

IN THE MATTER OF * **BEFORE THE MARYLAND**
KEIFFER SUBERO * **STATE BOARD OF**
APPLICANT FOR PHARMACY * **PHARMACY**
TECHNICIAN REGISTRATION * **Case No. PT-16-027**

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CONSENT ORDER FOR INITIAL LICENSURE

HISTORY

On November 20, 2013, the Maryland Board of Pharmacy (the “Board”) issued a Final Order of Denial denying an application for registration as a pharmacy technician submitted by Keiffer Subero, based on Mr. Subero’s criminal background. On or about March 8, 2016, the Board received a new application for registration as a pharmacy technician from Mr. Subero. On his application, Mr. Subero answered “yes” to three personal attestation questions regarding his licensure history, employment history, and criminal background, and he sent the Board an explanation regarding his criminal history and his education and employment experience since his conviction.

In lieu of instituting formal proceedings against Mr. Subero, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-101 *et seq.*, and Board regulations, COMAR 10.34.01, a Pre-charge Case Resolution Conference (“CRC”) was held with members of the Board, Board Counsel, and Mr. Subero on June 1, 2016. Thereafter, the Board and Mr. Subero agreed to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On or about December 7, 2011, the Board received an application for registration as a pharmacy technician from Mr. Subero. On his application, Mr. Subero answered “yes” to the

question “Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?” Mr. Subero also answered “yes” to the question “Have you committed a criminal act for which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?” Mr. Subero explained that he had been arrested and convicted for theft and that he had been fired from a previous job at a pharmacy for unexcused absences from work. He did not provide further details regarding his conviction or sentence.

2. On August 21, 2013, the Board issued a Notice of Intent to Deny to Mr. Subero, notifying him of the Board’s intent to deny his application for a pharmacy technician registration and informing him of his right to request a hearing. Mr. Subero never requested a hearing, and a Final Order of Denial was issued on November 20, 2013.

3. On or about March 8, 2016, Mr. Subero submitted a new application for a pharmacy technician registration to the Board. He again answered “yes” to the same two personal attestation questions, and also answered “yes” to the question “Has any state licensing or disciplinary board (including Maryland) or any similar agency in the Armed Forces, denied your application for a registration, reinstatement or renewal, or taken any formal disciplinary action against any registration or license held by you?” Mr. Subero answered “yes” to this additional question because of the Board’s November 20, 2013 Final Order of Denial.

4. Mr. Subero provided a detailed explanation of his criminal history with his March 8 2016 application. Mr. Subero explained his conviction and sentence in depth and noted that his record was expunged after he completed his sentence.

5. On June 1, 2016, the Board held a CRC with Mr. Subero. At the CRC, Mr. Subero noted that he was 17 years old at the time of his conviction and stated that he had grown considerably

since that time. He explained that since his conviction, he had completed an accelerated pharmacy technician training program, begun taking classes at a community college, and had a daughter. Mr. Subero also explained that he never requested a hearing on the Board's August 21, 2013 Notice of Intent to Deny because he was employed full-time in a management position at a restaurant.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. Subero is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-6B-02(b)(1) and 12-6B-09(22).

ORDER

It is this 5th day of July, 2016, by an affirmative vote of the Maryland Board of Pharmacy, hereby:

ORDERED that Mr. Subero's application for registration as a pharmacy technician be GRANTED, provided that he is otherwise qualified for registration; and be it further,

ORDERED that Mr. Subero's registration be placed on immediate PROBATION for at least TWO (2) YEARS; and be it further,

ORDERED that upon the first renewal of his pharmacy technician registration, Mr. Subero shall submit to a State criminal history records check; and be it further,

ORDERED that after two (2) years of probation, Mr. Subero may petition the Board to terminate probation, provided that he has been fully compliant with the terms of this Order and does not have any pending complaints filed against him; and be it further,

ORDERED that in the event Mr. Subero's criminal history records check indicates further criminal activity, the Board may impose further disciplinary action against Mr. Subero's registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that Mr. Subero shall at all times cooperate with the Board in the monitoring, supervision, and investigation of Mr. Subero's compliance with the terms and conditions of this Order; and be it further,

ORDERED that Mr. Subero's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that in the event the Board finds in good faith that Mr. Subero has violated any of the conditions of this Order, or in the event the Board finds in good faith that Mr. Subero has committed a violation of Title 12 of the Health Occupations Article or regulations adopted thereunder, the Board may impose further disciplinary action against Mr. Subero's registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that Mr. Subero shall bear the expenses associated with this Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Md. Code Ann., General Provisions § 4-333(b).

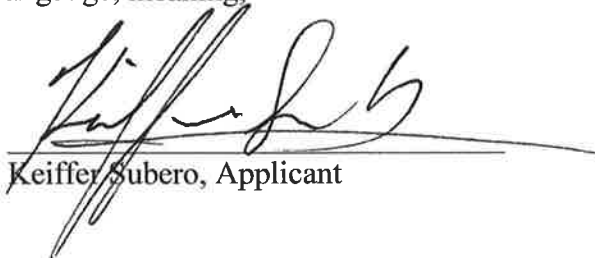
7/5/16
Date

Deena Speights-Napata
Deena Speights-Napata, Executive Director
for
Mitra Gavgani, President
Maryland Board of Pharmacy

CONSENT

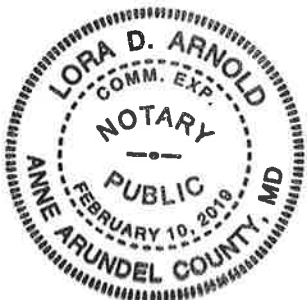
1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

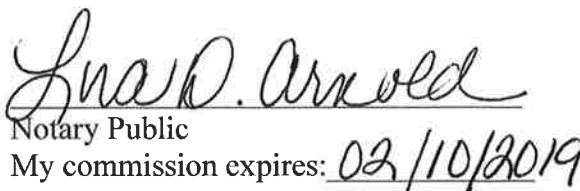
6/25/16
Date


Keiffer Subero, Applicant

STATE OF MARYLAND
COUNTY/CITY OF :

I hereby certify that on this 25th day of June, 2016, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared KEIFFER SUBERO, and made an oath in due form that the foregoing Consent was his voluntary act and deed.




Notary Public
My commission expires: 02/10/2019