

**IN THE MATTER OF**  
**ROBYN LAMONTAGNE,**  
**PHARM TECH**  
**Registration No.: T03741**  
**Respondent**

**\* BEFORE THE**  
**\* STATE BOARD**  
**\* OF**  
**\* PHARMACY**  
**\* Case No.**  
**\* PT-13-012**

\* \* \* \* \*

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

On July 20, 2016, the State Board of Pharmacy (the "Board"), notified **ROBYN LAMONTAGNE**, 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 basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (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:

- (21) Is physically or mentally incompetent;
- (25) Violates any regulation adopted by the Board;
- (29) Fails to cooperate with a lawful investigation conducted by the Board or the Division of Drug Control [;].

The Board further charges the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, Code Md. Regs. tit. 10.34.10 (2001):

§.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. The Respondent was first registered as a Pharm Tech on January 22, 2009. The Respondent's registration expired on April 30, 2014.
2. In or around October 2012, the Respondent was employed as a Pharm Tech for a National chain pharmacy (Pharmacy A) located in Gaithersburg, Montgomery County, Maryland.

3. On or about October 9, 2012, the Board received a complaint from a pharmacist, Complainant A<sup>1</sup>, stating that the Respondent's physician called to warn Complainant A that the Respondent, during a visit to the physician, had "expressed homicidal thoughts towards her".

4. The physician had recommended that the Respondent go to the emergency room immediately.

5. On or about October 11, 2012, the Board received a copy of an Order issued by the District Court of Maryland for Montgomery County, which ordered the Respondent not to contact, to stay away from, and not to enter the residence of Complainant A. The Order was issued October 10, 2012, and was effective until April 10, 2013.

6. The complaint was sent to the headquarters of Pharmacy A for a response. The Government Affairs Administrator II of Pharmacy A responded stating that the Respondent had applied for a leave of absence from Pharmacy A and was not working with Complainant A and, that if the Respondent did return to work, she would not be working at the same location as Complainant A.

7. In November 2012, the Board recommended that the Respondent be sent for a mental evaluation and, subsequently, on November 8, 2012, sent her a letter ordering her to be evaluated by a psychiatrist. The certified mail version of the letter was returned to the Board as "Return to Sender, Attempted Not Known, Unable to Forward".

8. The Respondent alleged that she contacted the psychiatrist designated to conduct the evaluation and the psychiatrist instructed the Respondent that an evaluation was not appropriate as she was not planning on working as a Pharm Tech. The Board contacted the psychiatrist who informed the Board that he did not give the Respondent any

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<sup>1</sup>The names of the individuals and facilities are confidential.

such instruction; rather, he advised the Respondent that she contact the Board for further guidance regarding the evaluation.

9. On or about January 17, 2013, the Board sent another letter to the Respondent informing her of the Board ordered evaluation: it was hand-delivered on February 1, 2013.

10. The Respondent never underwent the Board-ordered evaluation.

11. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. § 12-6B-09(21), (25), and (29), and COMAR 10.34.10.01B(3) and is grounds for revocation of her registration.

#### **CONCLUSIONS OF LAW**

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (21), (25), and (29) of its Act and COMAR 10.34.10.01B(3).

#### **ORDER**

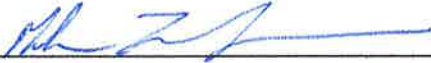
As set forth above, the Board hereby Orders that the registration to practice as a Pharmacy Technician in Maryland held by **ROBYN LAMONTAGNE**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol.).

#### **NOTICE OF RIGHT OF APPEAL**

In accordance with § 12-316 of the Act and the SG. §§ 10-201, *et seq.* 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.

10/19/2016  
Date

  
Mitra Gavgani, Pharm. D., President  
Board of Pharmacy