

IN THE MATTER OF * BEFORE THE
LAURIE PHILLIPS, PHARM TECH * STATE BOARD
Respondent * OF
Registration No.: T00946 * PHARMACY
* Case No. PT- 16-020

* * * * *

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

On February 21, 2018, the State Board of Pharmacy (the "Board"), notified **LAURIE PHILLIPS**, Pharmacy Technician (Pharm Tech), **Registration No. T00946**, 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 the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations II ("Health Occ. II") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

The relevant provisions are as follows:

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:

(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 [;].

- (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. II § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 includes:

- (25) Violates any rule or regulation 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 June 25, 2008. The Respondent's registration expired on April 30, 2016.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy in a national chain store in Carroll County, Maryland, hereinafter the "Pharmacy."¹

¹ For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified by name in this document.

3. On February 15, 2016, the Board received notification from the Pharmacy that the Respondent had been terminated from employment with the Pharmacy for diversion of controlled substances, namely, Tylenol with Codeine² and Phentermine³.

4. The Board subsequently obtained the Pharmacy's investigative report, which disclosed the following:

- A. On January 20, 2016, the Pharmacy discovered that 75 units of Vyvanse⁴ were missing;
- B. Between January 26 and February 2, 2016, four drug counts were completed by the Pharmacy for APAP/Codeine 300-30⁵; APAP/Codeine 300-60⁶; Alprazolam⁷ .25; Alprazolam .5; Phentermine 37.5 CAP (capsules); Phentermine 37.5 Tab (tablets); and Tramadol⁸ 50. All drugs were noted with increased shortages;
- C. On February 2, 2016, an investigator employed with the Pharmacy completed a video review of the Respondent's activities at the Pharmacy from January 15, 2016 and observed that she selected and concealed an undetermined quantity of APAP/Codeine 300-30 pills from a stock bottle;

² Tylenol with Codeine is a combination medicine used to relieve moderate to severe pain.

³ Phentermine is used for a limited period to speed weight loss in overweight people who are exercising and eating a low-calorie diet. Phentermine is in a class of medications called anorectics. It works by decreasing appetite.

⁴ Vyvanse (lisdexamfetamine) is a central nervous system stimulant. It affects chemicals in the brain and nerves that contribute to hyperactivity and impulse control. Vyvanse is used to treat attention deficit hyperactivity disorder (ADHD) in adults and in children who are at least 6 years old. Vyvanse is also used to treat moderate to severe binge eating disorder in adults.

⁵ This combination means that there are 300 mgs of APAP (acetaminophen) and 30 mg of Codeine.

⁶ This combination means that there are 300 mg of APAP and 60 mg of Codeine.

⁷ Alprazolam is mostly used to treat anxiety disorders, panic disorders, and nausea due to chemotherapy.

⁸ Tramadol is a narcotic-like pain reliever used to treat moderate to severe pain.

- D. On February 8, 2016, Pharmacy personnel reviewed video of the Respondent from January 11, 2016 through January 29, 2016, and observed the Respondent select random stock bottles from the shelf and divert unknown quantities of medication on 12 different occasions. Two drugs identified in these acts of diversion were APAP/Codeine 300-30 and Phentermine 37.5 tablets;
 - E. On February 12, 2016, Pharmacy personnel interviewed the Respondent and the Respondent admitted to diverting APAP/Codeine 300-30 and Phentermine 37.5 tablets from the Pharmacy by taking a handful of pills three or four times a week over a six-month period;
 - F. On February 12, 2016, the Pharmacy terminated the Respondent's employment and reported the theft to the Westminster Police Department.
5. The Pharmacy later submitted a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances" form, dated March 15, 2016, to the Board, identifying the Respondent as the person responsible for the diversion and listing the losses as follows:
- A. Tramadol HCL, 50 mg 103 tablets;
 - B. Acetaminophen-Cod #3, 300-30 339 tablets;
 - C. Acetaminophen-Cod #4, 300-60 99 tablets;
 - D. Alprazolam 0.25 mg 218 tablets;
 - E. Alprazolam 0.5 mg 461 tablets;

F.	Acetaminophen-Cod #4,300-60 ⁹	268 tablets;
G.	Alprazolam 0.5 mg	5 tablets;
H.	Acetaminophen-Cod #3, 300-30	903 tablets;
I.	Acetaminophen-Cod #4, 300-60	84 tablets;
J.	Alprazolam 0.5 mg	10 tablets;
K.	Phentermine 37.5 mg	81 tablets;
L.	Phentermine 37.5 mg	513 tablets;
M.	Phentermine 37.5 mg	745 tablets;
N.	Tramadol HCL, 50 mg	1 tablet;
O.	Tramadol HCL, 50 mg	521 tablets;
P.	Phentermine 37.5 mg	99 tablets.

6. The Respondent was criminally charged in the District Court of Maryland for Carroll County with Theft-Scheme \$1K to under \$10K.

7. On April 26, 2016, the Respondent pled "not guilty" to the above criminal charges and was found guilty and ordered to pay \$57.50 in court costs. The Respondent was sentenced to a jail term of six months, all suspended, and she was placed on Probation until April 26, 2018.

8. As a result of the above, on September 20, 2016, the Board issued a Summary Suspension of the Respondent's registration. The Respondent failed to request a hearing, and/or contest the Board's Findings.

9. As described above, the Respondent's theft of drugs from her employer and her conviction of the same in a criminal court constitute an act of moral turpitude, in

⁹ The number designation, i.e. "300-60" following Acetaminophen represents the lot numbers.

violation of §12-6B-09 (22) and (27), as well as §12-313 (25) of the Act, and COMAR 10.34.10 01. B. (3).

CONCLUSIONS OF LAW

10. Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §§ 12-6B-09 (22) and (27), as well as §12-313 (25) of the Act, 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 **LAURIE PHILLIPS**, the Respondent, Registration No. **T00946**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

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. and 2017 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.

4/18/2018
Date



Mitra Gavvani, Pharm.D., President
State Board of Pharmacy