

IN THE MATTER OF	*	BEFORE THE
ALEA CITRO, PHARM TECH	*	STATE BOARD
Registration No.: T09437	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-17-009

* * * * *

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

On February 21, 2018, the State Board of Pharmacy (the "Board"), notified ALEA CITRO, Pharmacy Technician (Pharm Tech), the Respondent, **Registration No. T09437** of its Intent to Revoke her Pharmacy Technician 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 Board bases its action on the Respondent's violation of the following provisions of 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 relevant provisions are as follows:

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 or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;

- (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;
- (24) Is disciplined by a licensing, registering, or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. II § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule or regulation adopted by the Board;

The pertinent provision of the Board's regulations under Code Md. Regs. tit. 10 ("COMAR") § 34.10 provides:

.01 Patient Safety and Welfare.

- B. A pharmacist may not:
 - (3) Engage in unprofessional conduct.

The pertinent provision of the title is §12-6B-02:

- (a) To qualify for registration an applicant shall be an individual who:
- (b) The applicant shall:

- (1) Be of good moral character;

**FACTS THAT WARRANT
THE REVOCATION 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 July 6, 2011. The Respondent's registration expired on October 31, 2016.

2. The Respondent filed her 2012 renewal application on September 13, 2012. Question #7 on the Personal Attestation Section, asked: "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?" In response to Question #7, the Respondent circled the word 'pending'. The application instructed that, "[i]f you answer 'Yes (*sic*) to any question since your last registration, please provide a detailed explanation and attach any supporting documents."

3. The Respondent wrote "Yes/There is a separate piece of paper explaining the situation." The paper stated: "There a (*sic*) a charge under my maiden name [A.S.] I have a court date October 9th (*sic*). It's also with my husband He (*sic*) committed the crime since I was with him they charged me to (*sic*) ..."

4. Further investigation showed that the case was heard in the District Court of Maryland for Harford County. The Respondent was charged with theft less than \$100 to which she entered "Other Plea." On October 9, 2012, the Respondent received a stet.¹ The Board issued the Respondent a registration with an expiration date of October 31, 2014.

¹ The stet docket is an inactive docket maintained by the state's attorney's office. If a case is placed on the stet docket, the defendant typically must waive his/her right to a speedy trial in the original case. The case remains on the stet docket for a specified period, during which, either the defendant or the state can ask

5. The Respondent's next registration was renewed in September 2014, and expired on October 31, 2016.

6. Prior to the expiration date, the Board suspended the Respondent's registration. Pursuant to Md. Code Ann., Fam. Law § 10-119.3 (2012 Vol.), the Board was authorized to suspend the Respondent's registration for delinquent child support. The Board received notification that the Respondent's child support obligation was \$1,838.87 in arrears. After notification of the Board's intended action, the Respondent failed to contest same, and, on September 19, 2016, the Order became effective, The Respondent failed to request a hearing.

7. Based on the investigation which accompanied the Suspension, the Board discovered that the Respondent had falsified some information on her 2014 renewal application and/or had failed to disclose certain pertinent information to the Board.

8. The 2014 application stated that the Respondent was to supply all answers with regard to the two years between the last and current registration, e.g., October 2012-September 2014.

9. As in prior renewal applications, the application asked the following questions:

(6) 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?

(7) Excluding minor traffic violations, are you currently under arrest or released on bond, or are there any current or pending charges against

the court to place the case back on the active docket for trial. Usually the prosecutor doesn't think chances of a conviction are likely. There may be conditions attached when placing the case on the stet docket,

you in any court of law?

(8) 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?

10. The Respondent answered “no” to these questions and failed to report the following:

On August 15, 2013, in the District Court of Maryland for Baltimore County: the Respondent pled “Not Guilty” to the charge of CDS Poss, Paraphernalia. She was found guilty and was fined \$100, as well as \$57.50 in court costs;

On January 21, 2014, in Baltimore County Circuit Court: the Respondent pled guilty to CDS Possess Paraphernalia and was given Md. Code Ann., Criminal Law Article § 6-220 (2012 Repl. Vol.) Probation Before Judgment (PBJ)² and ordered to pay \$100 fine.

11. Though these events occurred after her registration renewal, the Board investigation discovered the following, as well:

On February 11, 2015, in the District Court of Maryland for Harford

such as no contact between the defendant and the victim/complainant.

²(b) In general. (1) When a defendant pleads guilty or *nolo contendere* or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if: (i) the court finds that the best interests of the defendant and the public welfare would be served; and (ii) the defendant gives written consent after determination of guilt or acceptance of a *nolo contendere* plea. (2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant: (i) pay a fine or monetary penalty to the State or make restitution; or (ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program. (3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made. (4) Any fine or monetary penalty imposed as a condition of probation shall be within the amount set by law for a violation resulting in conviction. (5) As a condition of probation, the court may order a person to a term of custodial confinement or imprisonment. (c) Participation in treatment and education programs.

County: the Respondent pled "not guilty," to CDS Possess. She was found guilty; fined \$1,000 plus court costs, all suspended; and ordered to spend 90 days in prison, with all 90 days suspended;

On September 13, 2016, the Respondent pled guilty to CDS possess/Distribute and was found guilty. She was sentenced to three years imprisonment, all suspended, and placed on 18 months supervised Probation, including urinalysis and drug treatment.

12. As set forth above, by failing to disclose her criminal activities between September 30, 2012, and September 2014, the Respondent obtained a registration by fraud or deceit, in violation of § 12-6B-09 (2).

13. As set forth above, by repeatedly being found guilty of or pleading guilty to illegal drug-related activities and being disciplined by various Maryland courts for same, the Respondent is in violation of § 12-6B-09 (22) and/or (24).

14. As set forth above, by failing to pay child support, as ordered, the Respondent is in violation of § 12-6B-09 (23) and/or (27), and/or § 12-6B-02 (a) and (b), as well as COMAR 10.34.10 01. B (3).

15. The Respondent's conduct as set forth above constitutes a violation of Health Occ. II § 12-6B-09 (2), (22), (23), (24) and/or (27), and/or Health Occ. II § 12-313(25), COMAR 10.34.10.01 B (3) and 12-6B-02 (a) (b) (1).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §§ 12-6B-09 (2), (22), (23), (24) and (27), Health Occ. II § 12-313(25), COMAR 10.34.10.01 B (3), and 12-6B-02 (a) (b) (1).


ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **ALEA CITRO**, the Respondent, Registration No. **T09437**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government II. §§10-201, *et seq.* (2014 Replacement 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 *aforecited* authority.

4/18/18
Date


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