

IN THE MATTER OF	*	BEFORE THE
TWYLA HUGHES, Pharm Tech	*	STATE BOARD
Registration No.: T06392	*	OF
Respondent	*	PHARMACY
	*	Case No: PT-14-15

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and, subject to Md. State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2009 Repl. Vol.), and the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 Repl. Vol.), the Board issued a Notice of Intent to Revoke the registration issued to **Twyla Hughes**, Pharmacy Technician (Pharm Tech), (the "Respondent"), for violations of the Act. Specifically, the Board based its Notice on the following:

S.G. § 10-226. Licenses.-Special Provisions:

(c) *Revocation of (sic) suspension.*— (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:

- (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[;].

The Respondent was made aware of the issues underlying the Board's Notice by a letter dated May 21, 2014. Accordingly, a Case Resolution Conference was held on September 17, 2014.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

#### **FINDINGS OF FACT**

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 28, 2009. The Respondent's registration expires on July 31, 2015.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy in Baltimore City, hereinafter, "Pharmacy A".
3. On August 15, 2013, the Respondent submitted a renewal application to the Board. In section "4. Personal Attestation Questions", the Respondent answered



“yes” to Question 7: “Excluding minor traffic violations are you currently under arrest or released on bond, or are there any current or pending charges against you in any court of law?”

4. Any affirmative answers required a “detailed explanation” and supporting documentation. The Respondent attached a handwritten note stating that “On March 20<sup>th</sup>, 2013, I was arrested in a house raid of a family member, but I was at [a store] at that time. Everybody that was in the home on this date was charged with all the same charges. I have not committed any crimes. I was not present in the home or aware.”

5. The Board investigation disclosed the following:

A. On March 14, 2013, members of the Baltimore County Police Department made application and affidavit for a Search and Seizure warrant for an address where the Respondent frequented;

B. On March 21, 2013, the Police conducted a pre-raid surveillance on the residence where they saw the automobile belonging to the Respondent back out of the driveway. They followed the Respondent to a nearby mall where the Respondent and her boyfriend exited the car;

C. After several minutes, the Respondent and her boyfriend got back in the car and went to the residence. After entering the residence, the Respondent and her boyfriend again got in the car and went to another store, where a Detective trailed them;

D. While a Detective awaited their return, the other Detectives executed the Search and Seizure warrant on the residence, where, upon entering, they

smelled a "strong odor" of marijuana. The Officers asked if there were any drugs, firearms or large sums of money, to which each of the eight people in the home at that time responded in the negative;

E. Shortly thereafter, one of the Officers observed in the basement walk-in closet, in plain view, a green plant with buds which had two lights mounted directly over it, which the Detective recognized as marijuana, a Schedule 1 Controlled Dangerous Substance. (CDS);

F. The Respondent and her boyfriend occupied the basement;

G. While this was taking place, the Detective who had trailed the Respondent and her boyfriend to the parking lot of the store, approached the vehicle, once the Respondent and her boyfriend returned;

H. The Detective identified himself and ascertained the identity of both occupants via their driver's licenses;

I. Afterwards, both the Respondent and her boyfriend were placed under arrest and transported back to the residence, where they were Mirandized. Both indicated they understood their rights and waived them;

J. A search was made of the basement area where the Respondent and her boyfriend occupied. The following was uncovered by the Detectives:

(1) Mason jar with 29 clear baggies with green/brown matter;

(2) A clear baggie with green/brown plant matter in a blue shopping bag on the floor;

(3) A digital scale with green/brown plant residue in the blue shopping

bag on the floor;

(4) Eight clear baggies with green/brown plant residue in the blue shopping bag on the floor;

(5) A loaded Smith and Wesson M&P 9mm handgun in the blue shopping bag on the floor:

(6) Four partially consumed hand-rolled cigars with green/brown plant matter in an ashtray on a table in plain view;

(7) Used shooting targets on basement walls in plain view;

(8) One green plant with buds in rear walk-in closet in plain view;

(9) Numerous empty baggies in a black box on the shelf;

