

IN THE MATTER OF	*	BEFORE THE
CHRISTINA HAMILTON, PHARM TECH*		STATE BOARD
REGISTRATION NO.: T07563	*	OF
Respondent	*	PHARMACY
	*	CASE NO.: PT-11-022/11-317
* * * * *		

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

On February 2, 2012, the Maryland Board of Pharmacy (the "Board"), notified Christina Hamilton, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her Pharm Tech 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 has 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 the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol. and 2011 Supp.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2009 Repl. Vol. and 2011 Supp.).

The pertinent provision of § 10-226(c) (1) of the APA states:

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 provisions of the Act states: § 12-6B-09 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:

- (1) Performs an act that is restricted to a licensed pharmacist;
- (3) Fraudulently uses a pharmacy technician's registration;
- (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;
- (24) Is disciplined by a licensing, registering, or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (25) Violates any regulation adopted by the Board [;].

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, 10.34.10 (November 12, 2001):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:
 - (a) United States Code, Title 21,

- (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
- (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
- (e) COMAR 10.19.03[;].

**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 June 21, 2010. The Respondent's registration expires on March 31, 2012.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for a National chain pharmacy at a location in Baltimore County.
3. On or about the late afternoon of December 24, 2010, the Pharmacy Manager of that pharmacy called the Baltimore County Police Department's Diversion Unit to advise it that she suspected the Respondent of passing fraudulent prescriptions. An officer responded and investigated and the Respondent admitted orally and in writing that she had a friend steal a physician's prescription pads and write out prescriptions for Oxycodone in the Respondent's grandmother's name, which the Respondent had filled at her job and for which she paid for in cash. In return, she would give the friend half of the pills and the Respondent would keep half for herself, some of which she would consume and others which she would sell. As a result of which, the Respondent was terminated from employment and was criminally charged.
4. On April 28, 2011, in the District Court for Baltimore County, the

Respondent pled "Not Guilty" to but was found "Guilty" of CDS prescription obtained by forgery. She was fined \$1000, with \$55.20 in costs, with the \$1000 suspended. She also received a PBJ, with the Probation ending on October 28, 2012. She was given 18 months imprisonment, with the entire 18 months suspended.

5. As a result of the above, on June 24, 2011, the Board summarily suspended the Respondent's registration. The Respondent failed to ask for a hearing.

6. As set forth above, the Respondent's registration should be revoked.

CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-101 et seq. (2009 Repl. Vol. and 2011 Supp.), and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-314 (2009 Repl. Vol. and 2011 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. and 2011 Supp.) 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

6/5/12



LaVerne G. Naesea, Executive Director
For Michael N. Souranis, P.D., President
Maryland Board of Pharmacy