



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor - Anthony G. Brown, Lt. Governor - John M. Colmers, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Michael N. Souranis, Board President - LaVerne G. Naesea, Executive Director

VIA REGULAR & CERTIFIED MAIL RETURN RECEIPT REQUESTED
ARTICLE #7008 1830 0001 1599 0693

October 20, 2010

Nekia Moore, Pharm Tech
2901 Hadley Drive
Waldorf, Maryland 20601

Re: Final Order of Revocation

Dear Ms. Moore:

On August 13, 2010, the Board notified you of its intent to Revoke your pharmacy technician registration and informed you that you had 30 days from the date of receipt of the Notice to request a hearing in writing. More than 30 days has elapsed, and no request has been received. Therefore, the enclosed Final Order is in effect.

Sincerely,

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

Enclosure (copy to all cc's)

cc: John Nugent, Principal Counsel
Roberta Gill, AAG, Administrative Prosecutor
Linda Bethman, Assistant Attorney General
Board Counsel
Francesca Gibbs, Staff Attorney
Board Counsel
Rosalind Spellman, Administrative Officer

IN THE MATTER OF	*	BEFORE THE
NEKIA MOORE, PHARM. TECH.	*	STATE BOARD
Registration No.: T00854	*	OF
Respondent	*	PHARMACY
	*	Case No. PT 10-003

* * * * *

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

On August 13, 2010, the Board of Pharmacy (the "Board"), notified Nekia Moore, 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 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 the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., ("the Act") (2009 Repl. Vol.).

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.

Subject to the hearing provisions of § 12-6B-09 the Act state:

Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315, 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

- (23) Violates any provision of this title;
- (25) Violates any regulation adopted by the Board;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title;

The Board also charges the Respondent with a violation of § 12-313 of the Act:

Specifically,

(b) *In general.*- 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:

- (2) Fraudulently or deceptively uses a license;

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacist Technician Code of Conduct, 10.34.10. (2/19/09):

.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 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.

**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 June 19, 2008. The Respondent's registration expired on September 30, 2009.

2. At all times relevant hereto, the Respondent was a Pharm Tech at the Stop and Shop Supermarket Company in Clinton, Prince George's County, Maryland.

3. By a form dated August 25, 2009, Stop and Shop filed a complaint with the Board indicating that, on August 3, 2009, a loss of 100 Percocet was reported at that location. When checked, it was discovered that one prescription, which was purportedly from a dermatologist, was not written by that individual because she did not write for this type of pain medication. The other prescription proved not to be written by that physician either. It was further discovered that the prescriptions were for counts of 100 Percocet and Oxycontin, with no hard copies of the prescriptions.

4. The pharmacy staff was interviewed about the missing drugs and the Respondent admitted that she had removed a 100-count bottle of OxyContin from the safe and took it from the store at the end of her shift. The store's closed circuit TV captured the Respondent removing the bottle from the safe and it wasn't returned to the safe.

5. The Prince George's County Police filed a report of the theft.

6. A DEA report was filed showing that the total loss was 2000 Schedule II narcotics valued at \$7395.

7. February 26, 2010, the Board summarily suspended the Respondent's registration.

8. As set forth above, the Respondent violated the Act and the regulations thereunder and her registration should be revoked.

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 § 12-6B-09 and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and the Administrative Procedure Act, 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.

10-20-10
Date



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