

IN THE MATTER OF
COURTNEY BATTS

Registration No: T10631

Respondent

* BEFORE THE STATE
* BOARD OF
* PHARMACY
* CASE No.: PT-15-005

* * * * *

FINAL ORDER

On April 15, 2016, the Maryland State Board of Pharmacy (“the Board”), issued a Notice of Intent to Revoke Pharmacy Technician Registration (the "Notice") of **COURTNEY BATTS (the “Respondent”)**, **Registration No. T10631**, based on her violation of the Maryland Pharmacy Act (the “Act”), codified at Md. Code Ann., Health Occ. II (“H.O.”) §§ 12-101, *et seq.* (2014 Repl. Vol. and 2015 Supp.).

The Board found that the Respondent violated the following provisions of H.O. § 12-6B-09:

Subject to the hearing provisions 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 or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;
- (5) Performs delegated pharmacy acts while:
 - (i) Under the influence of alcohol;
- (7) Willfully makes or files a false report or record as part of the pharmacy technician's duties or employment; [and]
- (21) Is physically or mentally incompetent.

The Board notified the Respondent that this Final Order would be executed thirty (30) days from the Respondent's receipt of the Notice, unless the Respondent requested a hearing. The Notice was mailed to the Respondent's address of record by certified mail and by regular mail. The Applicant did not request a hearing.

FINDINGS OF FACT

1. The Respondent is licensed to practice as a pharmacy technician in the State of Maryland under registration number T10631. The Respondent was first registered on April 25, 2012. The Respondent's registration is current and is scheduled to expire on April 30, 2017.

2. From March 11, 2013 until August 5, 2014, the Respondent was employed as a pharmacy technician at Facility A in Baltimore, Maryland.

3. The Respondent is not currently employed as a pharmacy technician.

4. On or about August 25, 2014, the Board received a complaint from the Pharmacists' Education and Advocacy Council ("PEAC") alleging that the Respondent was non-compliant with her PEAC treatment agreement.

5. According to the complaint, the Employee Assistance Program ("EAP") at Facility A instructed the Respondent to self-refer to the PEAC program. The Respondent self-referred on or about April 12, 2014 and reported that she was enrolled in the Kolmac Clinic Intensive Outpatient program ("Kolmac") beginning March 4, 2014.

6. The complaint further detailed instances of the Respondent's failure to abide by the terms of her PEAC treatment agreement, including a relapse, failure to regularly contact her monitor, missed therapy appointments at Kolmac and failure to ensure that

monthly progress reports were submitted by her therapist. As of the date of the complaint, the Respondent had not contacted her monitor "for several weeks" and failed to return to Kolmac.

7. Thereafter, the Board initiated an investigation.

Substance Abuse Concerns

8. In furtherance of the Board's investigation, the Board obtained the Respondent's personnel file at Facility A. A review of the file revealed that the Respondent was referred to the EAP on March 12, 2014, due to erratic behavior. The Respondent tested positive for alcohol and entered substance abuse treatment.

9. On or about July 29, 2014, the Respondent reported to the EAP and tested positive for alcohol.

10. On or about August 5, 2014, Facility A terminated the Respondent's employment for "unsatisfactory conduct and performance."

11. On or about July 24, 2015, the Board ordered that the Respondent submit to an evaluation, due to concerns regarding her mental or physical competency.

12. The Respondent scheduled an appointment with the evaluator for August 18, 2015. The Respondent failed to appear for the evaluation.

13. The Respondent rescheduled her evaluation for September 28, 2015.

14. On or about October 15, 2015, the Board received the written evaluation of the Respondent from the evaluator.

15. According to the report, the Respondent was "very guarded in [the] interview, minimizing and denying problems she has encountered as a result of her relationship with alcohol and other drugs (marijuana)."

16. The evaluator recommended that the Respondent remain abstinent from all non-physician prescribed mood altering drugs and alcohol, be monitored through random screening for a minimum of two years, continued, weekly involvement in support groups, mental health therapy, and involvement with PEAC.

17. The evaluator also recommended that the Respondent be able to demonstrate the stability of her recovery from her substance use disorder and mental health issues prior to returning to work as a pharmacy technician.

18. The evaluation further revealed that on or about April 14, 2015, the Respondent was involved in a motor vehicle accident that resulted in criminal charges for driving under the influence of alcohol.

19. The Board obtained court records which revealed that on October 23, 2015, in the Circuit Court for Baltimore County, Maryland, the Respondent was found guilty of driving, attempting to drive vehicle while under the influence of alcohol.¹ Ten additional counts were *nolle prossed*. The Respondent was sentenced to one year in jail with 11 months and 20 days suspended, two years of supervised probation with random urinalysis.

20. The Board's investigation also revealed a June 4, 2009 conviction in the District Court for Baltimore County, Maryland for driving/attempting to drive vehicle while

¹ Under Maryland law, for a driver over age 21, a driving under the influence of alcohol offense requires a Blood Alcohol Content of .08% or above.

impaired by alcohol.² The Respondent was given probation before judgment and supervised probation. Two additional counts were *nolle prossed*.

2012 and 2015 Applications

21. In furtherance of its investigation, the Board reviewed the Respondent's 2012 Pharmacy Technician Registration Application ("2012 Application") and 2015 Pharmacy Technician Renewal Application ("2015 Application").

22. On the Respondent's 2012 Application, she answered "no" to the following questions:

(5) Have you pled guilty, nolo contendere, or been convicted of a felony or a crime involving moral turpitude, or received probation before judgment of any criminal act?

(6) Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of driving while intoxicated on a controlled dangerous substance offense?

23. The Respondent failed to disclose her 2009 conviction, for which she received probation before judgment, for driving/attempting to drive vehicle while impaired by alcohol.

24. The Respondent signed the 2012 Application under the statement that she does "solemnly swear or affirm under the penalties of perjury that . . . the foregoing information is true, correct and complete to the best of my knowledge and believe, and that I understand that any misrepresentation will constitute grounds for revoking this registration."

²The Respondent was 19 years old at the time of the 2009 conviction, which is under the legal drinking age in Maryland. Under Maryland law, a driving while impaired offense for a driver under age 21 requires a Blood Alcohol Content of .02%.

25. On the Respondent's 2015 renewal application, the Respondent answered "no" to the following questions:

17. Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?

25. 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?

37. Has your ability to perform the duties of a pharmacy technician been affected by your use of any type of drug or alcohol?

26. The Respondent failed to disclose her termination from Facility A, failed to disclose her arrest and pending charges for alcohol-related traffic offenses, and failed to disclose that her substance abuse had impacted her ability to perform her duties as a pharmacy technician.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds by a preponderance of evidence and concludes that the Respondent violated H.O. § 12-6B-09(2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration; (5) Performs delegated pharmacy acts while: (i) Under the influence of alcohol; (7) Willfully makes or files a false report or record as part of the pharmacy technician's duties or employment; and (21) Is physically or mentally incompetent.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's registration to practice as a pharmacy technician is hereby **REVOKED**;

ORDERED that this Order is a PUBLIC DOCUMENT, pursuant to Md. Code Ann., Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.*

7/20/2016
Date

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