



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Lenna Israbian-Jamgochian, Board President - LaVerne G. Naesea, Executive Director

HAND-DELIVERY

March 17, 2014

Angela Morfe, Pharm Tech

Re: Summary Suspension Order
for Pharm Tech Registration No. T02574

Dear Ms. Morfe:

At its meeting of December 2013, the State Board of Pharmacy (the "Board") voted to summarily suspend your Pharm Tech registration. The Board will consider whether to continue the Summary Suspension of the enclosed Order for Summary Suspension at a Show Cause hearing, which will be scheduled within a reasonable time of your written request for same. The Show Cause Hearing will be held before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215.

At that time, you will have the opportunity, either through counsel or in person, to address the Board representative(s) to show cause why the Order should be continued or how an alternative resolution would protect the public health, safety or welfare.

Because your right to practice as a Pharm Tech in Maryland is at issue, you are strongly urged to retain and be represented by an attorney.

The Administrative Prosecutor in this case is Roberta Gill, Assistant Attorney General. If you have or your attorney has any questions about the Summary Suspension, please contact Ms. Gill at 300 West Preston Street, Suite 201, Baltimore, Maryland 21201, (410) 767-6574.

Sincerely,



LaVerne G. Naesea, Executive Director
Board of Pharmacy

Enclosure (copy to all ccs)

cc: John S. Nugent, Principal Counsel (w/encl.)
Linda Bethman, AAG, Board Counsel (w/ encl.)
Brett Felter, SA, Board Counsel (w/ encl.)
Vanessa Thomas-Gray, Compliance Investigator (w/encl.)
YuZon Wu, Pharmacist Compliance Officer (w/encl.)
Courtney Jackson, Compliance Secretary (w/encl.)

IN THE MATTER OF	*	BEFORE THE
ANGELA MORFE, Pharm Tech	*	STATE BOARD
REGISTRATION NO.: T02574	*	OF
Respondent	*	PHARMACY
	*	Case No.: PT-14-020

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **ANGELA MORFE** (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.* (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on September 9, 2008. The Respondent's registration expires on June 30, 2014.

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

3. The Baltimore County Police filed a Crime Report on August 21, 2013 that disclosed the following information:

A. On February 21, 2013, the Baltimore County Police Narcotics Unit (the "Unit") received an anonymous complaint that an unknown white middle-aged female described as 5'3" and 230-250 pounds was currently employed at

two pharmacies on certain roads in Baltimore County and she was trading Percocet¹ pills for money or large amounts of marijuana and fake prescriptions three to four times a week. The Complainant's nephew had been receiving pills;

B. On August 9, 2013, two Detectives of the Unit applied for and received a "No Knock" Search and Seizure warrant for the Respondent's residence for the Respondent and another person at that address, as well as for a Lexus SUV belonging to the Respondent;

C. On August 21, 2013, members of the Unit and Tactical Team executed the Search and Seizure warrant at the Respondent's residence, to make a forced entry into the building;

D. At the time of the entry by the Unit, two persons were present in the Master Bedroom: the Respondent and another individual;

E. Upon securing the location, a Corporal from the Unit read both individuals a copy of the warrant, as well as their *Miranda* rights, which the Respondent indicated that she understood and agreed to speak with the Unit;

F. The Respondent stated that the Master bedroom was occupied by her and the other individual in the bedroom. She indicated that marijuana was on the nightstand of that room, and that there were no large amounts of monies, valuables or weapons within the residence;

G. The Respondent informed the Unit that she abuses marijuana from time to time and that marijuana was in the drawer of the nightstand;

¹Percocet contains a combination of acetaminophen and oxycodone. Oxycodone is an opioid pain medication, sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Percocet is used to relieve moderate to severe pain.

