

IN THE MATTER OF	*	BEFORE THE
LAVERNE HIGHTOWER, PHARMACY		
TECHNICIAN	*	STATE BOARD
Registration No.: T15546	*	OF
Respondent	*	PHARMACY
	*	Case No. PT- 15-015

* * * * *

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

On May 26, 2016, the State Board of Pharmacy (the "Board"), notified **LAVERNE HIGHTOWER**, 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) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (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.

H.O. § 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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (8) Willfully fails to file or record any report that is required by law;
- (25) Violates any regulation adopted by the Board [;].

The Board further charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, Code Md. Regs. tit. 10.34.10 (2001):

§.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 Pharmacy Technician in Maryland. The Respondent was first registered on November 21, 2014. The Respondent's registration expires on October 31, 2016.

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

3. On or about November 25, 2014, Pharmacy A notified the Board of a significant loss or theft of Controlled Dangerous Substances (CDS),

4. By communications dated January 5, 2014, Pharmacy A informed the Board that it had conducted an investigation, with the following findings:

- A. For over two weeks missing waiting-bin scripts of CDS had been reported in one of the stores where the Respondent worked;
- B. As a result, attention focused on the Respondent, who had been “borrowed” to another store;
- C. Before an interview took place however about the first store, the second store where the Respondent had been “borrowed” reported two scripts missing from its waiting-bin;
- D. As a result of the above, Pharmacy A’s Loss Prevention personnel interviewed the Respondent, who, orally and in writing, admitted that she had taken the missing scripts at both stores;
- E. In addition, the Respondent reported stealing other drugs as set forth below:

Oxycodone/APAP ¹ 5-325 mg	180 tablets;
Hydrocodone-APAP ² 5-325 mg	30 tablets;
OxyContin ³ , 20 mg	120 pills;

¹Oxycodone/APAP (brand names include Endocet, Percocet, and Roxicet) is a prescription medication approved to treat moderate to moderately severe pain. All oxycodone/APAP products are narcotics and are classified as Schedule II controlled substances in the United States. This means that special laws and regulations control their sale and use. Of all legal prescription medications, Schedule II controlled substances have the highest abuse potential. In this combination, there are 5 mgs of Oxycodone and 325 mgs of APAP.

²Hydrocodone-APAP 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. In this

Alprazolam⁴, 1 mg

3 pills;

F. As a result of the above admissions, the Respondent was terminated from employment.

5. The Respondent was charged in the Circuit Court for Baltimore City with 34 criminal counts, including CDS Distribution—Narcotics, CDS manufacturing, unlawful possession, illegal possession with intent to distribute, and theft less than \$1000.

6. Based upon the above, on March 16, 2015, the Board issued a Summary Suspension against the Respondent's registration. The Respondent failed to request a hearing

7. The Respondent's conduct as described above, constitutes a violation of H.O. §12-6B-09 (3), (8) and (25), and COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (3), (8) and (25) of its Act, and COMAR 10.34.10.01 B (3.) of its regulations thereunder.

ORDER

combination, there are 5 mgs of Hydrocodone and 235 mgs of acetaminophen. As of August 14, 2014, hydrocodone was rescheduled by the DEA from Schedule III to Schedule II, a higher abuse potential.

³OxyContin treats moderate to severe pain when around-the-clock pain relief is needed for a long period of time. Slow-release oxycodone is a narcotic medicine that should not be taken more often than every 12 hours.


⁴Alprazolam treats anxiety and panic disorder.

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **LAVERNE HIGHTOWER** 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 the S.G. §§10-201, *et seq.*, 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.

7/20/16
Date


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