

IN THE MATTER OF
NICOLE COX
APPLICANT

* BEFORE THE
* STATE BOARD OF
* PHARMACY
* Case No. PT-15-004

* * * * *

**FINAL ORDER OF DENIAL OF
PHARMACY TECHNICIAN REGISTRATION**

The State Board of Pharmacy (the "Board"), received information that the Applicant, **NICOLE COX**, filed an application for registration in Maryland as a Pharmacy Technician (Pharm Tech), on or about July 14, 2014. Shortly thereafter, the pharmacy where the Respondent worked informed the Board that the Applicant had been terminated for pilfering drugs, and had been criminally charged for that. A Board investigation confirmed the report of theft and criminal prosecution.

Accordingly, on May 20, 2015, the Board issued a Notice of Initial Denial and informed the Applicant that she had 30 days to request a hearing. More than 30 days have elapsed and the Applicant failed to request a hearing. Therefore, this Order is Final.

BASIS FOR DENIAL OF PHARM TECH REGISTRATION

The Board, pursuant to the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II), notified the Applicant of the Board's denial of the Applicant's application for registration for violation of the following provisions:

The pertinent provisions of § 12-6B-09 of the Act state: 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.

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

The Board also denied the Applicant a registration for violation of the following provision:

§ 12-6B-02. Qualifications

- (a) In general. -- To qualify for registration an applicant shall be an individual who:
- (b) Good moral character. -- The applicant shall:
 - (1) Be of good moral character [;].

BASES OF DENIAL

The Board based its decision to deny the registration on the foregoing reasons which the Board has reason to believe are true:

1. The Applicant filed an application with the Board, dated July 14, 2014, for registration in Maryland as a Pharm Tech.
2. At that time, the Applicant was employed in the pharmacy of a large National chain store located in Hagerstown, Maryland.
3. Shortly after the Applicant submitted the application, the Board was notified by her employer that the Applicant had admitted stealing drugs from the pharmacy, and, as a result, had been terminated from employment there and the local police department had arrested her for the thefts.
4. Subsequently, the Board received a copy of a Drug Enforcement

Administration (DEA) form setting forth the aforementioned thefts, as follows:

Vicodin ¹ 5-300 mg	44 tablets
Vicodin ² ES 7.5-300 mg	75 tablets
Vicodin ³ HP 10-300mg	11 tablets
Hydrocodone/APAP ⁴ 5-325 mg	1142 tablets
Hydrocodone-APAP 7.5-300 mg	232 tablets
Hydrocodone-APAP 10/-325 mg	101 tablets.

5. As a result of the above admitted thefts, the Applicant was charged in the District Court for Washington County with the following:

Count 1	Theft, less \$1000 value
Count 2	Theft less \$100
Count 3	Theft scheme less \$1000
Count 4	CDS Poss--not marijuana
Count 5	CDS Poss—not marijuana
Count 6	CDS Poss w/intent dist. Narc.

6. As set forth above, the Applicant fails to meet the requisite requirement of "good moral character" and, thus, violates the Act. Due to the Applicant's violation of the Act, the registration is **DENIED**.

¹Vicodin is a combination of an opiate (hydrocodone) and aspirin, and is used to treat moderate to severe pain. In this combination, there are 5 milligrams of hydrocodone and 300 milligrams of aspirin or APAP.

²The "ES" in this medicine stands for "Extra Strength" and contains 7.5 milligrams of Hydrocodone and 300 milligrams of APAP.

³The "HP" means "high potency". In this combination, there are 10 milligrams of Hydrocodone and 300 milligrams of APAP.

⁴This is the generic form of Vicodin and, in this combination, contains 5 milligrams of Hydrocodone and

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated §12-6B-09 (23) and § 12-6B (a) and (b) (1).

ORDER


Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of August, 2015 hereby ORDERED that the application of NICOLE COX, for registration as a Pharm Tech is hereby DENIED.

It is further ORDERED that this Final Order shall be a public document, pursuant to Md. Code Ann. Gen'l Provisions, §§ 4-401 et seq. (2014 Repl. Vol. II).

NOTICE OF RIGHT OF APPEAL

In accordance with H.O. § 12-316 (2014 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 forecited authority.

8/19/2015
Date


Mitra Gavani, Pharm.D., President
Board of Pharmacy