

**IN THE MATTER OF**

\*

**BEFORE THE**

**JAMIE M. BAILEY**

\*

**MARYLAND BOARD**

**Reinstatement Applicant**

\*

**OF PHARMACY**

**Registration No.: T18331**

\*

**Case No.: 23-356**

\* \* \* \* \*

**FINAL ORDER**

On August 16, 2023, the Maryland State Board of Pharmacy (the “Board”) issued a Notice of Intent to Deny Reinstatement Application for Pharmacy Technician Registration of **JAMIE M. BAILEY** (“the Applicant”), Registration Number **T18331**, based on her violations of the Maryland Pharmacy Act (the “Act”), codified at Md. Code Ann., Health Occ. (“Health Occ.”) §§ 12-101 *et seq.* (2021 Repl. Vol. and 2022 Supp.). The pertinent provisions of the Act provide as follows:

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

- (a) To qualify for registration an applicant shall be an individual who:
  - ...
  - (2) Meets the requirements of this section.
- (b) The applicant shall:
  - (1) Be of good moral character[.]

**Health Occ. § 12-6B-09. Ground 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;
  - (23) Violates any provision of this title[.]

The Board notified the Applicant that the Applicant had 30 days to request a hearing. More than 30 days have elapsed, and the Applicant failed to request a hearing.

### **FINDINGS OF FACT**

The Board finds the following facts:

1. On or about July 22, 2016, the Board issued the Applicant a registration to practice as a pharmacy technician in the State of Maryland, registration number T18331. The Applicant's registration expired on June 30, 2022.
2. On or about March 20, 2023, the Applicant submitted an Application for Pharmacy Technician Registration – Reinstatement (the “Application”) to the Board.
3. On her Application, the Applicant answered, “YES” to the following three (3) questions:

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?

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?

Have you committed an offense involving alcohol or controlled substances to which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?

4. The Application states in part: “If you answer ‘YES’ to any question, please provide a detailed explanation . . . and supporting documentation. Failure to provide complete and correct information may result in delay, or denial, of your application for registration.”

5. By email dated March 22, 2023, the Applicant provided an explanation, which stated:

March 11, 2022 is when this case was filed upon me  
I am going to plead guilty to the crime of possessing more than one pound of marijuana on my person or in a public place. In Arlington Virginia, I will be on supervised probation during the time the disposition of my case is deferred. It is my responsibility to report immediately to District 10 Virginia Probation and Parole Office, 3300 Fairfax Drive, Suite 320, Arlington, Virginia 22201.  
At the end of the three (3) year period, if I have complied with all of the conditions set out above, the Commonwealth will ask the Court to allow me to withdraw my plea of guilty to the felony offense of possessing more than one (1) pound of marijuana on my person or in a public place and plead guilty to the misdemeanor offense of possessing more than four (4) ounces but less than one (1) pound, §4.1- 1100 (C)(VCC: MRJ-1921-M3) and receive a \$250.00 fine which shall be suspended. The status of my case is still pending

6. The Board obtained the Sentencing Order (the “Order”) from the Circuit Court for Arlington County, Virginia. According to the Order, the Applicant entered a plea of guilty under advisement on March 2, 2023, for an offense committed on March 9, 2022. The Court accepted the guilty plea and found the Applicant guilty of “Possessing More than One Pound of Marijuana on Person or in Public Place” in violation of Virginia Code

§ 4.1-1100, a felony. The Court suspended the imposition of any sentence and placed the Applicant on supervised probation for a period of three (3) years.

**CONCLUSIONS OF LAW**

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant’s actions constitute: (a) failing to meet the requirement of “good moral character,” in violation of Health Occ. § 12-6B-02(b)(1); (b) committing and pleading guilty to a felony or crime involving moral turpitude, in violation of Health Occ. § 12-6B-09(22); and (c) failing to meet the requirement of “good moral character” and committing and pleading guilty to a felony or crime involving moral turpitude, in violation of Health Occ. § 12-6B-09(23).

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20<sup>th</sup> day of December, 2023, by a majority of the quorum of the Board, hereby:

**ORDERED** that **JAMIE M. BAILEY**’s Application for Pharmacy Technician Registration – Reinstatement in the State of Maryland is hereby **DENIED**; and it is further

**ORDERED** that this is a Final Order and as such is a **PUBLIC RECORD** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2021 Repl. Vol. and 2022 Supp.).

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Applicant has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t § 10-201 *et seq.*

(2021 Repl. Vol. and 2022 Supp.); and Title 7, Chapter 200 of the Maryland Rules of Procedure.

*12/20/23*

\_\_\_\_\_  
Date

*Neil B. Leikach*

\_\_\_\_\_  
Neil B. Leikach, R.Ph., M.Sc.  
President  
Maryland Board of Pharmacy