

**TYVERNICA MARSHALL-ADAMS,
PHARM TECH**

REGISTRATION NO.: T02070

Respondent

*** STATE BOARD**

*** OF**

*** PHARMACY**

*** CASE NO.: PT-12-020**

* * * * *

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

On January 18, 2012, the Maryland Board of Pharmacy (the "Board"), notified **TYVERNICA MARSHALL-ADAMS**, Pharmacy Technician (Pharm Tech), the Respondent, 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 herein, which was enclosed. More than 30 days has 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 the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol. and 2012 Supp.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2009 Repl. Vol. and 2012 Supp.).

The pertinent provision of § 10-226(c) (1) of the APA states:

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 provisions of 12-6B-09 of the Act state: 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;
- (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 charged the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, 10.34.10 (November 12, 2001):

.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[;].

**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 August 13, 2008. The Respondent's registration expires on December 31, 2011.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for a National chain pharmacy at a location in Baltimore City.
3. In August 2009, the Medicaid Fraud Unit of the State of Maryland received information from the owner of the pharmacy that prescription drugs were missing from the pharmacy's inventory. Investigators determined that the Respondent was ordering drugs through the computer and charging them to the Medicaid program. When interviewed by the investigators, the Respondent admitted taking the drugs and billing the Medicaid program. The investigation discovered 15 fraudulent billings for Endocet¹ and Roxicet² for a loss of \$1079.49 to the Medicaid program.
4. On June 20, 2011, the Respondent pled guilty to misdemeanor Medicaid fraud and was found guilty of same. She was sentenced to one year probation and ordered to pay the Medicaid the \$1078.49. She was also ordered to "surrender" her "license". Medicaid fraud is a crime of moral turpitude.
5. As set forth above, the Respondent's registration should be revoked.

¹Endocet contains a combination of acetaminophen and oxycodone. Oxycodone is in a group of drugs called narcotic pain relievers. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Endocet is used to relieve moderate to severe pain.

²Roxicet contains a combination of acetaminophen and oxycodone. Oxycodone is in a group of drugs called narcotic pain relievers. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Roxicet is used to relieve moderate to severe pain.

CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, *et seq.*, (the "Act") (2009 Repl. Vol. and 2012 Supp.) and § 10-226 (c) (1) of the APA.

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by Tyvernica Marshall-Adams, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol. and 2012 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-314 (2009 Repl. Vol. and 2012 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. and 2012 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.

Date 2/20/13

John Michael N. Souranis, P.D., President
Board of Pharmacy