

IN THE MATTER OF * BEFORE THE
MELINDA FINK, PHARM TECH * STATE BOARD
Respondent * OF
Registration No.: T16671 * PHARMACY
* Case No. PT-16-006

* * * * *

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

On August 17, 2017, the State Board of Pharmacy (the "Board") notified **MELINDA FINK**, 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 Board bases its action on the Respondent's violation of the following provisions of the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations II (Health Occ. II) §§ 12-101 *et seq.* (2014 Repl. Vol.).

The relevant provisions are as follows:

Health Occ. II § 12-6B-09. 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:

- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;
- (3) Fraudulently uses a pharmacy technician's registration;
- (8) Willfully fails to file or record any report that is required by law; [and]
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. II § 12-6B-09(27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule for regulations adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") 10.34.10, Pharmacist, Pharmacy Intern, or Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**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 July 12, 2015. The Respondent's registration expired on June 30, 2017.

2. On April 11, 2014, in the District Court for Anne Arundel County, the Respondent pled guilty to theft less than \$1,000 and was given Probation Before Judgment (PBJ) and supervised probation.

3. On her Pharm Tech application, dated June 25, 2015, the Respondent

signed that her answers were “true and correct.” Under Question #6 in the Personal Attestation Questions (“Have you committed a criminal act which you pled guilty or *nolo contendere*, or for which you were convicted or received probation before judgment?” (Emphasis added), the Respondent answered “no,” which was a false answer.

4. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Glen Burnie, Anne Arundel County, Maryland, hereinafter the “Pharmacy.”¹

5. On or about October 5, 2015, the Board received a Drug Enforcement Administration (DEA) “Report of Theft/Loss” form from the Pharmacy, which indicated that its loss totaled \$6,296.90 due to employee pilferage. The Respondent was identified as the individual responsible for the theft.

6. The Pharmacy listed its Controlled Dangerous Substances (CDS) thefts/losses, as follows:

- | | | |
|----|--|-------------|
| A. | Amphetamine Salts ² , 20 mg | 50 tablets; |
| B. | Dextro-Amphetamine ER ³ , 20 mg | 2 capsules; |
| C. | Duragesic ⁴ , 25 mcg patch; | 5 patches; |
| D. | Focalin XR ⁵ , 15 mg | 5 capsules; |

¹ For confidentiality purposes, the names of pharmacies and all individuals referenced herein will not be identified by name in this document.

² Amphetamine Salts is used to treat attention-deficit hyperactivity disorder (ADHD). It may also be used for narcolepsy.

³ Dextroamphetamine ER is the extended-release version of Dextroamphetamine. It is a central nervous system stimulant used to treat attention-deficit hyperactivity disorder (ADHD) and may also be used for narcolepsy.

⁴ Duragesic is a skin patch containing fentanyl, an opioid pain medication. An opioid is sometimes called a narcotic.

⁵ Focalin is the brand name of the drug dexamethylphenidate, which is used to manage the symptoms of attention deficit hyperactivity disorder (ADHD). The drug may also be used off-label to help people who suffer from narcolepsy (a sleep disorder). Focalin is in a class of drugs known as central nervous system stimulants. It works by increasing levels of the neurotransmitters norepinephrine and dopamine in the brain.

E.	Lorazepam ⁶ , 1 mg	813 tablets;
F.	Suboxone Film ⁷ , 8 mg/2mg	407 films;
G.	Methadone ⁸ , 10 mg	84 tablets;
H.	Methadone, 5 mg	2 tablets;
I.	Methylphenidate ⁹ , 20 mg	1 tablet;
J.	Methylphenidate ER ¹⁰ , 54 mg	1 tablet;
K.	Methylphenidate ER, 30 mg	5 tablets;
L.	Oxycodone/APAP ¹¹ , 7.5/325	2 tablets;
M.	Oxycodone, 15 mg	73 tablets;
N.	OxyContin ¹² , 30 mg	1 tablet;
O.	OxyContin, 80 mg	1 tablet;
P.	Oxymorphone ¹³ , 10 mg	1 tablet;

⁶ Lorazepam, sold under the brand name Ativan, among others, is a benzodiazepine medication used to treat anxiety disorders. Lorazepam reduces anxiety and agitation, induces sleep, treats seizures, nausea and vomiting, and relaxes muscles. Lorazepam is used for the short-term treatment of anxiety and trouble sleeping

⁷ Suboxone Film is a prescription medicine that contains the active ingredients buprenorphine and naloxone. It is used to treat adults who are dependent on (addicted to) opioids (either prescription or illegal).

