

**IN THE MATTER OF
WAYNE WORTHAN
APPLICANT**

*** BEFORE THE
* STATE BOARD
* OF PHARMACY
* Case No: PT-17-014**

* * * * *

**FINAL ORDER OF DENIAL OF
PHARMACY TECHNICIAN REGISTRATION**

On July 19, 2017, the State Board of Pharmacy (the "Board"), notified the Applicant, **WAYNE WORTHAN**, that it was initially denying him a registration to practice as a Pharmacy Technician (Pharm Tech) under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations II ("Health Occ. II") § 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.). The Notice informed the Applicant that he had 30 days to request a hearing. More than 30 days have elapsed and the Applicant failed to request a hearing. Therefore, this Order is Final.

BASIS FOR DENIAL OF PHARM TECH REGISTRATION

The pertinent provisions of the Act state:

Health Occ. II § 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:

- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant[;].

Health Occ. II § 12-6B-02. Qualifications

(a) *In general.* -- To qualify for registration an applicant shall be an individual who:

* * *
(2) Meets the requirements of this section.

(b) *Good moral character; age; education* -- The applicant shall:

(1) Be of good moral character [;].

BASES OF DENIAL

The Board based its decision to deny the registration on the foregoing facts which the Board had reason to believe are true:

I. THE APPLICATION

1. The Applicant filed an application (the "Application") with the Board for registration in Maryland as a Pharm Tech on June 13, 2016.

2. In the Application, in the "Personal Attestation Questions" section, the Applicant answered "YES" to QUESTION (6), which states: "Have you committed a criminal act for which you pled guilty or *nolo*, or for which you were convicted or received probation before judgment?" (Emphasis added.)

3. The Application further stated, *inter alia*, that "each 'YES' answer required [the Applicant] to provide a detailed explanation and supporting *documentation*. Failure to provide complete and correct information could result in delay, *or denial*, of [your] the application for registration." (Emphasis added.)

4. The Applicant did not provide a written explanation or documentation in his Application with respect to the "YES" answer to QUESTION (6).

5. In the Application, in the "Personal Attestation Questions" section, the Applicant answered "NO" to QUESTION (7), which states: "Excluding minor traffic violations, are you currently under arrest or released on bond, or are there any current or pending charges against you in any court of law?"

6. After receiving the Applicant's Application, the Board contacted the Applicant and requested that he provide an explanation for his affirmative response to QUESTION (6).

7. By fax dated September 8, 2016, the Applicant submitted a document entitled "Letter of Explanation" with no supporting documentation as required. In the letter, the Applicant stated, in part:

This letter is in reference to my background. I was charged on a misdemeanor of handgun in vehicle, even though I had no intention on harming anyone. It was in my possession because a young adult and a small child was (*sic*) at my apartment. I had to leave the apartment, and thought it would be a good idea to take the unloaded registered handgun with me to avoid any injury or fatal accidents. I went to pick up a friend from court. While waiting in the courthouse with her my car was towed and impounded. When I retrieved my car from the impound I notice (*sic*) the handgun was missing. Later on that week I was pulled over and the officer stated that I had an arrest warrant for a handgun violation.

II. BOARD INVESTIGATION

8. The Board initiated an investigation of the Applicant based on the information the Applicant provided in his Application.

9. The Board's investigation determined that the Applicant failed to provide full and complete information in his Application after providing an affirmative response to QUESTION (6).

10. When submitting his Application, the Applicant failed to provide full and complete details to all affirmative responses in the Application. The Applicant failed to disclose that he had been convicted of a handgun offense on November 5, 2014, or provide supporting documentation and complete details regarding this handgun offense. In addition, when the Board requested that the Applicant provide additional information regarding his affirmative response to QUESTION (6), the Applicant failed to provide full and complete information regarding the handgun offense referenced above. The Applicant represented that he was charged with a handgun offense but failed to disclose that he pled guilty to and was convicted of this offense, for which he was placed on probation.

11. In addition, the Board's investigation determined that the Applicant failed to provide truthful information to QUESTION (7). The Board determined that the Applicant's response to QUESTION (7) was false for the following reasons:

- A. At the time the Applicant filed his Application on June 13, 2016, he had a pending non-minor traffic charge for driving a motor vehicle while his license was suspended, which was issued on October 3, 2015.¹ The disposition of the case did not occur until September 30, 2016, in the District Court of Maryland for Baltimore City.
- B. At the time the Applicant filed his Application on June 13, 2016, he had a second pending non-minor traffic charge for driving a motor vehicle while his license was suspended, which was issued on

¹ Driving on a Suspended License: driving on a suspended license in Maryland is punishable by up to 12 months of jail, a \$1,000 fine and up to 12 points on one's driving record.

February 5, 2016. The disposition of the case did not occur until December 21, 2016 in the District Court of Maryland for Baltimore County (Catonsville).

- C. At the time the Applicant filed his Application on June 13, 2016, he had a third pending non-minor traffic charge for driving a motor vehicle while his license was suspended, which was issued on May 2, 2016. The disposition of the case occurred on December 20, 2016, in the District Court of Maryland for Baltimore County (Towson).

III. GROUNDS FOR DENIAL

12. The Applicant's willful failure to provide full and complete disclosure in his Application regarding his handgun conviction, as referenced above, and his failure to disclose three pending non-minor traffic charges for driving a motor vehicle while his license was suspended, constitutes, in whole or in part: fraudulently or deceptively attempting to obtain a pharmacy technician's registration, in violation of Health Occ. II § 12-6B-09(2).

13. The Applicant's failure to provide full and complete disclosure regarding his criminal history and history of non-minor traffic offenses is evidence of a lack of candor, and constitutes evidence of a lack of good moral character, a requirement to be registered as a pharmacy technician under Health Occ. II § 12-6B-02(b)(1).

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated § 12-6B-09 (2), and § 12-6B-02 (a), (2) (b) (1) of the Act.

ORDER

As set forth above, the Board hereby Orders that the application to practice as a Pharmacy Technician in Maryland filed by **WAYNE WORTHAN**, the Applicant, be and is **DENIED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions § §4-101 *et seq.* (2014 Vol. and 2017 Supp.) .

NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and the Administrative Procedure Act, Md. Code Ann., State Government II (State Govt. II). §§ 10-201, *et seq.* (2014 Repl. Vol and 2017 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 fore cited authority.

2/21/2018
Date

Mitra Gavani
Mitra Gavani Pharm.D., President
Board of Pharmacy