

IN THE MATTER OF	*	BEFORE THE MARYLAND
JAMES OBIE MURPHY	*	STATE BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
REGISTRATION NO.: T09473	*	CASE NO.: PT-14-005/14-205
* * * * *	*	* * * * *

**ORDER OF SUSPENSION OF REGISTRATION  
FOR DELINQUENT CHILD SUPPORT**

**BACKGROUND**

On or about July 16, 2013, the Maryland Board of Pharmacy (the “Board”) received a written request from the Prince George’s County Office of the Child Support Enforcement Administration of the Maryland Department of Human Resources (the “Administration”) to suspend the pharmacy technician registration held by James Obie Murphy (the “Respondent”), Registration No. T09473, for delinquent child support. This action was to be taken by authority of Md. Code Ann., Fam. Law § 10-119.3 (2012 Repl. Vol.), which provides, in pertinent part:

(e)(2) Except as provided in paragraph (3) of this subsection, upon notification by the Administration under this section, a licensing authority<sup>1</sup> shall:

(i) suspend an individual’s license; or

(ii) deny the license of an individual who is an applicant for a license from the licensing authority.

\* \* \*

(h) *Right to contest identity.* – (1) Except as provided in paragraph (2) of this subsection, prior to the suspension or denial of a license under subsection (e) of this section, a licensing authority shall send written notice of the proposed action to the individual whose license is subject to suspension or denial, including notice of an

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<sup>1</sup> The Maryland Board of Pharmacy is a unit within the Maryland Department of Health and Mental Hygiene. Md. Code Ann., Health-Gen. §§ 2-101 & 2-106(a)(18), and is therefore a “licensing authority” within the meaning of Md. Code Ann., Fam. Law § 10-119.3(a)(3)(i) and (ii)(2).

individual's right to contest the identity of the individual whose license or application is to be suspended or denied.

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(i) *Appeal; hearing.* –(1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.

\* \* \*

(k) *Reinstatement of license—Duty of licensing authority.* – A licensing authority shall immediately reinstate any license suspended, or process an application for any license denied, under this section if:

- (1) notified by the Administration that the license should be reinstated; and
- (2) the individual otherwise qualifies for the license.

On July 23, 2013, the Board sent an unexecuted copy of this Order of Suspension to the Respondent. Accompanying the unexecuted Order of Suspension was a cover letter notifying the Respondent of his right to contest his identity in writing within thirty days of the date of the letter and notifying the Respondent that if he did not submit a signed, written appeal to the Board on or before August 22, 2013, the Board would execute this Order of Suspension as written. The Respondent did not submit a written contest of identity to the Board by August 22, 2013.

### **FINDINGS OF FACT**

1. The Board issued a registration to practice as a pharmacy technician to the Respondent on July 16, 2011. His registration is currently active and is scheduled to expire on July 30, 2013.

2. On or about July 16, 2013, the Board received a written request from the Administration, entitled "Request to Suspend or Deny License for Delinquent Child Support"

(the "Request"), which requested that the Board suspend the pharmacy technician registration held by the Respondent for delinquent child support under the authority of Md. Code Ann., Fam. Law § 10-119.3. The Request stated that, as of July 1, 2013, the arrearage amount of child support that the Respondent owed was \$5,931.25, in the Administration's case numbered 360055893.

3. As noted above, Md. Code Ann., Fam. Law § 10-119.3(e)(2) & (h)(1) requires that the Board suspend the registration of the Respondent upon notification by the Administration and after sending written notice to the Respondent of the proposed suspension of his registration and of his right "to contest the identity of the individual whose license . . . is to be suspended."

4. On July 23, 2013, the Board sent an unexecuted copy of this Order of Suspension to the Respondent's last known address registered with the Board (the same address as that on the Request). Included with the unexecuted Order of Suspension was a letter notifying the Respondent of his right to contest his identity, in writing to the Board, within thirty days of the date of the letter; that is, to contest that he was not the James Obie Murphy, Registration No. T09473, named by the Administration as the individual whose registration should be suspended for delinquent child support. In addition, the letter also gave Respondent written notice that if he did not submit to the Board a signed, written appeal on or before August 22, 2013, the Board would execute this Order of Suspension as written.<sup>2</sup>

5. The Respondent did not submit a written contest of identity to the Board by August 22, 2013; nor was the Board notified that the Respondent arranged to pay the arrears in full.

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<sup>2</sup> The letter also notified the Respondent that he could prevent the suspension of his registration by contacting the Administration and arranging to pay the arrears in full within 15 days of the date of the letter.

6. Having given the Respondent the statutorily required written notice of the Board's intent to suspend his registration and of his right to contest identity pursuant to Md. Code Ann., Fam. Law § 10-119.3(h)(1), and having not received a written response or appeal from the Respondent, the Board is statutorily required to suspend the Respondent's registration, pursuant to Md. Code Ann., Fam. Law § 10-119.3(e)(2).

### **CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes that, pursuant to Md. Code Ann., Fam. Law § 10-119.3(e)(2)(i), it is statutorily required to suspend the Respondent's registration to practice as a pharmacy technician until the Board receives notification from the Administration that the Respondent's registration should be reinstated pursuant to Md. Code Ann., Fam. Law § 10-119.3(k)(1)-(2), provided that the Respondent is otherwise qualified for a registration.

### **ORDER**

Based upon the foregoing Findings of Fact and Conclusions of Law, on this 6<sup>th</sup> day of September, 2013, by a quorum of the Maryland Board of Pharmacy, it is hereby:

**ORDERED** that the registration to practice as a pharmacy technician held by the Respondent, James Obie Murphy, Registration No. T09473, is **SUSPENDED**; and it is further,

**ORDERED** that the Respondent's registration shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the Department of Human Resources that the Respondent's registration should be reinstated pursuant to Md. Code Ann., Fam. Law § 10-119.3(k)(1)-(2), provided that the Respondent is otherwise qualified for registration; and it is further,

**ORDERED** that this is a Final Order of the Maryland Board of Pharmacy and, as such, is a public document pursuant to Md. Code Ann., State Gov't §§10-617(h).



LaVerne Naesea, Executive Director  
for  
Lenna Israbian-Jamgochian, President  
Maryland Board of Pharmacy

**NOTICE OF APPEAL RIGHTS**

The Respondent has a right to appeal this Final Order of the Board as provided for judicial review of a final decision in the Maryland Administrative Procedures Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules.