

IN THE MATTER OF	*	BEFORE THE
NEKIA MOORE, PHARM. TECH.	*	STATE BOARD
Registration No.: T00854	*	OF
Respondent	*	PHARMACY
	*	Case No. PT 10-003

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to Nekia Moore, Pharm Tech (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**BACKGROUND**

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 19, 2008. The Respondent's registration expired on September 30, 2009.
2. At all times relevant hereto, the Respondent was a Pharm Tech at the Stop and Shop Supermarket Company in Clinton, Prince George's County, Maryland.
3. By a form dated August 25, 2009, Stop and Shop filed a complaint with the Board indicating that, on August 3, 2009, a loss of 100 Percocet was reported at that location. When checked, it was discovered that one prescription, which was purportedly from a dermatologist, was not written by that individual because she did not

write for this type of pain medication. The other prescription proved not to be written by that physician either. It was further discovered that the prescriptions were for counts of 100 Percocet and Oxycontin, with no hard copies of the prescriptions.

4. The pharmacy staff was interviewed about the missing drugs and the Respondent admitted that she had removed a 100-count bottle of OxyContin from the safe and took it from the store at the end of her shift. The store's closed circuit TV captured the Respondent removing the bottle from the safe and it wasn't returned to the safe.

5. The Prince George's County Police filed a report of the theft.

6. A DEA report was filed showing that the total loss was 2000 Schedule II narcotics valued at \$7395.

#### **FINDINGS OF FACT**

1. As set forth above, by stealing addictive narcotics from her employer, the Respondent is a threat to the public health, welfare and safety.

2. The above actions also constitute violations of the Act, Specifically, § 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315, 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

(23) Violates any provision of this title;

(25) Violates any regulation adopted by the Board;

(27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title;

The Board also charges the Respondent with a violation of § 12-213 of the Act:

Specifically,

(b) *In general.*- Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

(2) Fraudulently or deceptively uses a license;

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacist Technician Code of Conduct, 10.34.10. (2/19/09):

.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;

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

(3) Engage in unprofessional conduct.

.09 Sanctions.

A. The Board may take action to reprimand a licensee, place the licensee on probation, or suspend or revoke the licensee's license if the licensee commits a violation of this chapter.

C. The Board may impose a monetary penalty as authorized under Health Occupations Article, §§12-314, 12-410, and 12-6B-10, Annotated Code of Maryland.

### CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.).

### ORDER

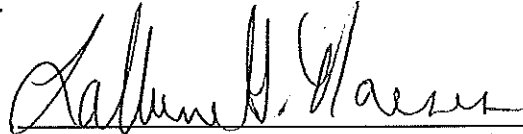
Based on the foregoing, it is therefore this 21<sup>st</sup> day of February, 2010, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No.T04464, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that, upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be Continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

**ORDERED**, that the Respondent shall immediately turn over to the Board her wall

certificate and wallet-sized license to practice as a Pharm Tech issued by the Board; and  
be it further

**ORDERED**, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2009 Repl. Vol.).

  
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LaVerne G. Naesea, Executive Director  
Board of Pharmacy

**NOTICE OF HEARING**

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.