

IN THE MATTER OF	*	BEFORE THE
TEKIA MARCUS, PHARM TECH	*	STATE BOARD
Registration No.: T02794	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-12-040/12-239

* * * * *

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

On November 20, 2013, the State Board of Pharmacy (the "Board"), notified **TEKIA MARCUS**, 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 herein, 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) (2009 Repl. Vol.), and the Maryland Pharmacy Act (the "Act"), Health Occ. Code Ann. ("H.O.") §§12-101, *et seq.* (2009 Repl. Vol.).

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

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

The pertinent provision of § 12-6B-09 of the Act states: 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:
 - (1) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
 - (ii) Any appeal or other proceeding is pending regarding the matter [;].

**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 Maryland. The Respondent was first registered on September 22, 2009. The Respondent's registration expired on September 30, 2013.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for Pharmacy A¹ in Baltimore City.

3. On or about February 2012, police officers of Baltimore City and members of the U.S. Drug Enforcement Administration (DEA) applied for a search warrant to search the Respondent's personal belongings, abode, car and workplace. The bases for same were as follows:

A. On January 27, 2012, detectives from the Baltimore City Police

Department met with a Confidential Source ("CS") for the purpose of conducting a controlled purchase of pharmaceutical Controlled Dangerous Substance ("CDS") from the Respondent. The CS and his vehicle were searched for any illegal contraband or sums of US currency. Prior to the buy, law enforcement initiated surveillance of the pharmacy;

B. The CS was provided with pre-recorded departmentally-issued buy money and was directed to meet with the Respondent at the block where the home of the Respondent's parents was located;

C. As directed, the CS met with the Respondent who had parked a Volkswagen in front of the CS' vehicle. The Respondent exited the Volkswagen, while carrying a bag and entered the CS' vehicle. After several minutes, the Respondent exited the CS' vehicle while carrying a bag and entered the home of her parents. The CS was then followed to a predetermined location where he provided a detective with a sealed stock pharmacy bottle containing 500 tablets of suspected Clonazepam², 2 mg, a Schedule IV CDS, and two sealed stock pharmacy bottles, each containing 100 tablets of suspected Alprazolam³, 2 mg, a Schedule IV CDS. The CS was again searched for any illegal contraband or US currency; the search proved negative;

D. On February 2, 2012, the police met with the CS for the purpose of purchasing additional CDS from the Respondent. Prior to the purchase, law enforcement initiated surveillance at Pharmacy A and at the Respondent's

¹The facility's name is confidential.

²Clonazepam is a benzodiazepine used to treat seizures, panic disorders and anxiety.

³Alprazolam is used to treat anxiety disorder, panic disorders, and anxiety caused by depression.

parents' home. The Respondent and the CS communicated via text and cell phone. During these conversations, arrangements were made for the CS to meet the Respondent at the block of her parents' home. Prior to the purchase, the CS was searched for any illegal contraband and/or US currency; the search proved negative. The CS was outfitted with a recording device;

E. The CS went to the Respondent's parents' address, where he was later met by the Respondent, who arrived in her Volkswagen. The Respondent then entered into her parents' home carrying a bag and exited carrying a bag, after which she entered the CS's vehicle. Several minutes later, the Respondent exited the CS' vehicle and entered her vehicle and left the block;

F. The CS was followed to a pre-designated meeting spot where he provided an Officer with four sealed stock pharmacy bottles containing suspected Alprazolam, Clonazepam and Buprenorphine.⁴ The CS was then searched for illegal contraband and/or US currency and the search proved negative;

G. On February 3, 2012, the Officers again met with the CS for the purpose of purchasing additional CDS from the Respondent. Prior to the purchase, law enforcement initiated surveillance of Pharmacy A. The CS and the Respondent communicated via text and cell phone. During the contacts, arrangements were made for the CS to meet the Respondent at her parents' home. Prior to the purchase, the CS was searched for any illegal contraband and/or US currency, and, there was none. The CS was outfitted with a recording

⁴Buprenorphine is an opioid pain medication.

device and provided with law enforcement funding;

H. The CS traveled to the Respondent's parents' block where law enforcement was located and where the Respondent arrived in her Volkswagen. Officers observed the Respondent carrying a bag as she exited her car and entered the CS' car. Several minutes later, the Respondent exited the CS' vehicle and entered her Volkswagen and left her parents' block;

I. The CS was followed to a pre-determined meeting spot where the CS provided the Detective with four sealed stock pharmacy bottles containing Alprazolam, Clonazepam and Buprenorphine. The CS was then searched for any illegal contraband and/or US currency, which search proved negative.

