

IN THE MATTER OF \* BEFORE THE  
 JACOB WINDSOR, PHARM. TECH. \* STATE BOARD  
 REGISTRATION NO.: T00734 \* OF  
 Respondent \* PHARMACY  
 \* CASE NO. PT-10-010

\* \* \* \* \*

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

On December 15, 2010, the Maryland Board of Pharmacy (the "Board"), notified Jacob Windsor, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke his Pharm Tech registration. The Notice also informed the Respondent that, unless he 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 the Act state:

§ 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;
- (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;
- (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;
- (25) Violates any regulation adopted by the Board[;].

The Board also charges the Respondent with a violation of its Pharmacist and Pharmacist Technician Code of Conduct, 10.34.10. (November 12, 2001):

.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.

### **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 June 16, 2008.

The Respondent's registration expires on January 31, 2012.

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

3. On or about October 7, 2009, Inspectors from the Division of Drug Control (DDC), inspected the pharmacy and discovered that the inventory was missing 511 tablets of Oxycodone, 10 mg tablets.

4. On February 20, 2010, upon further checking the discrepancy, the

Respondent was asked about same and admitted to taking three of the pills and manipulating the computer inventory. A total of 983 Oxycodone, 30 mg pills were missing. The Respondent admitted that he was using the drugs himself and had started stealing them in either June or July 2009. He was terminated February 24, 2010.

5. Subsequently, reports regarding the loss and termination were filed with DEA, DDC, the Board and the Salisbury Police Department. Thereafter, the following criminal charges were filed against the Respondent in the District Court of Wicomico County:

Count 1: Theft, less than \$500;

Count 2: CDS Possession, not marijuana;

Count 3: Theft, less than \$1000;

Count 4: CDS Possession, not marijuana;

Count 5: Theft scheme, less than \$500.

6. Based upon the above, on June 21, 2010, the Board summarily suspended the Respondent's registration. The Respondent requested a Show Cause hearing but failed to appear for same.

7. On June 29, 2010, in the District Court of Wicomico County, the Respondent pled guilty to Count 5, and was given a PBJ, supervised, until June 29, 2013. He had to pay court costs and fines totaling \$307.50. All of the other counts were nolle prossed.

8. On December 15, 2010, the Board issued a Notice of Intent to Revoke the Respondent's registration. The Respondent failed to request a hearing.

9. As set forth above, the Respondent violated the Act and the regulations thereunder and revocation is warranted.

**CONCLUSIONS OF LAW**

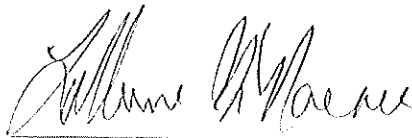
Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § 12-6B-09) of the Act and regulations thereunder, and § 10-226 (c) (1) of the APA.

**NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-315 (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 afforested authority.

Date

April 3, 2011



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