

IN THE MATTER OF	*	BEFORE THE
MARY KATHLEEN JONES	*	BOARD
PHARM TECH	*	OF
Respondent	*	PHARMACY
Registration No.: T06581	*	Case No. PT-16-017

* * * * *

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

On May 17, 2017, the State Board of Pharmacy (the "Board"), notified **MARY KATHLEEN JONES**, Pharmacy Technician (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, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations II (Health Occ. II):

Health Occ. II § 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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (8) Willfully fails to file or record any report that is required by law; [and]
- (27) Participates in any activity that is grounds for Board action under § 12-

313 or § 12-409 of this title [;].

With respect to Health Occ. § 12-6B-09(27), the underlying grounds for Board action under § 12-313 include:

(25) Violates any rule for regulations adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") 10.34.10 provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

(3) Engage in unprofessional conduct.

**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 October 23, 2008. The Respondent's registration expired on May 31, 2017.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy in Edgewater, Anne Arundel County, Maryland, hereinafter the "Pharmacy".

3. On December 23, 2015, the Board received a letter from the Pharmacy with a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" form informing the Board that there had been a possible employee pilferage at the Pharmacy.

4. On January 7, 2016, the Board received a follow-up letter with an attached DEA form from the Pharmacy detailing some of the drug loss and informing the Board that

the Respondent had been terminated from employment on December 31, 2015, as a result of theft of controlled substances from the Pharmacy.

5. The Board obtained the Respondent's personnel file which contained a comprehensive DEA report indicating theft of controlled substances, as follows:

Butalbital-ASA-Caffeine ¹ Cap—50-325-40 mg	20
Butalbital-ASA-Caffeine ² -Cap—50-325-40mg	30
Oxycodone HCL ³ , 30 mg	6
Oxycontin, ⁴ 60 mg	6
Oxycodone HCL, 5 mg	4

6. As a result of the thefts, the Anne Arundel County Police Department was contacted and the Respondent was arrested and charged in the District Court of Maryland for Anne Arundel County with the following:

- | | |
|------------------------------|----------------------------------|
| 1. Theft Scheme—Less \$1000; | 5. Theft less than \$100; |
| 2. Theft—Less \$1000 value; | 6. Theft less than \$100; |
| 3. Theft less than \$100; | 7. Theft less than \$100; |
| 4. Theft less than \$100; | 8. CDS Possession-not Marijuana. |

¹This combination medication is used to treat tension headaches. Aspirin helps to decrease the pain from the headache. Caffeine helps increase the effects of aspirin. Butalbital is a sedative that helps to decrease anxiety and cause sleepiness and relaxation. In this combination, it means that there are 50 mg of Butalbital, 325 mg of aspirin and 40 mg of caffeine in the medicine.

²Although this is the same medication, it was from a different lot number, as the Respondent admitted that she stole drugs at different times when she worked for Pharmacy A.

³Oxycodone Hydrochloride Tablets (CII) are an immediate-release oral formulation of oxycodone hydrochloride indicated for the management of moderate to severe pain where the use of an opioid analgesic is appropriate.

⁴OxyContin (oxycodone) is an opioid pain medication. An opioid is sometimes called a narcotic. OxyContin is used to treat moderate to severe pain.

On June 27, 2016, all charges were stetted.⁵

7. Based upon the above, on March 18, 2016, the Board issued a summary suspension against the Respondent's registration. The Respondent failed to request a hearing and/or contest the Findings.

8. The Respondent's conduct as set forth above constitutes a violation of Health Occ. II §12-6B-09 (3), (8) and (27), Health Occ. II § 12-313(25) and COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. II §12-6B-09 (3), (8) and (27), Health Occ. II § 12-313(25); and, COMAR 10.34.10.01 B (3).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **MARY KATHLEEN JONES**, the Respondent, Registration No. T06581, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government II. §§10-201, *et seq.* (2014 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

⁵A stet is an indefinite postponement. No guilty verdict is entered, but the defendant may be asked to accept conditions set by the court. The defendant must waive his/her right to a speedy trial. A case on the stet docket may be re-opened at any time within one year if the conditions of the stet are violated.

your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

August 16, 2017
Date

Mitra W. St. Cyrille (for)
Mitra Gargani, Pharm.D., President
State Board of Pharmacy