

IN THE MATTER OF	*	BEFORE THE
PATRICE McCLENDON, Pharm Tech	*	STATE BOARD
Registration No.T06354	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-12-012/12-21
* * * * *		* * * * *

FINAL ORDER OF REVOCATION OF PHARMACY TECHNICIAN’S REGISTRATION

On April 17, 2013, the State Board of Pharmacy (the “Board”), notified **PATRICE McCLENDON**, 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 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 Md. State Govt. Code Ann. (St. Gov’t.) § 10-226(c) (1) (2009 Repl. Vol. and 2012 Supp.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., (the “Act”) (2009 Repl. Vol. and 2012 Supp.).

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.

The pertinent provisions of 12-6B-09 of the Act state: 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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board; matter [;].

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, 10.34.10 (November 12, 2001):

.01 Safety and Welfare.

- B. A pharmacist may not:
 - (3) Engage in unprofessional conduct[;].

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 22, 2009. The Respondent's registration expired on December 31, 2012.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech in Pharmacy A at a National store in Glen Burnie, Maryland.

3. On June 28, 2011, the Respondent was observed on camera taking a prescription from another employee in the parking lot of Pharmacy A and processing

the prescription. Upon checking, it was discovered that the Respondent had filled that prescription for 15 mg Oxycodone¹ for a purported patient from a hospital in Baltimore City. Upon further investigation, it was determined that the prescription was forged. The Respondent had also filled four other forged prescriptions for patients from that same hospital since March 9, 2011.

4. The Respondent later admitted in a written statement that she had filled these forged prescriptions.

5. As a result of the above actions, on July 7, 2011, the Respondent was terminated from employment from Pharmacy A.

6. Based on the above, on December 19, 2011, the Board summarily suspended the Respondent's registration. The Respondent failed to ask for a hearing.

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 (3) and (25) of the Act, § 10-226 (c) (1) of the APA, and, § 10.34.10.01.B. (3) of the Code of Conduct regulations under the Board's Act.

ORDER

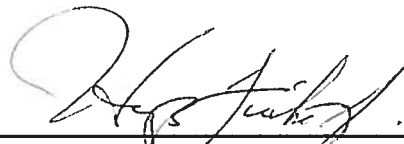
As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by Patricia McClendon, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol. and 2012 Supp.).

¹ Oxycodone is an opioid pain medication used to treat moderate to severe pain.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-314 (2009 Repl. Vol. and 2012 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. and 2012 Supp.) 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 aforesaid authority.

8/21/13
Date


Lenna Israbian-Jamgochian, PharmD., President
Board of Pharmacy

SECRETARY

HARRY FINKE JR