

IN THE MATTER OF

MICHELLE WILES, Pharm Tech

Registration No. T11109

Respondent

\* BEFORE THE

\* STATE BOARD

\* OF

\* PHARMACY

\* CASE NO.: PT-13-008

\* \* \* \* \*

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

On August 21, 2013, the Maryland Board of Pharmacy (the "Board"), notified **MICHELLE WILES**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her Pharm Tech 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 basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2009 Repl. Vol.), and the Maryland Pharmacy Act (the "Act"), Heath Occ. Code Ann. ("H.O.") §§ 12-101, *et seq.* (2009 Repl. Vol.), (the "Act").

**S.G. § 10-226. Licenses.-Special Provisions:**

*Revocation of suspension. (sic)*— (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  
REVOCAION 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 June 28, 2012. The Respondent's registration expired on July 31, 2013.

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

3. On August 24, 2012, a customer came into Pharmacy A and complained that the prescription for Oxycodone APAP 7.5/500<sup>1</sup> was short by two pills. Subsequently, Pharmacy A's Loss Prevention Officer viewed the video of the day and time that the prescription for this person was filled. When she did so, she observed that the Respondent took several pills and placed them into her pocket. Thereupon, the

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<sup>1</sup>Oxycodone APAP 7.5/500 is a narcotic drug taken to relieve pain, consisting of 7.5 mg of Oxycodone and 500 mg of acetaminophen. It goes by the brand name of Percocet or Endocet and is a Schedule II prescription drug.

Officer then reviewed more video, and, on August 22, 2012, she observed the Respondent placing several pills in her pocket while filling a prescription for Methylphenidate.<sup>2</sup>

5. The Loss Prevention Officer reported that there were about 10 Oxycontin<sup>3</sup> and 10 Oxycodone pills missing with a total value of \$98.78.

6. On November 14, 2012, in the District Court for Garrett County, the Respondent pled guilty to theft of less than \$100 as a result of the above and was given unsupervised probation until May 14, 2014; a fine of \$500; was ordered to pay restitution of \$98.78 to Pharmacy A; and, was ordered to pay court costs.

7. On November 12, 2012, the Board suspended the Respondent's registration as a result of the above theft/termination. The Respondent failed to request a hearing.

#### CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to §12-6B-09 (22) (i) and (ii) of the Act (2009 Repl. Vol.).

#### ORDER

As set forth above, the Board hereby Orders that the registration to practice as a Pharmacy Technician in Maryland held by **Michelle Wiles**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol. and 2012 Supp.).

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<sup>2</sup>Methylphenidate is a stimulant which treats attention deficit disorder (ADHD) and narcolepsy, and requires a prescription.

**NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol. and 2012 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 aforecited authority.

11/27/2013  
Date

*for Lenna D. Moyses*  
Lenna Israbian-Jamgochian, Pharm.D., President  
Board of Pharmacy

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<sup>3</sup>OxyContin is a controlled-release form of Oxycodone, an opiate used to treat moderate to severe pain.