

IN THE MATTER OF	*	BEFORE THE
ROBYN ROSSMARK	*	STATE BOARD
Pharmacy Technician	*	OF PHARMACY
Respondent	*	Case No. 20-135
Registration No. T07664	*	

* * * * *

FINAL ORDER

On June 10, 2022, the State Board of Pharmacy (the “Board”) hereby notified **ROBYN ROSSMARK, Pharmacy Technician** (the “Respondent”), **Registration No. T07664**, of the Board’s intent to REVOKE her registration to practice as a pharmacy technician, pursuant to the Maryland Pharmacy Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* The basis for the Board’s action was pursuant to the following provisions of the Act and COMAR:

§ 12-6B-09: Denial, 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:

- (5) Performs delegated pharmacy acts while:
 - (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article , or other drug that is in excess of therapeutic amounts or without valid medical indication;
- (25) Violates any regulation adopted by the Board;

- (29) Fails to cooperate with a lawful investigation conducted by the Board or the Office of Controlled Substances Administration[.]

The underlying action under Health Occ. § 12-6B-09 (25) cited above includes, but is not limited to, the following:

Chapter 10.34.10. Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct

COMAR § 10.34.10.01. Patient Safety and Welfare.

- B. A pharmacist may not:
- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
 -
 - (3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board based its charges on the following facts that the Board has cause to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was first issued a registration on June 28, 2010. The Respondent allowed the registration to expire on January 31, 2020.

2. At all times relevant herein, the Respondent worked at a pharmacy (the “Pharmacy”)¹ in Columbia, Maryland.

¹ Facilities and individuals are not identified in this document due to confidentiality.

3. On November 4, 2019, the Board received notification from the Pharmacy that the Respondent had been terminated from employment on September 16, 2019, as a result of failing an unannounced employee drug test on September 9, 2019.

4. The Respondent, who had been employed by the Pharmacy since January 2015, tested positive for an illegal substance other than marijuana on September 9, 2019. The Respondent was sent for a second drug test on September 13, 2019, and tested positive for cocaine.

5. As a result of the above information, the Board notified the Respondent that the Board voted that she should be evaluated by a “Board-appointed evaluator” in accordance with Section 12-320 of its Act.² However, the Respondent failed to schedule an appointment to be evaluated, as per the Board’s notice.

² § 12-320

- (a) In investigating an allegation brought against a licensee, registered pharmacy intern, or registered pharmacy technician under this title, if the Board has reason to believe that a licensee, registered pharmacy intern, or registered pharmacy technician may cause harm to a person affected by the licensee's practice, the acts of a registered pharmacy intern, or the acts of a registered pharmacy technician, **the Board on its own initiative may direct the licensee, registered pharmacy intern, or registered pharmacy technician to submit to an appropriate examination by a health care provider designated by the Board.** (Emphasis added.)
- (b) In return for the privilege given to a licensee to practice pharmacy, a registered pharmacy intern to practice pharmacy under the direct supervision of a pharmacist, or a registered pharmacy technician to perform delegated pharmacy acts in the State, the licensee, registered pharmacy intern, or registered pharmacy technician is deemed to have:
 - (1) Consented to submit to an examination under this section, if requested by the Board in writing; and
 - (2) Waived any claim of privilege as to the testimony or examination reports of a health care provider.
- (c) **The failure or refusal of a licensee, a registered pharmacy intern, or registered pharmacy technician to submit to an examination required under this section is prima facie evidence of the licensee's inability to practice pharmacy competently, the registered pharmacy intern's inability to practice pharmacy competently under the direct supervision of a pharmacist, or the registered pharmacy technician's inability to perform delegated pharmacy acts, unless the Board finds that the failure or refusal was beyond the control of the licensee, registered pharmacy intern, or registered pharmacy technician.** (Emphasis added.)
- (d) The Board shall pay the cost of any examination made under this section.

6. As set forth above, by working while under the influence of an illegal substance, the Respondent violated the Board's Act, pursuant to §§ 12-6B-09 (5) (Performs delegated pharmacy acts while: [or] (ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication), and (25) (Violates any regulation adopted by the Board) and COMAR § 10.34.10.01. B. A pharmacist may not: (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist; and (3) Engage in unprofessional conduct.

7. As set forth above, by failing to make an appointment with the Board's evaluator, as directed, the Respondent violated § 12-6B-09 (29) (Fails to cooperate with a lawful investigation conducted by the Board... [;].)

CONCLUSIONS OF LAW

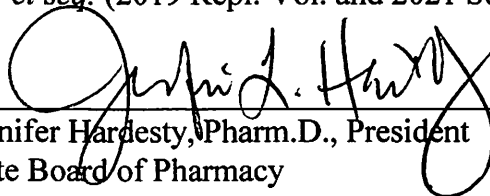
Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §12-6B-09 (5), (25), and (29) and COMAR §10.34.10.01 B. (1) and (3).

ORDER

As set forth above, the Board hereby orders that the registration to practice as a Pharmacy Technician in Maryland held by **ROBYN ROSSMARK, Registration No. T07664**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2019 Repl. Vol. and 2021 Supp.).

7/20/22

Date



Jennifer Hardesty, Pharm.D., President
State Board of Pharmacy

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201 *et seq.* (2021 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 aforecited authority.