

IN THE MATTER OF	*	BEFORE THE STATE
BRITTANY NICOLE LIVERS	*	BOARD OF
RESPONDENT	*	PHARMACY
REGISTRATION NO.: T07898	*	CASE NUMBER: PT-12-028/12-227
* * * * *	*	* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby summarily suspends the registration of Brittany Nicole Livers, d.o.b. 10/20/1990, Registration Number: T07898 (the "Respondent"), to practice as a registered pharmacy technician under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H. O.") §§12-101 *et seq.* (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:¹

INVESTIGATIVE FINDINGS

1. At all times relevant hereto, the Respondent was and is licensed to practice as a registered pharmacy technician in the State of Maryland. The Respondent was originally registered to practice as a pharmacy technician in Maryland on or about August 11, 2010.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis for the Board's action. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

2. The Respondent's registration expires on October 31 2013.

3. On or about October 24, 2011, a Pharmacy Supervisor employed at a national pharmacy chain, notified the Board that the Respondent had stolen controlled substances from Store A, where she had worked as a pharmacy technician.²

4. Store A is located in Charles County, Maryland.

5. The Pharmacy Supervisor reported to the Board that on or about October 12, 2012, an employee noticed discrepancies in the inventory for various controlled substances at Store A..

6. A subsequent audit conducted at Store A revealed that approximately 760 tablets of Buprenorphine 8 mg., with a total retail cost of \$4,059, were missing from the pharmacy.

7. Following the audit, the Respondent was questioned about the missing Buprenorphine by Store A's loss prevention manager. The Respondent admitted that she diverted 28 bottles of Buprenorphine 8mgs between May 2011 and October 2011.

8. The Respondent removed the Buprenorphine from Store A by placing the medication in her purse when the pharmacist was not in the pharmacy area.

9. On or about December 2, 2011, the Respondent was indicted by the Grand Jurors for Charles County, Maryland for one (1) count of distribution of a controlled dangerous substance, to wit: Buprenorphine, in violation of Md. Crim. Law §5-602; one (1) count of conspiracy to distribute a controlled dangerous substance, to wit: Buprenorphine, in violation of the common law; and one (1) count of theft over \$1000 but less than \$10,00, in violation of Md. Crim. Law § 7-104.

² The name and location of Store A has not been disclosed in order to protect the confidentiality of the involved entity. The name and location of Store A is known to the Respondent.

10. On or about May 1, 2012, the Respondent pled guilty in the Circuit Court for Charles County, Maryland to one (1) count of Distribution of a controlled dangerous substance, to wit: Buprenorphine, in violation of Md. Crim. Law §5-602.

11. On or about May 31, 2012, the Respondent was sentenced by Circuit Court Judge Helen I. Harrington to twenty (20) years with all but six (6) months suspended. The Respondent was also placed on supervised probation for a period of five (5) years.

CONCLUSIONS OF LAW

Based on the foregoing investigative findings, the Board concludes that the public health, safety, and welfare imperatively requires emergency action, pursuant to Md. State Gov't. Code Ann. § 10-226(c) (2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 28th day of June 2012, by a majority of the Board, hereby:

ORDERED that the registration issued to the Respondent to practice as a pharmacy technician in the State of Maryland under registration number T07898 is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent is prohibited from practicing as a pharmacy technician in the State of Maryland; and it is further

ORDERED that the Respondent shall immediately return all registrations to the Board; and it is further

ORDERED that this **ORDER FOR SUMMARY SUSPENSION** is a **PUBLIC DOCUMENT** as defined in Md. State Gov't Code Ann. §§ 10-611 *et seq.* (2009 Repl. Vol. and 2011 Supp.).

6/29/2012

Date

LaVerne G. Naesea

LaVerne G. Naesea
Executive Director
State Board of Pharmacy