

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

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

On May 20, 2015, the State Board of Pharmacy (the "Board"), notified **ANGELA MORFE**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her Pharm Tech 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, 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"), Health Occ. Code Ann. ("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;
- (ii) and 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 September 9, 2008. The Respondent's registration expired 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

Percocet<sup>1</sup> 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;

H. The Respondent advised that a prescription bottle with a removed

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<sup>1</sup>Percocet 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.

label that was on the living room end table with pills marked "M/363<sup>2</sup>" contained Hydrocodone<sup>3</sup> 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;
- (4) One grinder with vegetable matter from the Master bedroom on the dresser;

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<sup>2</sup>The 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.

- (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/58<sup>4</sup>" from the Master bedroom nightstand;
- (8) Prescription bottle with 20 pills marked "SY/357<sup>5</sup>" from the Master bedroom nightstand;
- (9) Prescription bottle with one pill marked "Seroquel/100<sup>6</sup>" from the Master bedroom nightstand;
- (10) A prescription bottle from the Master bedroom nightstand with the following pills
  - (a) 21 green tablets marked "M/75<sup>7</sup>";
  - (b) Four orange pills marked "HP/47<sup>8</sup>";
  - (c) Three tan pills marked "I/G/24<sup>9</sup>";

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<sup>3</sup>Hydrocodone 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.

<sup>4</sup>P58 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.

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

<sup>6</sup>Seroquel 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.

<sup>7</sup>A 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.

<sup>8</sup>A 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.

<sup>9</sup>A 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

- (d) Five maroon/white pills marked "P/10<sup>10</sup>";
  - (e) Two yellow gel caps;
  - (f) 20 yellow tablets marked "LU/DO3<sup>11</sup>";
  - (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;
  - (g) Three empty shell casings in the Master bedroom and garage;

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disorder. It belongs to the drug class selective serotonin reuptake inhibitors and is not subject to the Controlled Substances Act.

<sup>10</sup>A 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.

- (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

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<sup>11</sup>A pill imprinted with "LU/D03" contains 100mgs of Sertraline, a generic for Zoloft, and is an antidepressant.

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) Marijuana<sup>12</sup> is a Schedule I Controlled Dangerous substance (CDS) and Hydrocodone is a Schedule III<sup>13</sup> CDS.
- (e) Drug distributors will remove prescription labels to hide the identity of the patient and pharmacy in an effort to thwart Law Enforcement;

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<sup>12</sup>Drug 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.

<sup>13</sup>Schedule 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



(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 Oxycodone<sup>14</sup> and Ambien<sup>15</sup> 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 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;

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orally as a narcotic analgesic and antitussive, often in combination with paracetamol or ibuprofen.  
<sup>14</sup>Schedule 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.

<sup>15</sup>Ambien is a brand name for Zolpidem, 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.

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/APAP<sup>16</sup> 10/500, 100 tablets.

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<sup>16</sup>Hydrocodone/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

6. Based upon the above information, on March 17, 2014, the Board summarily suspended the Respondent's registration. The Respondent failed to request a Show Cause hearing.

7. On April 17 2014, the following occurred in the Circuit Court for Baltimore County: Counts 1, 2, and 4-7 were nolle prossed. The Respondent pled "guilty" to and was found guilty of Count 4—CDS Possession—not marijuana. She was sentenced to four years incarceration, all suspended and placed on supervised probation for 18 months. All items seized were forfeited to the forfeiting authority. Costs and supervision fees were waived.

8. The Respondent, having pled guilty to and having been found guilty of drug possession, committed a crime of moral turpitude in violation of H.O. §12-68-09 (22).

### CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated §12-6B-09 (22) (i) and (ii) 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 **ANGELA MORFE**, the Respondent, be and is **REVOKED**, and this document constitutes a final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

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Acetaminophen and hydrocodone is a combination medicine used to relieve moderate to severe pain. In this combination, there are 10 mg of Hydrocodone and 500 mg of acetaminophen. Its brand name is Lortab.

**NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-316 (2014 Repl. Vol.) and the 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 aforementioned authority.

Date

8/19/2015

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