

IN THE MATTER OF * BEFORE THE
JENNIFER SMITH, PHARM TECH * STATE BOARD
Registration No.: T04339 * OF
Respondent * PHARMACY
* Case No. PT-16-025

* * * * *

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

On March 20, 2019, the State Board of Pharmacy (the "Board"), notified **JENNIFER SMITH, PHARMACY TECHNICIAN** (Pharm Tech), the Respondent, **Registration No. T04339**, 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, 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 its Act, Md. Code Ann., Health Occupations ("Health Occ."), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.):

Health Occ. § 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 Any appeal or other proceeding is pending regarding the matter;
 - (ii) Any appeal or other proceeding is pending regarding the matter;
- (24) Is disciplined by a licensing, registering, or disciplinary authority of any state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under the Board's disciplinary statutes[;].

**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 6, 2009. The Respondent's registration expired on June 30, 2016.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a hospital pharmacy in Baltimore County, Maryland, hereinafter "Pharmacy A."¹

3. On or about May 17, 2016, the Board received documentation from Pharmacy A indicating that the Respondent was terminated from employment at Pharmacy A as a result of her arrest on April 13, 2016, by the Baltimore County Police Department. The documentation from Pharmacy A revealed the following:

¹ All facilities and individuals are confidential.

- A. On April 12, 2016, on westbound Route 40 in Baltimore County, a routine check of the Respondent's license tag by a Baltimore County Officer determined that the license tag was expired;
- B. After explaining the reason for the stop, the Officer asked the Respondent for her driver's license and registration. The Respondent gave the Officer her license but did not have the registration to the car;
- C. When the Officer returned to his patrol car and was performing a routine check on the Respondent and the license, he noticed a strong odor which he recognized as marijuana, a Schedule I Controlled Dangerous Substance (CDS);
- D. When the Officer began to question the Respondent about the marijuana, she informed him that she might have some in her lunch bag. A check of the lunch bag revealed the following:
- (1) A marijuana cigarette on the passenger side floor;
 - (2) One unlabeled bottle in the lunch bag with 61 pills, identified as 23 morphine sulfate², 15 mg; 28 Amphetamine/Dextroamphetamine,³ and 10 Diazepam⁴, 15 mg;

²Morphine sulfate extended-release tablets are indicated for the management of moderate to severe pain when a continuous, around-the-clock opioid analgesic is needed for an extended period of time.

³Amphetamine and Dextroamphetamine are central nervous system stimulants that affect chemicals in the brain and nerves that contribute to hyperactivity and impulse control. Amphetamine and Dextroamphetamine is a combination medicine used to treat narcolepsy and attention deficit hyperactivity disorder (ADHD).

⁴Diazepam is used to treat anxiety, alcohol withdrawal, muscle spasms, and certain types of seizures.

E. The Officer then searched the Respondent's purse, which revealed the following:

- (1) A pill bottle labeled Diazepam, which contained 14 and 2 halves, 10 mg Diazepam pills;
- (2) Also contained in the purse was a bottle labeled Diazepam containing seven white pills, but the pills were marked "K18" which were identified as Oxycodone⁵, 5 mg;
- (3) A loose white pill identified as acetaminophen and oxycodone hydrochloride, 325/5 mg⁶;
- (4) ½ a blue pill identified as Alprazolam⁷, 1 mg; and
- (5) Three empty bottles:
 - (a) One with the Respondent's name for Diazepam, 5 mgs, dated June 17, 2015;
 - (b) Another was for someone with the initials of "SW" for Oxycodone 5/325 dated February 2, 2015;

⁵Oxycodone is an opioid pain medication. An opioid is sometimes called a narcotic. Oxycodone is used to treat moderate to severe pain.

⁶Acetaminophen is a less potent pain reliever that increases the effects of oxycodone. Acetaminophen and oxycodone is a combination medicine used to relieve moderate to severe pain. In this combination, there are 325 mg of acetaminophen and 5 mg of oxycodone.

⁷Alprazolam is a benzodiazepine that affects chemicals in the brain that may be unbalanced in people with anxiety. Alprazolam is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

(c) The third was for someone with the initials of “BM” was for Oxycodone, 30 mg, 100 tablets, dated November 19, 2015.

4. The Respondent was arrested and an officer from the pharmaceutical diversion team was contacted to assist in the investigation. The Respondent stated that she took empty bottles from Pharmacy A. The Respondent admitted that she gave pills, such as Diazepam, Xanax, Oxycodone and others, to her friends and family members who needed them.

5. The Respondent was charged in the District Court of Maryland for Baltimore County with the following:

Count 1: CDS Poss w/Intent Dist: Narc

Count 2: CDS Poss—Not Marijuana

Count 3: CDS Poss w/Intent Dist.: Narc

Count 4: CDS Poss—Not Marijuana

Count 5: CDS Poss w Intent Dist: Narc

Count 6: CDS Poss—Not Marijuana

Count 7: CDS Poss w/Intent Dist: Narc

Count 8: CDS Poss—Not Marijuana

Count 9: CDS Poss—Not Marijuana.

6. On September 14, 2016, in the Circuit Court of Maryland for Baltimore County, Counts 2 through 9 were *Nolle Prosequi*.⁸ On that same date and time, the

⁸*Nolle prosequi* as a declaration can be made by a prosecutor in a criminal case either before or during trial, resulting

Respondent pled guilty to and was found guilty of Count 1. The Respondent was sentenced to three years imprisonment, with all three years suspended. She was ordered to submit to drug evaluation, testing, treatment and education, with costs waived, with supervision fees through Parole and Probation. The Respondent was placed on supervised Probation for 18 months.

7. Based upon the above, on November 22, 2016, the Board summarily suspended the Respondent's registration. The Respondent failed to request a hearing or contest the Investigative Findings.

8. As set forth above, by pleading guilty to illegal drug-related activities and being disciplined by a Maryland court for same, the Respondent is in violation of § 12-6B-09 (22) and (24).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§12-6B-09 (22) and (24).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **JENNIFER SMITH**, the Respondent, Registration Number **T04339** be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2018 Supp.).

in the prosecutor declining to further pursue the case against the defendant.

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government §§10-201, *et seq.* (2014 Repl. Vol. and 2018 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 aforesaid authority.

6/19/19
Date

Kevin Morgan
Kevin Morgan, Pharm.D., President
State Board of Pharmacy