

IN THE MATTER OF	*	BEFORE THE
MARCIA LANDIS-GRIMM,	*	STATE BOARD
PHARM TECH	*	OF
Registration No.: T05497	*	PHARMACY
Respondent	*	Case No.: PT-11-023/11-318
* * * * *	*	* * * * *

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

On December 21, 2011, the Maryland Board of Pharmacy (the "Board"), notified Marcia Landis-Grimm, 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 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 2011 Supp.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-6B-09, et seq., ("the Act") (2009 Repl. Vol. and 2011 Supp.).

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 state: Grounds for reprimand or denial, probation, suspension, 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;
- (25) Violates any regulation adopted by the Board[;].

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacy Technician 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 [;].

FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S LICENSE

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on May 22, 2009. The Respondent's registration expired on December 31, 2010.
2. At all times relevant hereto, the Respondent worked as a Pharm Tech for a pharmacy in Frostburg, Maryland.
3. In July 2010, while evaluating narcotic quantities on the shelf and potential quantities to purchase, it was noted by the Director of the pharmacy that the amount of certain narcotics that were on the shelf versus the amount of narcotics listed on the Cardinal Inventory Management (CIM) were different.
4. As a result, drug counts began to take place on a daily basis and the theft was narrowed down to one employee, the Respondent. When the Respondent was confronted on August 15, 2010, she admitted guilt and she was immediately terminated.
5. The pharmacy filed a required report of theft or loss of controlled substances indicating that the amount of the Respondent's theft totaled over \$27,000.
6. As a result of the above, on April 20, 2011, the Board summarily suspended the Respondent's registration. The Respondent failed to ask for a hearing.
7. As set forth above, the Respondent's 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 § 12-6B-09; and § 12-315 (3) and (25); and Code Md. Regs. tit. 10 § 34.10.01 (A)(1)(a), (b), (c), (d) and (e); 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 2011 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. and 2011 Supp.) 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

6/5/12



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