J. On February 3, 2012, law enforcement met with CS for the purpose of purchasing additional CDS from the Respondent. The CS was provided with a pre-recorded law enforcement funding and, for safety and evidentiary reasons, the CS was outfitted with a recording device. Law enforcement initiated surveillance at Pharmacy A, where Officers observed the Respondent leave Pharmacy A and enter her Volkswagen and go to her parents' block, where the Respondent parked her car;

K. Afterwards, law enforcement directed the CS to go to that block as they followed him. Law enforcement observed the Respondent enter the CS' car and get out after several minutes. The Respondent then entered her parents' residence, after which, the detectives followed the CS to the pre-determined meeting place where the CS provided the Officers with seven sealed stock pharmacy bottles, which contained suspected Buprenorphine, Clonazepam and

Clonidine⁵;

L. On February 10, 2012, law enforcement maintained surveillance on the Respondent's Volkswagen and on her parents' address. The Respondent left her parents' street and traveled to an apartment building in Baltimore, where she entered an apartment with a key card. A utilities check made for that location confirmed that the Respondent had utilities for an apartment at that address (which differs from the registration for the Volkswagen). A check with management confirmed that the Respondent was a current resident of that apartment building;

M. The police believed that the Respondent may be ordering the drugs while working at Pharmacy A and keeping a separate invoice or order form. The officers believed that, alternatively, the Respondent may have stolen the drugs from Pharmacy A. They also believe that the drugs may be stored at the Respondent's apartment or her parents' house, as well as on her person or in her car, and in the specific areas of Pharmacy A where the Respondent keeps her personal property.

N. On February 10, 2012, the Officers met with the CS for the purpose of purchasing additional pharmaceutical CDS from the Respondent. Prior to the purchase, the CS had several contacts with the Respondent which emphasized the purchase of Buprenorphine, a Schedule II CDS. The CS and his vehicle were searched for any illegal contraband and/or US currency, which search

⁵Clonidine is a sympatholytic medication used to treat high blood pressure, ADHD, anxiety/panic disorder,

proved negative.

4. By document dated February 27, 2012, Pharmacy A filed a DEA Report of Theft or Loss of CDS with the Division of Drug Control, wherein Pharmacy A reported employee pilferage (by the Respondent) amounting to \$6000 for the drugs obtained by the CS and given to the police. Pharmacy A listed measures to avoid further occurrences.

5. On March 14, 2012, the Respondent was criminally charged in the Circuit Court for Baltimore City, Maryland with the following:

CASE NO.	COUNT	DESCRIPTION
112074007	1	CDS – Possession W/I Manuf/Dis/Disp-Narc
112074007	2	CDS – Possession W/I Manuf/Dis/Disp-Narc
112074007	3	CDS – Unlawful Possession Etc
112074007	4	CDS – Unlawful Possession Etc
112074008	1	CDS –Unlawful Possession
112074008	2	CDS-Para/Use Poss w/Intent Use
112074008	3	CDS-Para/Use Poss w/Intent Use
112074008	4	CDS-Para/Use Poss w/Intent Use

6. Based upon the above, on July 18, 2012, the Board summarily suspended the Respondent's registration. The Respondent failed to request a hearing.

7. On July 9, 2012, the Respondent pled guilty to Count One of the criminal Charges, CDS Possession with intent to manufacture/distribute, narcotics. She was

and certain pain conditions.

found guilty and sentenced to two years' imprisonment, with all but one year, 11 months, and 29 days suspended. She was then placed on three years' supervised probation. The other counts were closed.

CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated § 12-6B-09 (22) (i) and (II) of the Act.

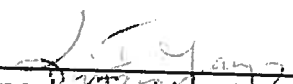
ORDER

Based upon the Findings of Fact and Conclusions of Law, the Board hereby Orders that the pharmacy technician registration held by **TEKIA MARCUS** be and is hereby **REVOKED** and that this Order is a final document, pursuant to S.G. 10§617 (h).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol.) 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.

2/19/2014
Date


Lenna Jamgochian, P.D., President
Board of Pharmacy Pharm D