

IN THE MATTER OF	*	BEFORE THE
ALBERTA GERALD, Pharm Tech.	*	STATE BOARD
Registration No.T05674	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-12-023

\* \* \* \* \*

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

On April 17, 2013, the Maryland Board of Pharmacy (the "Board"), notified **ALBERTA GERALD**, Pharmacy Technician (Pharm Tech), 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, which was enclosed. More than 30 days have 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 Md. State Govt. (S.G.) 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.).

**S.G. § 10-226. Licenses.-Special Provisions:**

(c)(1)*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.

**H.O. § 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:

(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[;].

**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 June 9, 2009. The Respondent's registration expired on December 31, 2012.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at Pharmacy A located in Baltimore, Maryland.

3. Starting in mid-July 2011, Pharmacy A's loss prevention program identified a discrepancy with the balance on hand of Suboxone<sup>1</sup> 8mg/2/mg tablets. Upon initial investigation, it was discovered that too much product was continually ordered, surpassing the demand at the store.

4. During the first week in August 2011, Pharmacy A installed two covert cameras aimed at the shelf where the Suboxone was located. On or about August 23, 2011, the Respondent was identified as responsible for the theft through the camera

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<sup>1</sup>Suboxone is used for treating opioid dependence.

footage. The Respondent was immediately removed from Pharmacy A and brought to the manager's office for questioning where she admitted to taking at least 100 bottles of Suboxone. After her admission, the Baltimore City police were called to the scene to arrest the Respondent.

5. Pharmacy A submitted a DEA theft and loss report, as required. The report indicated that the value of the drugs was \$34,602.

6. As a result of the arrest, criminal charges were filed, which eventually resulted in the Respondent's pleading guilty on October 31, 2011 in the Circuit Court for Baltimore City to Count 1, Theft-Scheme, \$10,000-\$100,000. The Respondent received six years' incarceration, with five years, 11 months and 29 days suspended. She was placed on supervised probation for five years.

7. On January 25, 2012, the Board summarily suspended the Respondent's registration based upon the above. The Respondent failed to request a hearing.

#### 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 H.O. § 12-6B-09 (22) (i) and (ii).

#### ORDER

As set forth above, the Board hereby **ORDERS** that the registration to practice as a Pharmacy Technician in Maryland held by **ALBERTA GERALD**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-316 (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

11/20/2013

Lenna Israbian-Jamgochian, Pharm D., President  
Board of Pharmacy