H. The Respondent advised that a prescription bottle with a removed label that was on the living room end table with pills marked "M/363²" contained Hydrocodone³ pills, and that she and the other individual took Hydrocodone from time to time. The Respondent further informed the Unit that most of the Hydrocodone pills were for her personal use and she is not prescribed this medication by any authorized prescriber. The Respondent stated that the entire prescription bottle containing the 100 Hydrocodone pills was given to her by her father, with the label already removed, to help the Respondent with her problem;

I. The Respondent indicated that, on the prior day, she and the other individual traveled to the west side of Baltimore and purchased an ounce of marijuana for personal use. The Respondent denied that she trades pills for marijuana;

J. During the interviews, a search was conducted of the residence, with the following items being seized as evidence:

- (1) Six bags of vegetable matter from the Master bedroom nightstand;
- (2) One bag of vegetable matter from the glove box of the Lexus;
- (3) Three burnt hand-rolled cigarettes from the ashtray in the garage;

²The pill with the marking M363 is acetaminophen 500 mg. and hydrocodone 10 mg. used for moderate to severe pain. It is also known by the brand name Lortab. It is prescribed and not available to purchase over the counter.

³Hydrocodone is a semi-synthetic opioid derived from codeine. Hydrocodone is used orally as a narcotic analgesic and antitussive (cough medicine), often in combination with paracetamol (acetaminophen) or ibuprofen.

- (4) One grinder with vegetable matter from the Master bedroom on the dresser;
- (5) Prescription bottle with 100 pills marked "M/363" from the living room inside the couch;
- (6) Prescription bottle with six pills marked "M/363" from the Master bedroom nightstand;
- (7) Prescription bottle with four pills marked "P/58⁴" from the Master bedroom nightstand;
- (8) Prescription bottle with 20 pills marked "SY/357⁵" from the Master bedroom nightstand;
- (9) Prescription bottle with one pill marked "Seroquel/100⁶" from the Master bedroom nightstand;
- (10) A prescription bottle from the Master bedroom nightstand with the following pills
 - (a) 21 green tablets marked "M/75⁷";
 - (b) Four orange pills marked "HP/47⁸";
 - (c) Three tan pills marked "I/G/24⁹";

⁴P58 has been identified as Kao-tin calcium 240mg for the treatment of constipation, and belongs to the drug class laxatives. It is not subject to the Controlled Substance Act.

⁵SY/357, also the brand name Vicodin, is a combination of acetaminophen and hydrocodone bitartrate. Bitartrate is a type of salt molecule.

⁶Seroquel is used in the treatment of bipolar disorder; schizoaffective disorder; and, schizophrenia. It belongs to the drug class atypical antipsychotics. Seroquel 100 mg is not subject to the Controlled Substances Act.

⁷A pill imprinted M75 has been identified as Chlorthalidone 50 mg. Chlorthalidone is used in the treatment of high blood pressure and edema and belongs to the drug class thiazide diuretics. Chlorthalidone 50 mg is not subject to the Controlled Substances Act.

⁸A pill imprinted HP 47 has been identified as Hydrochlorothiazide 25 mg and is used in the treatment of high blood pressure; edema; diabetes insipidus and other conditions. It belongs to the drug class thiazide diuretics, and is not subject to the Controlled Substances Act.

- (d) Five maroon/white pills marked "P/10¹⁰";
 - (e) Two yellow gel caps;
 - (f) 20 yellow tablets marked "LU/DO3¹¹";
 - (g) Two white pills;
- (11) A prescription bottle from the Master bedroom nightstand:
- (a) 10 white pills;
 - (b) 13 white/tan pills;
- (12) The Unit also found the following drug-related items:
- (a) A fake coke can from the Master bedroom on the dresser;
 - (b) A purple glass pipe from the Master bedroom on the dresser;
 - (c) A blue pipe from the Master bedroom on the nightstand;
 - (d) A switch blade in the shape of brass knuckles in a cabinet in the garage;
 - (e) A cell phone with charger in the Master bedroom on the bed;
 - (f) Residency documents from the dining room table;

⁹A pill imprinted I/G/24 has been identified as Sertraline hydrochloride 100 mg and is used in the treatment of depression; social anxiety disorder; panic disorder; anxiety and stress; and, obsessive compulsive disorder. It belongs to the drug class selective serotonin reuptake inhibitors and is not subject to the Controlled Substances Act.

¹⁰A pill with the imprint P10 has been identified as Docusate sodium 100 mg, and is used in the treatment of constipation. It belongs to the drug class laxatives. It is not subject to the Controlled Substances Act.

