

IN THE MATTER OF	*	BEFORE THE
VANDEVER RASH, PHARM TECH	*	STATE BOARD
Registration No.: T14348	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-15-009

* * * * *

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

On August 19, 2015, the State Board of Pharmacy (the "Board"), notified **VANDEVER RASH**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke his pharmacy technician registration.

The Notice also informed the Respondent that, unless he 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"), Md. Code Ann., Heath Occ. ("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;
 - and
 - (ii) 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 March 26, 2014. The Respondent's registration expired on July 31, 2015.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Eldersburg, Maryland, hereinafter "Pharmacy A."

3. On or about September 8, 2014, the Board received a copy of a Drug Enforcement Administration (DEA) "Report of Loss/Theft" form from Pharmacy A which indicated that the theft/loss was due to employee pilferage. However, the name of the employee was not disclosed. Pharmacy A's Loss/Theft report indicated as follows:

- A. \$655.73 was the amount of the loss;
- B. The stolen medications were as follows:

(1) Alprazolam¹, 2 mg, 2000 tablets;

(2) Clonazepam², 5 mg, 500 tablets.

4. Subsequently, the Board was informed that the Respondent admitted, orally and in writing, to stealing the drugs.

5. As a result of the above, the Respondent was terminated from his employment with Pharmacy A.

6. The Respondent was criminally charged in the District Court of Maryland for Carroll County with the following:

Count 1 Forgery-Prescription;

Count 2 Theft-Scheme less \$1000.

7. On November 21, 2014, in the aforesaid court, the Respondent pled guilty to the forgery prescription charge and received supervised Probation Before Judgment (PBJ).

8. Based upon the above, on December 30, 2014, the Board issued a Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing.

9. The Respondent's actions as described above constitute a violation of H.O. §12-6B-09 (22).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (22).

¹Xanax (Alprazolam) treats anxiety and panic disorder.

²Clonazepam treats seizures, panic disorder, and anxiety.

ORDER


As set forth above, the Board hereby Orders that the registration to practice as a Pharmacy Technician in Maryland held by **VANDEVER RASH**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and the S.G. §§ 10-201, *et seq.*, 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.

Date

10/21/2015



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