

IN THE MATTER OF	*	BEFORE THE
JENNIFER SMITH, PHARM TECH	*	STATE BOARD
Registration No.: T04339	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-16-025
* * * * *		

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Gov't. (SG) Code Ann. §10-226 (c) (2) (2014 Repl. Vol. II), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **JENNIFER SMITH**, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.* (2014 Repl. Vol. II). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS¹

1. At all times relevant hereto, the Respondent was registered to practice as a Pharmacy Technician in Maryland. The Respondent was first registered on March 6, 2009. The Respondent's registration expired on June 30, 2016.
2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a hospital pharmacy in Baltimore County, Maryland, hereinafter "Pharmacy A."

¹The allegations set forth in this Order are intended to provide the Respondent with notice of the Board's action. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this action.

3. On or about May 17, 2016, the Board received documentation from Pharmacy A indicating that the Respondent was terminated from employment at Pharmacy A as a result of her arrest on April 13, 2016, by the Baltimore County Police Department. The documentation from Pharmacy A revealed the following::

- A. On April 12, 2016, on westbound Route 40 in Baltimore County, a routine check of the Respondent's license tag by a Baltimore County Officer determined that the license tag was expired;
- B. After explaining the reason for the stop, the Officer asked the Respondent for her driver's license and registration. The Respondent gave the Officer her license but did not have the registration to the car;
- C. When the Officer returned to his patrol car and was performing a routine check on the Respondent and the license, he noticed a strong odor which he recognized as marijuana, a Schedule I Controlled Dangerous Substance (CDS);
- D. When the Officer began to question the Respondent about the marijuana, she informed him that she might have some in her lunch bag. A check of the lunch bag revealed the following:
 - (1) A marijuana cigarette on the passenger side floor;
 - (2) One unlabeled bottle in the lunch bag with 61 pills, identified as 23 morphine sulfate², 15 mg; 28 Amphetamine/ Dextroamphetamine,³ and 10 Diazepam⁴, 15 mg;

²Morphine sulfate extended-release tablets are indicated for the management of moderate to severe pain when a continuous, around-the-clock opioid analgesic is needed for an extended period of time.

³Amphetamine and Dextroamphetamine are central nervous system stimulants that affect chemicals in the brain and nerves that contribute to hyperactivity and impulse control. Amphetamine and

E. The Officer then searched the Respondent's purse, which revealed the following:

(1) A pill bottle labeled Diazepam, which contained 14 and 2 halves, 10 mg Diazepam pills;

(2) Also contained in the purse was a bottle labeled Diazepam containing seven white pills, but the pills were marked "K18" which were identified as Oxycodone⁵, 5 mg;

(3) A loose white pill identified as acetaminophen and oxycodone hydrochloride, 325/5 mg⁶;

(4) ½ a blue pill identified as Alprazolam⁷, 1 mg; and

(5) Three empty bottles:

(a) One with the Respondent's name for Diazepam, 5 mgs, dated June 17, 2015;

(b) Another was for someone with the initials of "SW" for Oxycodone 5/325 dated February 2, 2015;

Dextroamphetamine is a combination medicine used to treat narcolepsy and attention deficit hyperactivity disorder (ADHD).

⁴Diazepam is used to treat anxiety, alcohol withdrawal, muscle spasms, and certain types of seizures.

⁵Oxycodone is an opioid pain medication. An opioid is sometimes called a narcotic. Oxycodone is used to treat moderate to severe pain

⁶Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Acetaminophen and oxycodone is a combination medicine used to relieve moderate to severe pain. In this combination, there are 325 mg of acetaminophen and 5 mg of oxycodone.

⁷Alprazolam is a benzodiazepine that affects chemicals in the brain that may be unbalanced in people with anxiety .Alprazolam is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

(c) The third was for someone with the initials of “BM” was for Oxycodone, 30 mg, 100 tablets, dated November 19, 2015.

4. The Respondent was arrested and an officer from the pharmaceutical diversion team was contacted to assist in the investigation. The Respondent stated that she took empty bottles from Pharmacy A. The Respondent admitted that she gave pills, such as Diazepam, Xanax, Oxycodone and others, to her friends and family members who needed them..

5. The Respondent was charged in the District Court of Maryland for Baltimore County with the following:

Count 1: CDS Poss w/Intent Dist: Narc

Count 2: CDS Poss—Not Marijuana

Count 3: CDS Poss w/Intent Dist.: Narc

Count 4: CDS Poss—Not Marijuana

Count 5: CDS Poss w Intent Dist: Narc

Count 6: CDS Poss—Not Marijuana

Count 7: CDS Poss w/Intent Dist: Narc

Count 8: CDS Poss—Not Marijuana

Count 9: CDS Poss—Not Marijuana

6. On September 14, 2016, in the Circuit Court of Maryland for Baltimore County, Counts 2 through 9 were *Nolle Prosequi*.⁸ At that same date and time, the

⁸*Nolle prosequi* as a declaration can be made by a prosecutor in a criminal case either before or during trial, resulting in the prosecutor declining to further pursue the case against the defendant.

Respondent pled guilty to and was found guilty of Count 1. The Respondent was sentenced to three years imprisonment, with all three years suspended. She was ordered to submit to drug evaluation, testing, treatment and education, with costs waived, with supervision fees through Parole and Probation. The Respondent was placed on supervised Probation for 18 months.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226 (c) (2) (2014 Repl. Vol. II.).

ORDER

Based on the foregoing, it is therefore this 22nd day of November, 2016, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2014 Repl. Vol. II), the registration held by the Respondent to practice as a Pharmacy Technician in Maryland, Registration No.T04339 is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that, upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharmacy Technician and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharmacy Technician issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. Code Ann. Gen. Prov., §§ 4-101 *et seq.* (2014 Vol.).


Deena Speights-Napata, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.