¹¹A pill imprinted with "LU/DO3" contains 100mg of Sertraline, a generic for Zoloft, and is an antidepressant.

- (g) Three empty shell casings in the Master bedroom and garage;
 - (h) 152 written prescription documents in the Lexus;
 - (i) Prescription documents in the Lexus;
 - (j) Another cell phone in the Master bedroom nightstand.
- (13) The Unit found the following currency:
\$2576 in the Respondent's purse in the Master bedroom;
- (14) The aforesaid items were packaged and sent to the County Police Headquarters.

K. A Detective asked about the items removed from the Respondent's Lexus. The Respondent stated that all prescriptions seized from her car were fraudulent and had not been filled. She further stated that the four blank prescriptions from Hospital A were probably taken along with the fraudulent prescriptions and never turned over to Law Enforcement. The Respondent claimed that she had forgotten about the large bag of marijuana in the glove box of the Lexus.

L. During the course of the Search Warrant, the Respondent's parents arrived at the location to take custody of a small child at the residence. A Detective interviewed them about the Respondent's claim that the Hydrocodone belonged to her father who had removed the label so that she could abuse them. The Respondent's father stated that he had provided his daughter in the past with a couple of pills from time to time, but never provided her with a prescription

bottle of 100 Hydrocodone pills and never removed any label.

M. A Detective extracted all data in both cell phones seized from the Respondent and the other individual. The text messages on both phones indicate that the Respondent is providing Hydrocodone pills from the pharmacy to the other individual for street distribution;

N. The Unit made the following conclusions:

- (a) The seven total bags containing a greenish vegetable matter were recognized and packaged as marijuana;
- (b) The blue bong with residue is also common drug paraphernalia utilized to convert marijuana into a smoke, which can then be inhaled for the euphoric high;
- (c) The grinder with a greenish vegetable matter residue is also common drug paraphernalia utilized to grind marijuana into a finer matter in an effort to be smoked;
- (d) Marijuana¹² is a Schedule I Controlled Dangerous substance (CDS) and Hydrocodone is a Schedule III¹³ CDS.

¹²Drug Schedules: Drugs, substances, and certain chemicals used to make drugs are classified into five (5) distinct categories or schedules depending upon the drug's acceptable medical use and the drug's abuse or dependency potential. Schedule I drugs are considered the most dangerous class of drugs with a high potential for abuse and potentially severe psychological and/or physical dependence. As the drug schedule changes, so does the abuse potential. A Schedule I substance is not an approved medication in the United States. Schedule I drugs are: heroin, lysergic acid diethylamide (LSD), marijuana (cannabis), methylenedioxymethamphetamine (ecstasy), methaqualone, and peyote.

¹³Schedule III: Schedule III drugs, substances, or chemicals are defined as drugs with a moderate to low potential for physical and psychological dependence. Schedule III drugs abuse potential is less than Schedule I and Schedule II drugs but more than Schedule IV. Some examples of Schedule III drugs are: Combination products with less than 15 milligrams of hydrocodone per dosage unit (Vicodin), Products containing less than 90 milligrams of codeine per dosage unit (Tylenol with codeine), ketamine, anabolic steroids, and testosterone. Hydrocodone is a Schedule III (which the DEA is recommending that it be reclassified to a Schedule II), which is a semi-synthetic opioid derived from codeine. Hydrocodone is used orally as a narcotic analgesic and antitussive, often in combination with paracetamol or ibuprofen.

- (e) Drug distributors will remove prescription labels to hide the identity of the patient and pharmacy in an effort to thwart Law Enforcement;
- (f) The \$2576 of United States currency is profits of illicit sales pertaining to marijuana and Hydrocodone pills. The Respondent made no claim to the currency seized until the Detectives found the currency, which the Respondent claimed were winnings from Atlantic City;

