

IN THE MATTER OF	*	BEFORE THE
SHILOH POLITO, PHARM.TECH.	*	STATE BOARD
Registration No.: T03308	*	OF PHARMACY
Respondent	*	CASE NO. PT-10-014
* * * * *	*	* * * * *

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

On June 23, 2010, the Board of Pharmacy (the "Board") summarily suspended the Pharmacy Technician (Pharm Tech) Registration of the Respondent, Shiloh Polito, for stealing drugs from her employer.

On December 15, 2010, the Board notified 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 the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., (the "Act") (2009 Repl. Vol.).

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 are: 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 [;].

**FACTS THAT WARRANT THE
REVOCAION 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 29, 2008. The Respondent's registration expired on February 28, 2010.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy in Taneytown, Maryland.

3. From 2007 through 2009, the Respondent stole drugs from her employer. On December 11, 2009, the Respondent was caught on tape stealing

narcotics. Thereupon, she confessed to stealing and was terminated.

4. As a result of the theft, the Board issued a Summary Suspension Order against the Respondent on June 23, 2010. The Respondent failed to request a hearing.

5. On November 10, 2010, the Respondent pled guilty to an agreed statement of facts and was found guilty, in the Circuit Court for Carroll County of CDS possession, not marihuana, as a result of the above thefts. She was sentenced to 18 months imprisonment, with all suspended, and placed on three years supervised probation.

6. On December 15, 2010, based upon the above, the Board issued the Respondent a Notice of Intent to Revoke her Pharm Tech Registration. The Respondent failed to request a hearing.

7. As set forth above, the Respondent pled guilty to a crime of moral turpitude, in violation of the Act, and her 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 § 12-315 of the Act 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 the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 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 your receipt of this Final Order and shall be made in accordance with the *aforecited* authority.

April 5, 2011
Date

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