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| IN THE MATTER OF | * | BEFORE THE |
| VICTORIA SCANLON | * | STATE BOARD |
| PHARMACY TECHNICIAN | * | OF |
| Registration Number: T09244 | * | PHARMACY |
| Respondent | * | Case Number: 20-307 |

* * * * *

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

On August 20, 2020, the State Board of Pharmacy (the “Board”) notified **VICTORIA SCANLON, PHARMACY TECHNICIAN**, the Respondent, **Registration No. T09244**, of its Intent to Revoke her Pharmacy Technician 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 Board bases its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations (“Health Occ.”), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.):

Health Occ. § 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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. § 12-6B-09, the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule or regulation adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient 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 Pharmacy Technician in the State of Maryland. The Respondent was first registered on June 1, 2011. The Respondent's registration expired on May 31, 2020.

2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a pharmacy (the "Pharmacy") inside a grocery store in Calvert County, Maryland.¹

¹The names of facilities and/or individuals are confidential.

3. On January 16, 2020, the Board received a letter from the Pharmacy reporting a loss due to employee pilferage by the Respondent. The Pharmacy also informed the Board that the theft was also reported to the Calvert County Sheriff's Office. On or about January 23, 2020, the Board received a follow-up letter from the Pharmacy. Attached to that letter was a copy of a Drug Enforcement Administration (DEA) form 106, "Report of Theft or Loss of Controlled Substances."

4. The report disclosed that the Respondent was responsible for the following loss:

Acetaminophen with Codeine Phosphate² 300, mg-30 mg 387 tablets;

Acetaminophen with Codeine Phosphate³ 300, mg-60 mg 1,157 tablets.

5. The Respondent admitted to taking the drugs over a two-year period and stated that she took "about 2000 pills." This information was contained in a statement, dated and signed on January 13, 2020--the same date the Respondent's employment was terminated.

6. As a result of the above thefts, on April 24, 2020, the Board issued an Order for Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing and/or contest the findings. In fact, the Respondent indicated that she no longer wanted to practice as a Pharmacy Technician and sent in her registration and renewal forms.

7. As set forth above, by diverting drugs from her pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy

² Acetaminophen/codeine is used in the treatment of pain; osteoarthritis; cough and belongs to the drug class narcotic analgesic combinations, also known as Tylenol # 3.

³ The 300-30 mg is known as Tylenol #3 and the 300-60 is known as Tylenol #4 and is stronger, since it contains more codeine.

technician's registration.); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313); namely, § 12-313 (b) (25) (Violates any rule or regulation adopted by the Board.); and, COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not: (3) Engage in unprofessional conduct.)

8. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313 (25), and COMAR § 10.34.10.01 B (3).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **VICTORIA SCANLON**, the Respondent, Registration Number T09244, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2019 Supp.).

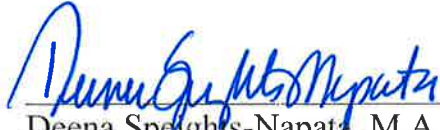
NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201, *et seq.* (2014 Repl. Vol. and 2019 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.

11-20-2020

Date



Deena Speights-Napata, M.A.
Executive Director for
Kevin Morgan, Pharm.D., President
State Board of Pharmacy