

IN THE MATTER OF	*	BEFORE THE
ASHLEY DINAN, Pharm Tech.	*	STATE BOARD
License No. T02532	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-12-016

* * * * *

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

On November 20, 2013, the State Board of Pharmacy (the "Board"), notified Ashley Dinan, 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, 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"), Health 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 September 4, 2006. The Respondent's registration expired May 31, 2012.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy, hereinafter, "Pharmacy A", located in Oakland, Maryland.

3. On August 24, 2012, a customer came into Pharmacy A and complained that the prescription for Oxycodone APAP 7.5/500¹ was short by two pills. Subsequently, Pharmacy A's Loss Prevention Officer viewed the video of the day and time that the prescription for this person was filled. When she did so, she observed

¹Oxycodone is an opioid medication used to treat moderate to severe pain. Apap is a form of acetaminophen. In this combination, the oxycodone equals 7.5 mg and the acetaminophen equals 500 mg

that the Respondent took several pills and placed them into her pocket. Thereupon, the Officer then reviewed more video, and, on August 22, 2012, she observed the Respondent placing several pills in her pocket while filling a prescription for Methylphenidate².

4. The Officer said that she interviewed the Respondent about taking the pills and the Respondent admitted that she had begun taking pills about three weeks prior and would take one or two pills while filling a prescription for Schedule II drugs. The Respondent said that she had done so to see what taking the pills was like. The Respondent admitted that she had taken approximately 20-30 pills of different drugs. The Respondent also produced a written statement regarding the matter.

5. The Loss Prevention Officer reported that there were about 10 Oxycontin³ and 10 Oxycodone pills missing, with a total value of \$98.78.

6. On November 14, 2012, the Respondent pled guilty to theft of less than \$100 as a result of the above and was given unsupervised probation for six months; was ordered to pay restitution of \$98.78; and, was ordered to pay court costs.

7. On January 25, 2012, the Board suspended the Respondent's registration as a result of the above theft/termination. The Respondent requested a Show Cause hearing, which was held on April 4, 2012. After the hearing, the Board notified the Respondent that she could sign a Consent Order, which would extend her suspension,

per pill.

²Methylphenidate is a central nervous system stimulant that affects chemicals in the brain and nerves that contribute to hyperactivity and impulse control. Methylphenidate is used to treat attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), and narcolepsy.

³OxyContin is an opioid pain reliever similar to morphine. OxyContin is used to treat moderate to severe pain that is expected to last for an extended period of time.

with conditions, or she could request an evidentiary hearing. The Respondent failed to sign the Consent Order or to request an evidentiary hearing.

CONCLUSIONS OF LAW

Based upon the above, the Board concludes as a matter of law that the Respondent violated § 12-6B-09 B. (22) (i) and (ii).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby ordered that the pharmacy technician registration of **ASHLEY DINAN** is revoked, and that this is a Final Order, pursuant to SG, § 10-617 (h).

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 aforesaid authority.

2/19/2014
Date

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