O. In reference to the 152 handwritten prescriptions for Oxycodone¹⁴ and Ambien¹⁵ in the Respondent's possession, at no time should these prescriptions be in the personal possession of the Respondent or taken from Pharmacy A. The Unit reasoned that these prescriptions were in the possession of the Respondent because individuals would bring these fraudulent prescriptions into the pharmacy. The Respondent, knowing that the prescriptions were fraudulent would turn the individuals away without calling Law Enforcement and then tell the pharmacist that she had verified these prescriptions as legal and have the pharmacist fill the fraudulent prescriptions. After the prescriptions were filled, the Respondent would pay cash for same and take custody of the

¹⁴Schedule II drugs, substances, or chemicals are defined as drugs with a high potential for abuse, less abuse potential than Schedule I drugs, with use potentially leading to severe psychological or physical dependence. These drugs are also considered dangerous. Some examples of Schedule II drugs are: cocaine, methamphetamine, methadone, hydromorphone (Dilaudid), meperidine (Demerol), oxycodone (OxyContin), fentanyl, Dexedrine, Adderall, and Ritalin.

¹⁵Ambien is a brand name for Zolpidems, a prescription medication used for the treatment of insomnia and some brain disorders. It is a Schedule IV drug. Schedule IV drugs, substances, or chemicals are defined as drugs with a low potential for abuse and low risk of dependence.

pills. The fraudulent prescriptions would be sold on the street as profit. Although the Respondent told the Detectives that the prescriptions had never been filled, on the back of each prescription is a sticker indicating the date filled and the amount;

P. Based on the data from the two cell phones, the Detectives corroborated that the Respondent and the other individual were distributing marijuana and Hydrocodone;

Q. Based upon the anonymous complaint and the subsequent investigation, the Unit determined that the marijuana and Hydrocodone pills are not just for personal use, but for possession with the intent to distribute same.

4. The Respondent was subsequently criminally charged in the Circuit Court for Baltimore County with the following:

Count I: CDS Poss with Intent to Distribute

Count II: Prescription obtain by Fraud

Count II: CDS Possess-not Marijuana

Count IV: CDS Posse with Intent to Distribute;

Count V: CDS Poss with Intent to Distribute

Count VI: Con-Poss with Intent to Distribute

Count VII: Con-Possess with Intent to Distribute.

5. The Board investigation:

A. On November 25, 2013, the Board issued a subpoena to the Baltimore County Police Department for investigative files relating to the alleged

theft of drugs by the Respondent;

B. The files revealed a torn copy of the biennial inventory for Pharmacy A for Oxycodone, 30 mg tablets, which was found in the garbage of the Respondent's residence;

C. The items found in the Lexus were blank prescription pads from Hospital A; about 100 original prescriptions with the pharmacy sticker on the back of them; and, about 50 original prescriptions without a pharmacy sticker on the back of them;

D. The above prescriptions were mostly prescribed and filled for Oxycodone 15 mg, 20 mg, and 30 mg, from November 2012 through April 2013;

E. All the prescriptions were paid by cash.

F. The Respondent informed the police that all prescriptions found were fraudulent and had not been filled;

G. On December 13, 2013, the Board's Compliance Officer visited Pharmacy A and asked for dispensing reports of Oxycodone 15, 20 and 30 mg. from November 2012 to April 2013;

H. These prescriptions were compared to the prescriptions found inside the Lexus. All prescriptions with the pharmacy stickers on the back of them found inside the car showed up in the dispensing report; indicating that all of these prescriptions were actually filled;

I. When provided with a handful of prescription numbers from the 100 original prescriptions seized by the police from the Respondent's Lexus,

Pharmacy A was unable to find the actual hard-copy of the prescriptions in its file;

J. A dispensing report for the Respondent was obtained. This report revealed that February 24, 2009 was the most recent date that the Respondent had filled a prescription for Hydrocodone/APAP¹⁶ 10/500, 100 tablets.

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) (2009 Repl. Vol.).

ORDER

Based on the foregoing, it is therefore this 18th day of March, 2014, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T03574, 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

¹⁶Hydrocodone/APAP is an opioid pain medication. An opioid is sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. APAP or Acetaminophen and hydrocodone is a combination medicine used to relieve moderate to severe pain. In

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) (2009 Repl. Vol.).



Laverne G. Naesea, Executive Director
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.

this combination, there are 10 mg of Hydrocodone and 500 mg of acetaminophen. Its brand name is Lortab.