

IN THE MATTER OF * BEFORE THE
DEANNA HIGGS, RPT * STATE BOARD
License No.: T00892 * OF PHARMACY
Respondent * Case No. PT-09-110

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2004 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a pharmacy technician (Pharm Tech) in Maryland issued to Deanna Higgs, RPT, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2005 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

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 23, 2008. The Respondent's registration expires on August 31, 2009.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at Tidewater Pharmacy in St. Mary's County, Maryland.

3. On or about March 3, 2009 the Pharmacist at Tidewater stated that she had returned a bottle onto the shelf and noticed six Oxycodone, 5mg pills loose on the shelf, but no medication had been retrieved from that particular bay area for the last half hour. The Pharmacist questioned the Pharm Techs and was advised that that particular

medication had not been dispensed since February 4, 2009. The Pharmacist then contacted the Respondent and another Pharm Tech who worked in that area to meet in the Store Manager's office.

4. The Store Manager questioned the two: the other Pharm Tech denied filling a prescription with that particular medication; the Respondent claimed that she had accidentally hit the shelf that morning and the bottle had fallen down, at which time several pills fell out of the container. The Store Manager requested that the Respondent and the other Pharm Tech empty their pockets. When the Respondent emptied hers, nine other pills were discovered: three Oxycodone 5mg, three Oxycodone 15 mg, and three Oxycodone, 30 mg.

5. The Respondent then advised the Store Manager that she was addicted and attempting to wean herself off, and requested that the Store Manager not contact the police. The Respondent further stated that she had been stealing drugs from her employer since November 2008. Afterwards an inventory was taken of all of the drugs lost. That loss was documented on the required DEA form. The form stated that, due to employee pilferage, \$565 was lost, with a total tablet count of various types of Oxycodone of 452.

6. The police were called and the Respondent was arrested and charged with three counts of possession of Controlled Dangerous Substances (CDS), not marijuana.¹

¹ On June 11, 2009, the Respondent's cases were nolle prossed

FINDINGS OF FACT

1. As set forth above, by stealing addictive drugs from her employer for self use, the Respondent is a danger to the public health, welfare or safety.

2. The above actions also constitute violations of the Act. Specifically, the Respondent violated the following provision § 12-6B-09 of the Act:

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:

(3) Fraudulently uses a pharmacy technician's registration;

(5) Performs delegated pharmacy acts while:

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

(21) Is physically or mentally incompetent;

(25) Violates any regulation adopted by the Board[;].

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacist Technician Code of Conduct , 10.34.10 (2/19/09):

.01 Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

(a) United States Code, Title 21,

(b) Health-General Article, Titles 21 and 22,
Annotated Code of Maryland,

(c) Health Occupations Article, Title 12, Annotated
Code of Maryland,

(d) Criminal Law Article, Title 5, Annotated Code of Maryland, and

(e) COMAR 10.19.03;

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the licensee on probation, or suspend or revoke the licensee's license if the licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated Code of Maryland.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c)(2) (2004 Repl. Vol.).

ORDER

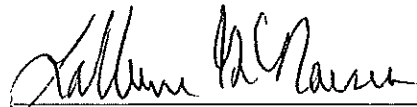
Based on the foregoing, it is therefore this 31st day of **August**, 2009, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c)(2) (2004 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T00892, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED, that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2004 Repl. Vol.).

(25) Violates any regulation adopted by the Board;



LaVerne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.