(10) Three empty glass Mason jars in the rear walk-in closet;

(11) Two grow lights in rear walk-in closet, hanging from the ceiling over the green plant with buds;

(12) Loose green/brown leafy matter in rear walk-in closet in planter on floor;

(13) Two digital scales with green/brown plant residue in a box on the bookshelf;

(14) One black/silver digital scale and four metal grinders in a box on the bookshelf;

(15) A gum container containing loose green/brown plant matter in a box on the bookshelf;

(16) A soda can with a false top on the bookshelf;



- (17) Jar and baggie with residue on the bookshelf;
- (18) Residency paper for the Respondent on the floor;
- (19) Clear baggie with green/brown plant matter under the mattress;
- (20) Numerous unused green baggies in bag on the left side of the closet;
- (21) Glass jar in bag in left side of the closet;
- (22) Electronic smoking device on top of table;
- (23) Glass smoking device in rear walk-in closet on windowsill; and,
- (24) Black/grey cell phone belonging to another individual on the basement floor.

K. After the arrest, the Baltimore County Police filed criminal charges against the Respondent and all adults who were in the residence.

L. The Grand Jurors subsequently issued indictments against the Respondent in the Circuit Court of Maryland for Baltimore County, as follows:

Count One: Manufacturing a CDS, Marijuana;

Count Two: Possession of a CDS, Marijuana, with intent to distribute;

Count Three: Possession of a CDS, Marijuana.

M. The first two counts were felonies, which is a jailable offense with a maximum penalty of incarceration up to five years and fines of up to \$15,000. The third count is a misdemeanor and is a jailable offense with a maximum penalty of incarceration up to one year and fines up to \$1000.

6. On December 11, 2013, in the Circuit Court for Baltimore County, the first two counts were nolle prossed. The Respondent pled guilty to Count Three and received a Probation Before Judgment (PBJ). She was placed on unsupervised probation for one year and ordered to pay court costs to the clerk within 30 days, as a condition of probation, and to forfeit all items seized to the forfeiting authorities.

7. The Respondent failed to attach a detailed explanation for her "yes" answer, with supporting documentation, as required by the renewal application. The record shows that the marijuana and other drug paraphernalia were found in the part of the premises occupied by her. She provided a false and/or deceitful answer to the Board's inquiries in that regard.

8. By pleading guilty to a crime of moral turpitude, the Respondent violated the Act.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated H.O. § 12-6B-09 (22) (i) and (ii).

### **ORDER**

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17<sup>th</sup> day of December, 2014, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's registration to practice as a Pharm Tech is

hereby placed on one (1) year **Probation**, subject to the following conditions:

1. In the first six months of Probation, the Respondent shall take and complete in a satisfactory manner a Board-approved 3-credit Continuing Education Unit (CEU) course on recognizing drug abuse; this course may be used towards the CEUs required for renewal of the registration;

2. The Respondent shall inform the Board when she begins working as a Pharm Tech; and,

3. The Respondent shall provide a copy of the Consent Order to her pharmacy employer and ensure that the pharmacy employer provides a quarterly employee report to the Board.

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it


**ORDERED** that, should the Board receive information that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it



**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy technicians in Maryland; and be it further

**ORDERED** that, at the end of the Probationary period, the Respondent may petition the Board to remove any conditions or restrictions on her registration, provided that she can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

**ORDERED** that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

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

**CONSENT OF TWYLA HUGHES, PHARM TECH**

I, Twyla Hughes, Pharm Tech, acknowledge that I am represented by counsel and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

12/10/2014

Date



Twyla Hughes, Pharm Tech

STATE OF Maryland :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 10<sup>TH</sup> day of DECEMBER, 2014, before me, HOPE CONSTANCE MOELLER, a Notary Public of the foregoing State and (City/County),  
(Print Name)

personally appeared **TWYLA HUGHES, Registration No. T06392**, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Hope Constance Moeller  
Notary Public

My Commission Expires: HOPE CONSTANCE MOELLER  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires July 25, 2017

