

IN THE MATTER OF * BEFORE THE
LAURYN MILLER, PHARM TECH * STATE BOARD
Registration No.: T03556 * OF
Respondent * PHARMACY
* Case No. PT-09-005

* * * * *
ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2004 Repl. Vol. and 2008 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a pharmacy technician in Maryland issued to Lauryn Miller, Pharm Tech, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2005 Repl. Vol. and 2008 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was first registered on December 10, 2008. The Respondent's registration expires on August 31, 2010.
2. At all times relevant, the Respondent was employed at a Walgreens Pharmacy in Essex as a pharmacy technician.
3. On 12/22/08, the Pharmacy Manager reported that the Respondent may have removed prescriptions from the pharmacy without a valid prescription or benefit of payment, and requested an investigation.
4. The subsequent investigation disclosed the following:

A. The pharmacy manager stated that she had noted inventory shortages of Hydrocodone 10-325 mg. A review of the inventory report noted that consistent negative adjustments and inventory shortages had been made on several controlled substances, including several strengths of Hydrocodone;

B. On 1/12/09, a comparison of inventory shortages and employee scheduling indicated that shortages were occurring on the shifts in which the Respondent worked;

C. Consequently, the Respondent was interviewed and admitted to stealing 50 Hydrocodone 10-325 mg pills, valued at \$39.29, from the pharmacy. The Respondent stated that she had taken the meds on two different occasions by concealing the pills in her vest pocket. The Respondent further admitted to selling the pills to a friend in order to pay her rent. The Respondent also admitted to having pills on her person and in her locker. The Respondent then provided those pills to the interviewer for proper disposal and also provided a written statement regarding the theft. The Respondent signed a Voluntary Restitution/Promissory Note for the amount admitted.

4. On 1/13/09, based upon the above, the Respondent was terminated for theft, the Baltimore County Police Department was contacted to have the Respondent arrested, and she was taken into custody and charged with a crime.

5. On or about March 2, 2009, Walgreens sent in a report or loss of controlled substances to the Drug Enforcement Administration (DEA) wherein it reported that the drugs stolen by the Respondent equaled \$2702, as per Exhibit 1 attached hereto and made a part hereof.

FINDINGS OF FACT

1. As set forth above, by stealing addictive pain medication from her employer to sell, the Respondent violated the public health, welfare or safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provisions §12-6B-09 of the Act:

§12-6B-09:

Subject to the hearing provision of § 12-315¹ 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:

- (25) Violates any regulation adopted by the Board;
- (31) Performs delegated pharmacy acts that are inappropriate based on the registered pharmacy technician's education, training, and experience.

The Board also charges the Respondent with a violation of the Pharmacist and Pharmacy Technician's 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:

§12-6B-10.

(a) If after a hearing under § 12-315 of this title, the Board finds that there is a ground under § 12-6B-09 of this subtitle to reprimand a registered pharmacy technician, place a pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration, the Board may impose a penalty not exceeding \$2,500:

- (1) Instead of reprimanding the registered pharmacy technician, placing the registered pharmacy technician on probation, or suspending or revoking the pharmacy technician's registration; or
- (2) In addition to reprimanding the registered pharmacy technician, placing the registered pharmacy technician on probation, or suspending or revoking the pharmacy technician's registration.

(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 a pharmacist;

(3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the
licensee on probation, or suspend or revoke the licensee's license if the
licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under
Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated
Code of Maryland.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare
imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c)
(2) (2004 Repl. Vol.).

ORDER

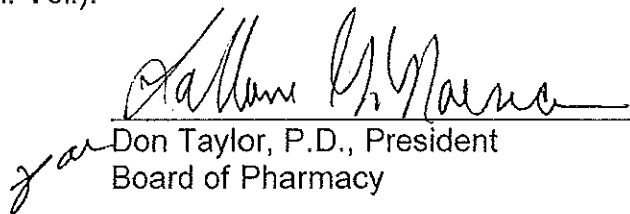
Based on the foregoing, it is therefore this 5th day of June, 2009, by a
majority vote of a quorum of the State Board of Pharmacy, by authority granted by the
Board by Md. St. Gov't. Code Ann. §10-226(c)(2) (2004 Repl. Vol.), the registration held by

the Respondent to practice as a pharmacy technician in Maryland, Registration No. T03556, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a pharm tech and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a pharm tech issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).


Don Taylor, P.D., President
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.