

IN THE MATTER OF * BEFORE THE
TYRICE LIGHTNER, R.P.T. * STATE BOARD
Registration No.: T02215 * OF
Respondent * PHARMACY
* Case No. PT-09-006

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2004 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the license to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to Tyrice Lightner, R.P.T., (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2005 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on August 18, 2008. The Respondent's registration expires on November 30, 2009.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at Neighborcare pharmacy on Carlson Lane in Baltimore.
3. On July 28, 2008, the pharmacy video recorded the Respondent taking a bottle of hydrocodone/APAP from an order that was received that morning. The video showed that the Respondent put the bottle in her pocket.

4. As a result of this observation, the Baltimore County Police were called. When the Respondent was arrested, in her lab jacket she had a bottle of prescription, injectable Vitamin B6 and a syringe. The Vitamin B was one of the items that could not be accounted for in the store's inventory, having been ordered several times but never dispensed and not in the store. The Respondent's vehicle was searched and she was found to be in possession of hydrocodone/APAP, Phentermine, and Lamisil in unlabeled vials. The Respondent was terminated from employment on that date.

5. Another technician who worked at the site admitted that she allowed the Respondent to inject her with Vitamin B.

6. The Respondent's apartment was searched on August 8, 2008 and hydrocodone/APA, acetaminophen with codeine, and carisprodol with codeine were found.

7. While the police were at her apartment, the Respondent told them that she had injected the other Tech with the prescription Vitamin B and that she had hidden some hydrocodone/APAP in a baggie in a file cabinet in the store. That bag was subsequently retrieved.

8. As a result of this incident, the pharmacy reported theft or loss of controlled substances totaling \$3875.70. The list is attached hereto and made a part hereof.

9. The Respondent was subsequently charged with three counts of CDS possession with intent to distribute, as well as one count of theft less than \$100 and, one count of theft of more than \$500. On July 23, 2009, the first four counts were nolle prossed and Respondent pled "not guilty" to the fifth count. She received Probation Before Judgment (PBJ); one year of supervised probation; and, was ordered to pay to

Neighborcare restitution of \$586 through the Probation Department.

FINDINGS OF FACT

1. As set forth above, by stealing drugs from her employer and injecting a coworker with Vitamin B6, for which a prescription is required, the Respondent is a threat to the public health, safety or welfare.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provision §12-6B-09 of the Act:

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;
- (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 Pharmacist Technician Code of Conduct, 10.34.10. (2/19/09):

.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;

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the licensee on probation, or suspend or revoke the licensee's license if the licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated Code of Maryland.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c)(2) (2004 Repl. Vol.).

ORDER


Based on the foregoing, it is therefore this 3rd day of **September**, 2009, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c)(2) (2004 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T22015, is

hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).



LaVerne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.