

IN THE MATTER OF	*	BEFORE THE
TYRICE LIGHTNER, Pharm Tech	*	STATE BOARD
Registration No.: T02215	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-09-006

\* \* \* \* \*

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

On August 13, 2010, the Board of Pharmacy (the "Board"), notified Tyrice Lightner, Pharm Tech., the Respondent, 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 herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-6B-09, et seq., ("the Act") (2009 Repl. Vol.).

The pertinent provision of § 10-226( c)(1) of the APA states:

*Revocation of suspension.( sic)*—(1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,

(ii) an opportunity to be heard.

Subject to the hearing provisions of § 12-6B-09 the Act state:

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;
- (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;
- (25) Violates any regulation adopted by the Board;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title[;].

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.

#### **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 August 18, 2008. The Respondent's registration expires on November 30, 2009.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at Neighborcare pharmacy on Carlson Lane in Baltimore.

3. On July 28, 2008, the pharmacy video recorded the Respondent taking a bottle of hydrocodone/APAP from an order that was received that morning. The video showed that the Respondent put the bottle in her pocket.

4. As a result of this observation, the Baltimore County Police were called. When the Respondent was arrested, in her lab jacket she had a bottle of prescription, injectable Vitamin B6 and a syringe. The Vitamin B was one of the items that could not be accounted for in the store's inventory, having been ordered several times but never dispensed and not in the store. The Respondent's vehicle was searched and she was

found to be in possession of hydrocodone/APAP, Phentermine, and Lamisil in unlabeled vials. The Respondent was terminated from employment on that date.

5. Another technician who worked at the site admitted that she allowed the Respondent to inject her with Vitamin B.

6. The Respondent's apartment was searched on August 8, 2008 and hydrocodone/APA, acetaminophen with codeine, and carisprodol with codeine were found.

7. While the police were at her apartment, the Respondent told them that she had injected the other Tech with the prescription Vitamin B and that she had hidden some hydrocodone/APAP in a baggie in a file cabinet in the store. That bag was subsequently retrieved.

8. As a result of this incident, the pharmacy reported theft or loss of controlled substances totaling \$3875.70.

9. The Respondent was subsequently charged with three counts of CDS possession with intent to distribute, as well as one count of theft less than \$100 and, one count of theft of more than \$500. On July 23, 2009, the first four counts were nolle prossed and Respondent pled "not guilty" to the fifth count. She received Probation Before Judgment (PBJ); one year of supervised probation; and, was ordered to pay to Neighborcare restitution of \$586 through the Probation Department.

10. On September 22, 2009, the Board summarily suspended the Respondent's registration.

11. As set forth above, the Respondent violated the Act and regulations thereunder and her registration should be revoked.

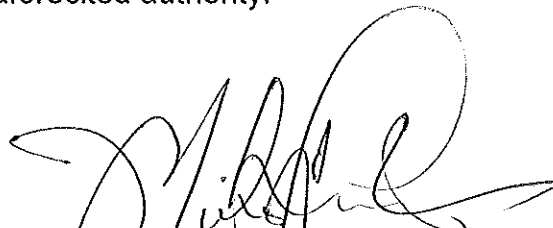
**CONCLUSIONS OF LAW**

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-6B-09 and § 10-226 (c) (1) of the APA.

**NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol.) 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.

11/17/10  
Date \_\_\_\_\_

  
\_\_\_\_\_  
Michael N. Souranis, P.D., President  
Board of Pharmacy