

IN THE MATTER OF

*

BEFORE THE

GLORIA S. MARTINEZ

*

MARYLAND STATE

Registration Number: T20955

*

BOARD OF PHARMACY

Respondent

*

Case Number: 24-032

* * * * *

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

The Maryland State Board of Pharmacy (the “Board”) notified **GLORIA S. MARTINEZ** (the “Respondent”), Registration Number **T20955**, of the Board’s intent to revoke her registration to practice as a pharmacy technician in the State of Maryland pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

The Notice also informed the Respondent that unless she requested a hearing in writing within thirty (30) days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than thirty (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 the Act:

§ 12-6B-09. Ground 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:

...

(2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;

(3) Fraudulently uses a pharmacy technician's registration; [or]

...

(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(27), the underlying grounds for Board action under § 12-313 include:

§ 12-313. Denials, reprimands, suspensions, and revocations – Grounds.

...

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

...

(15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber; [or]

...

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

With respect to Health Occ. § 12-313(b)(25), the pertinent provisions of the regulations adopted by the Board are as follows:

COMAR 10.34.10.01 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 pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

COMAR 10.34.20.04. Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

COMAR 10.19.03.08. Controlled Substances Listed in Schedule II.

A. Requirement of Prescription-Schedule II (21 CFR §1306.11).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in §A(4) of this regulation. Except as noted in §A(5)-(7) of this regulation, a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's agent to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of a controlled substance.**

The pertinent provisions of Md. Code Ann., Health-General (“Health-Gen.”) provide the following:

§ 21-220. Prescription requirements.

- (a) A drug that is intended for use by human beings and is in any of the following classifications may be dispensed by a pharmacist only on a written prescription, an electronic prescription, as defined in § 5-101 of the Criminal Law Article, or an oral prescription from a health practitioner authorized by law to prescribe the drug:**
 - (1) A habit-forming drug to which § 21-218(b)(1) of this subtitle applies.**
 - (2) A drug that because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a health practitioner who is authorized by law to administer such a drug.**
 - (3) A drug that is limited by an approved application under § 355 of the federal act or § 21-223 of this subtitle to use under the professional supervision of a**

health practitioner authorized by law to administer such a drug.

FINDINGS OF FACT

The Board finds the following facts:

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland. The Respondent was originally registered to practice as a pharmacy technician in Maryland on May 1, 2018, under registration number T20955. The Respondent's registration is scheduled to expire on August 31, 2025.
2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy (the "Pharmacy")¹ located in Howard County, Maryland.
3. On August 15, 2023, the Pharmacy notified the Board that the Respondent "admitted to taking oxycodone² from the pharmacy and was terminated based on that behavior."
4. The Pharmacy completed a Drug Enforcement Administration Form 106 (Report of Theft or Loss of Controlled Substances). The Pharmacy identified the type of theft or loss as "Employee Theft (or Suspected)" and listed the controlled substances lost or stolen as Roxicodone (Oxycodone): 12 tablets of 10 mg and 30 tablets of 20 mg.
5. The Pharmacy completed an Incident Report and corresponding Theft Investigation Recap dated June 21, 2023. According to the Report and Recap, the

¹ In order to maintain confidentiality, names of individuals and entities involved in this matter will not be used in this document but will be provided to the Respondent on request.

² Oxycodone, a Schedule II controlled dangerous substance, is an opioid pain medication used to treat moderate to severe pain.

Pharmacy discovered that “one pre-pack card each of Oxycodone IR 15 and 20 mg [] were missing from the pre-pack area within the control room.” The Pharmacy reviewed closed-circuit television footage from May 29, 2023, and June 6, 2023. On both dates, while filling patient prescriptions, the footage depicted the Respondent diverting controlled dangerous substances.

6. On June 21, 2023, Pharmacy staff conducted an interview of the Respondent. During the interview, the Respondent admitted to diverting “approximately 12 units of Oxy IR 10 ML” on June 6, 2023. The Respondent also admitted to diverting Oxycodone on May 29, 2023, but could not recall the exact milligram or quantity. The Respondent further admitted that the diverted Oxycodone was for personal consumption.

7. The Respondent completed and signed a written statement dated June 21, 2023. In her statement, the Respondent admitted that she “took drug oxcy [*sic*] on two occasions out of the narc room.”

8. Based on the above information, the Board finds that the Respondent diverted multiple controlled dangerous substances while employed as a pharmacy technician at the Pharmacy.

9. On or about August 21, 2023, the Respondent submitted an online renewal application for her registration to practice as a pharmacy technician. As part of the application, the Respondent answered “YES” to question number five (5): “Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?” The Board asked the Respondent via email for additional information regarding this answer. The Respondent replied, effectively

denying that she had been terminated for disciplinary reasons. The Board responded, asking the Respondent to “[p]lease clarify that you answered ‘yes’ to attestation question #5 in error” and “that your response to the attestation question #5 should be ‘no’ based on the response you provided.” The Respondent replied, “The answer is no to question #5.”

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent’s actions constitute: fraudulently or deceptively obtaining or attempting to obtain a pharmacy technician’s registration for the applicant or assisting or attempting to assist another in fraudulently or deceptively obtaining a pharmacy technician’s registration, in violation of Health Occ. § 12-6B-09(2); fraudulently using a pharmacy technician’s registration, in violation of Health Occ. § 12-6B-09(3); and participating in any activity that is grounds for Board action under § 12-313 or § 12-409 of Title 12 of the Health Occupations Article, in violation of 12-6B-09(27), in that the Respondent violated Health Occ. § 12-313(b)(15) and Health Occ. § 12-313(b)(25) by violating Health-Gen. § 21-220(a)(1)-(3), COMAR 10.34.10.01.A(1)(a)-(e), COMAR 10.34.10.01.B(1)-(3), COMAR 10.34.20.04, and COMAR 10.19.03.08.A(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of December 2024, by a majority of the quorum of the Board, hereby

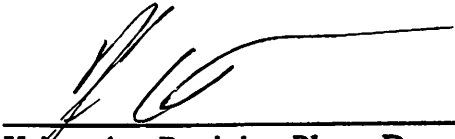
ORDERED that the Respondent's, **GLORIA S. MARTINEZ'S**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Board all Maryland pharmacy technician registrations within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Order is final and a public document pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. & 2023 Supp.).

12/18/24
Date



Kristopher Rusinko, PharmD
Board President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Gov't §10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.), you have the right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty (30) days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.