of Hydrocodone/APAP 10/650 to sell to another individual, and at least two inhalers of Ventolin (Albuterol Sulfate, Schedule VI)³ for her personal use.

5. On December 5, 2011, the Board summarily suspended the Respondent's registration. The Respondent failed to request a hearing.

6. Based upon the theft of drugs from Pharmacy A, criminal charges were filed against the Respondent. On April 13, 2012, in the Circuit Court for Montgomery County, Maryland, the Respondent pled guilty to Count 1, theft over \$1000, and was sentenced to five years' incarceration, with all five years suspended. In addition, the Respondent was sentenced to three years unsupervised probation and ordered to pay Pharmacy A \$2283.

CONCLUSIONS OF LAW

used to relieve moderate to severe pain. This combination of hydrocodone and acetaminophen equals 10 milligrams of hydrocodone and 650 milligrams of acetaminophen.

²This combination of hydrocodone and acetaminophen equals 10 milligrams of hydrocodone and 500 milligrams of acetaminophen.

³Ventolin (albuterol) is a bronchodilator that relaxes muscles in the airways and increases air flow to the lungs.

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-6B-09 (22) (i) and (ii).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **AMBER COLEMAN**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and 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 *aforecited* authority.

Date 2/19/2014

Lenna Israbian-Jamgochian, P.D., President
Board of Pharmacy *Pharm.D*