⁸ Methadone is an opioid used to treat pain and as maintenance therapy or to help with detoxification with opioid dependence.

⁹ Methylphenidate is used to treat attention deficit hyperactivity disorder (ADHD). It belongs to the group of medicines called central nervous system (CNS) stimulants. Methylphenidate is also used to treat narcolepsy. Narcolepsy is an uncontrollable desire for sleep or a sudden attack of deep sleep. Methylphenidate works in the treatment of ADHD by increasing attention and decreasing restlessness in children and adults who are overactive, cannot concentrate for very long, or are easily distracted and impulsive. This medicine is used as part of a total treatment program that also includes social, educational, and psychological treatment.

¹⁰ ER = Extended Release.

¹¹ Oxycodone is a narcotic pain reliever. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Acetaminophen and oxycodone is a combination medicine used to relieve moderate to severe pain. In this combination, there are 7.5 mg of oxycodone and 325 mg of acetaminophen.

¹² OxyContin is the brand name for a timed-release formula of oxycodone, a narcotic analgesic (medication that reduces pain). It is used to relieve pain from injuries, arthritis, cancer, and other conditions. Oxycodone, a morphine-like drug, is found along with non-narcotic analgesics in a number of prescription drugs, such as Percodan (oxycodone and aspirin) and Percocet (oxycodone and acetaminophen). OxyContin contains between 10 and 80 milligrams of oxycodone in a timed-release formula that allows up to 12 hours of relief from chronic pain.

Q.	Vicodin ¹⁴ , 5mg	3 tablets;
R.	Alprazolam ¹⁵ , 0.25 mg	253 tablets;
S.	Alprazolam, 0.5 mg	157 tablets;
T.	Alprazolam, 1 mg	407 tablets;
U.	Alprazolam, 2 mg	314 tablets;
V.	Clonazepam ¹⁶ , 0.5 mg	147 tablets;
W.	Diazepam, 10 mg	242 tablets.

7. On September 3, 2015, the store manager caught the Respondent leaving the store with unpaid merchandise. The Respondent admitted stealing drugs and front end merchandise from the Pharmacy. On September 3, 2015, as a result of the above thefts, the Respondent was terminated from employment from the Pharmacy.

8. Based upon the above, on March 21, 2016, the Board issued an Order for Summary Suspension in which it summarily suspended the Respondent's registration. The Respondent failed to request a hearing and/or contest the Board's Findings.

9. The Respondent's conduct as set forth above constitutes a violation of Health Occ. II § §12-6B-09 (2), (3), (8) and (27), and Health Occ. II § 12-313(25), and COMAR 10.34.10.01 B (3).

¹³ Oxymorphone is used to relieve pain. It belongs to the group of medicines called narcotic analgesics (pain medicines). Oxymorphone extended-release tablets are used to relieve moderate to severe pain in patients requiring continuous, around-the-clock treatment for a long period of time.

¹⁴ Vicodin is the trade name of this combination medication which is used to relieve moderate to severe pain. It contains a narcotic pain reliever (hydrocodone) and a non-narcotic pain reliever (acetaminophen). Hydrocodone works in the brain to change how the body feels and responds to pain. Acetaminophen can also reduce a fever.

¹⁵ Alprazolam is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

¹⁶ Clonazepam is used to treat seizure disorders or panic disorder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 Health Occ. II §12-6B-09 (2), (3), (8) and (27), Health Occ. § 12-313(25) and COMAR 10.34.10.01 B (3).


ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **MELINDA FINK**, Registration No. T16671, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government II. §§10-201, *et seq.* (2014 Replacement 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.

Date 10/18/17



Mitra Gavgani, Pharm.D., President
State Board of Pharmacy