

IN THE MATTER OF

* BEFORE THE

CIARA MAPLES

* STATE BOARD

PHARM TECH

* OF

Registration Number: T17954

* PHARMACY

Respondent

* Case Number: 18-158

* * * * *

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

On April 17, 2019, the State Board of Pharmacy (the "Board"), notified **CIARA MAPLES, PHARMACY TECHNICIAN** (Pharm Tech), the Respondent, **Registration No. T17954**, 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, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations ("Health Occ."), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.):

Health Occ. § 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;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. § 12-6B-09, the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule or regulation adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.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 Pharm Tech in the State of Maryland. The Respondent was first registered on April 22, 2016. The Respondent's registration expires on January 31, 2020.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a medical system in Baltimore, MD.¹

¹ The names of facilities and/or individuals are confidential.

3. By a letter dated January 19, 2018, the Pharmacy reported to the Board that on January 16, 2018, the Respondent's employment was suspended pending the investigation into fraudulent prescriptions and theft of controlled substances.

4. The Respondent resigned from her employment at the Pharmacy on January 17, 2018 without being interviewed as part of the Pharmacy's investigation into the fraudulent prescriptions and theft.

5. The Pharmacy's investigation revealed the following:

- A. Five fraudulent prescriptions for Oxycodone, 30 mg, quantity tablets each, were entered into the Pharmacy system by the Respondent. The prescriptions were printed to resemble a hospital's prescription blank and contained a forged signature of a Nurse Practitioner;
- B. Each prescription was for a new patient and each prescription was to be paid for in cash. The Pharmacy's policy is that Pharmacy staff must flag these types of prescriptions for the attention of the supervising pharmacist. The Respondent failed to do so;
- C. The Respondent then retrieved each of the filled prescriptions from the Pharmacy's "will-call" bins;
- D. The Respondent also entered a sixth fraudulent prescription using the same prescription blank for the same drug, dosage and amount and for a "new Patient" paying cash. This time, however, the supervising

pharmacist caught the prescription and confirmed with the purported Nurse Practitioner that it was fraudulent;

E. The Pharmacy reported the incidents on a Drug Enforcement Administration (DEA)-106 form for “Report of Theft or Loss of Controlled Substances”, and listed the substances as 450 Oxycodone HCL, 30 mg tablets.

6. As a result of the above, on July 30, 2018, the Board issued a Notice of Intent to Summarily Suspend the Respondent’s Pharm Tech registration and set a Show Cause hearing for August 15, 2018. At that time, a hearing was convened with a quorum of the Board in attendance. The Respondent, though duly notified, failed to appear or request a postponement. Accordingly, the Administrative Prosecutor presented the Investigative Findings to the Board and, on August 22, 2018, the Board issued an Order for Summary Suspension. The Respondent failed to request a hearing or contest the Findings.

7. As set forth above, by diverting drugs from her pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician’s registration.); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313); namely, § 12-313 (b) (25) (Violates any rule or regulation adopted by the Board.); and, COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not :(3) Engage in unprofessional conduct.)

8. The Respondent’s conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3) and (27), Health Occ. § 12-313(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 Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313 (25), and COMAR § 10.34.10.01 B (3).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **CIARA MAPLES**, the Respondent, Registration Number **T17954**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2018 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201, *et seq.* (2014 Repl. Vol. and 2018 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.

6/19/19
Date

Kevin Morgan
Kevin Morgan, Pharm.D., President
State Board of Pharmacy