

IN THE MATTER OF	*	BEFORE THE
LEANN HARMON WEAMER	*	STATE BOARD
PHARM TECH	*	OF
Registration No.: T01901	*	PHARMACY
Respondent	*	Case No. PT-14-032/14-232

* * * * *

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

On November 21, 2014, the State Board of Pharmacy (the "Board"), notified **LEANN HARMON WEAMER**, 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 State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2009 Repl. Vol.), the Maryland Pharmacy Act (the "Act"), Health Occ. Code Ann. ("H.O."), §§ 12-101, *et seq.* (2009 Repl. Vol.).

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

(c) Revocation of (sic) suspension.— (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 August 8, 2008. The Respondent's registration expires on January 31, 2016.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Ocean City, Maryland, hereinafter "Pharmacy A."
3. In February 2014, the pharmacy supervisor at Pharmacy A contacted the chain's Regional Loss Prevention Manager to inform him that the last two inventory reports showed suspected losses. As a result, the Loss Prevention Manager went to Pharmacy A and a further review determined that the Respondent was responsible for the theft.
4. As a result of this determination, the Respondent was interviewed and admitted, orally and in writing, that she had stolen approximately 3200 pills over a seven month period. The Respondent admitted that, some days she would take whole

bottles and on others, would dump quantities into her lab jacket to later transfer them to her personal jacket or pants pockets.

5. The total value of the Hydrocodone¹, Alprazolam² and Xanax³ stolen was \$2219.87. On February 5, 2014, the Respondent signed a promissory note to repay said amount. The Respondent was terminated from employment with Pharmacy A.

6. The Drug Enforcement Administration Report of Theft or Loss of Controlled Substances filed by Pharmacy A listed the losses as follows:

<u>Trade Name</u>	<u>Quantity</u>
Alprazolam, 1mg tablets	4543;
Hydrocodone, 1mg tablets	1422.

7. The Respondent was criminally charged in the District Court of Maryland for Worcester County with the following:

- Count 1 Theft \$1000 to under \$10,000;
- Count 2 Theft Scheme 1K to under 10K.

8. On July 3, 2014, in the Circuit Court of Maryland for Worcester County, where the case had been transferred, the Respondent entered an *Alford Plea*⁴ to Count 2 and was found guilty. She received two years imprisonment, with one year and eight months suspended. She was placed on supervised Probation for three years and ordered to pay a \$500 fine. Count 1 was nolle prossed.

¹Hydrocodone is in a group of drugs called opioids and is used to relieve moderate to severe pain.
²Alprazolam Treats anxiety, panic disorder, insomnia (trouble sleeping), and anxiety caused by depression. This medicine is a benzodiazepine.
³Xanax is a trade name of Alprazolam.
⁴An *Alford* plea or an *Alford* guilty plea and the *Alford* doctrine in United States law is a guilty plea in a criminal court whereby a defendant in a criminal case does not admit the criminal act and asserts innocence. In entering an *Alford* plea, the defendant admits that the evidence the prosecution has would be likely to persuade a judge or jury to find the defendant guilty beyond a reasonable doubt.

9. As a result of the above, on July 23, 2014, the Board issued a summary suspension of the Respondent's registration. The Respondent failed to request a Show Cause hearing.

CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated §12-6B-09 (22) (i) and (ii) of its Act.

Order

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **LEANN HARMON WEAMER**, 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 (2014 Repl. Vol.) and the 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.

Date

3/18/2015

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