

IN THE MATTER OF * BEFORE THE
LAURYN MILLER, PHARM TECH * STATE BOARD
REGISTRATION NO.: T03556 * OF
Respondent * PHARMACY
* Case No. PT-09-005

* * * * *

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

On June 5, 2009, the Board of Pharmacy (the "Board") summarily suspended the Pharmacy Technician (Pharm Tech) Registration of the Respondent, Lauryn Miller, for stealing drugs from her employer.

On October 26, 2010, the Board notified the Respondent, of its Intent to Revoke her Pharm Tech 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. § 12-101, 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.

The pertinent provisions of §12-6B-09 of the Act are:

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:

- (25) Violates any regulation adopted by the Board;
- (31) Performs delegated pharmacy acts that are inappropriate based on the registered pharmacy technician's education, training, and experience.

The Board also charged the Respondent with a violation of the Pharmacist and Pharmacy Technician's Code of Conduct, 10.34.10. (November 12, 2001):

.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 pharmacy technician in Maryland. The Respondent was first
registered on December 10, 2008. The Respondent's registration expired on
August 31, 2010.

2. At all times relevant, the Respondent was employed at a National
chain pharmacy in Essex as a pharmacy technician.

3. On 12/22/08, the Pharmacy Manager reported that the Respondent
may have removed drugs from the pharmacy without a valid prescription or
benefit of payment, and requested an investigation.

4. The subsequent investigation disclosed the following:

A. The pharmacy manager stated that she had noted inventory shortages of Hydrocodone 10-325 mg. A review of the inventory report noted that consistent negative adjustments and inventory shortages had been made on several controlled substances, including several strengths of Hydrocodone;

B. On 1/12/09, a comparison of inventory shortages and employee scheduling indicated that shortages were occurring on the shifts in which the Respondent worked;

C. Consequently, the Respondent was interviewed and admitted to stealing 50 Hydrocodone 10-325 mg pills, valued at \$39.29, from the pharmacy. The Respondent stated that she had taken the meds on two different occasions by concealing the pills in her vest pocket. The Respondent further admitted to selling the pills to a friend in order to pay her rent. The Respondent also admitted to having pills on her person and in her locker. The Respondent then provided those pills to the interviewer for proper disposal and also provided a written statement regarding the theft. The Respondent signed a Voluntary Restitution/Promissory Note for the amount admitted.

5. On 1/13/09, based upon the above, the Respondent was terminated for theft, the Baltimore County Police Department was contacted to have the Respondent arrested, and she was taken into custody and charged with a crime.

6. On or about March 2, 2009, the National chain pharmacy sent in a report of loss of controlled substances to the Drug Enforcement Administration

(DEA) wherein it reported that the drugs stolen by the Respondent equaled \$2702.

7. As a result of the above, on June 5, 2009, the Board summarily suspended the Respondent.

8. On November 2, 2009, in the Circuit Court for Baltimore County, the Respondent pled not guilty to CDS possession, not marijuana, and was found guilty and given a one year jail sentence, which entry of judgment was stayed and probation was granted under § 6-220. The other criminal charges stemming from the pharmacy's theft were nolle prossed.

9. On October 26, 2010, the Board issued a Notice of Intent to Revoke the Respondent's Pharm Tech registration. The Respondent failed to request a hearing.

10. As set forth above, by stealing drugs from her employer, the Respondent violated the Act and the regulations thereunder and her Pharm Tech registration should be revoked.

CONCLUSIONS OF LAW

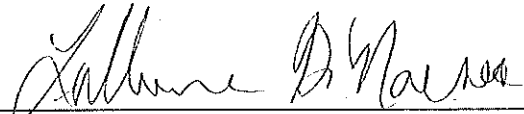
Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-315 of the Act and § 10-226 (c) (1) of the APA.

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 aforesaid authority.

Date

April 5, 2011



LaVerne G. Naesea, Executive Director
for Michael N. Souranis, P.D., President
Board of Pharmacy