

IN THE MATTER OF * BEFORE THE
THOMAS MARTINO, Pharm Tech * STATE BOARD
REGISTRATION NO.: T12340 * OF
Respondent * PHARMACY
* Case No.: PT-14-026

* * * * *

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

On August 19, 2015, the State Board of Pharmacy (the "Board"), notified **THOMAS MARTINO**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke his pharmacy technician registration.

The Notice also informed the Respondent that, unless he 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 basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (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.

H.O. § 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:

- (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 [;].

**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 March 29, 2013. The Respondent's registration expired on August 31, 2014.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for a pharmacy ("Pharmacy A") in Baltimore County.

3. On or about October 30, 2013, the Pharmacist-In-Charge (PIC) at Pharmacy A found a blister pack of Hydrocodone¹ 10/325 mg with several tablets missing and discovered that it had not been dispensed. Pharmacy A's Loss Prevention was called, and the Respondent admitted during an interview conducted by Pharmacy A's Loss Prevention, in writing and orally, that he had stolen drugs from Pharmacy A for "self-medication."

¹Hydrocodone is an opioid pain medication. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. In this combination, hydrocodone = 10 mgs and the acetaminophen = 325 mgs. The drug also goes by the trade name of Lortab and Vicodin.

4. As a result of the above, the Respondent was terminated from employment and a Drug Enforcement Administration report of theft and loss was filed, identifying the fact that the Respondent had stolen 50 Hydrocodone 10/325 tablets.

5. Also, as a result of the above, law enforcement was contacted and the Respondent was charged criminally with theft less than \$100 in the District Court of Maryland for Baltimore County.

6. On March 13, 2014, in the aforesaid court, the Respondent pled "not guilty" to the criminal charge. However, the Respondent received Probation Before Judgment unsupervised for one year. In addition, he was ordered to pay a fine of \$150 for court and other associated costs.

7. Based upon the above, on April 7, 2014, the Board issued a Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing.

8. The Respondent's actions as described above constitute a violation of H.O. §12-6B-09 (22).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (22) of its Act.

ORDER


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

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and the SG. §§ 10-201, *et seq.*, 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.

10/24/2015

Date



Mitra Gavgani, Pharm. D., President
Board of Pharmacy