

IN THE MATTER OF * BEFORE THE
ASHLEY REID, PHARM TECH * STATE BOARD
Respondent * OF PHARMACY
Registration Number: T08681 * Case Number: PT-13-016/13-216

* * * * *

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

On June 19, 2013, the State Board of Pharmacy (the "Board"), notified Ashley Reid, 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) (2009 Repl. Vol.), and the Maryland Pharmacy Act (the "Act"), Health Occ. Code Ann. ("H.O.") § 12-6B-09, § 12-101, *et seq.* (2009 Repl. Vol.), and Code Md. Regs. (COMAR) tit. 10 § 34.10 *et seq.* (November 12, 2001).

S.G. § 10-226. Licenses.-Special Provisions:

(c) *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.

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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board [;].

The Board also charged the Respondent with violating the following provision of COMAR:

10.34.10. Pharmacist and Pharmacy Technician Code of Conduct,

.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 March 1, 2011. The Respondent's registration expired on January 31, 2013.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech by a national pharmacy chain ("Pharmacy A") at a location in Leonardtown, Maryland.

3. On February 25, 2011, the Respondent entered into a Consent Order with the Board in which it permitted her to practice as a Pharm Tech, despite the Respondent's criminal history which, otherwise, would have served as an impediment to registration. Specifically, the Respondent had answered "yes" to Questions 5 and 6 on her initial

February 3, 2011 application for registration as a Pharm Tech. Questions 5 and 6 asked the following questions, respectively: "Have you pled guilty, nolo contendere, or been convicted of a felony, or a crime involving moral turpitude, or received probation before judgment of any criminal act?"; "Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of driving while intoxicated or a controlled dangerous substance offense?" As a result of Consent Order, the Board and the Respondent agreed that, "in the event that the Respondent's criminal history records check indicates further criminal activity, the Board may impose further disciplinary action against the Respondent's registration, including revocation."

4. While working for Pharmacy A, in October 2012, customers at Pharmacy A began complaining that their medication bottles did not contain the entire amount of medicine that was supposed to be in them. Pharmacy A conducted an investigation and determined that the Respondent was stealing the customers' medications, which included Percocet, Vicodin, and Oxycontin, habit-forming narcotic analgesics with a high potential for abuse

5. When confronted about the thefts, the Respondent admitted, orally and in writing, that she had taken "around 300 pills". As a result, Pharmacy A terminated the Respondent's employment and contacted law enforcement authorities.

6. The Respondent was charged in the Circuit Court for St. Mary's County with the following criminal charges:

- A. Count 1: Theft: \$ 1,000-10,000;
- B. Count 2: CDS Possession, Not Marijuana
- C. Count 3: CDS Possession, Not Marijuana

D. Count 4: Prescription by Fraud

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 the §§ 12-6B-09 (3) and (25) of the Act; COMAR §10.34.10.01 B(3), and § 10-226 (c) (1) of the S.G.

ORDER

As set forth above, the Board hereby **ORDERS** that the registration to practice as a Pharmacy Technician in Maryland held by Ashley Reid, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol. and 2012 Supp.) 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 aforesaid authority.

11/20/2013
Date

Lenna Israbian-Jamgochian, P.D.
Lenna Israbian-Jamgochian, P.D., President
Board of Pharmacy