

IN THE MATTER OF	*	BEFORE THE
JAZZMINE ANDERSON, PHARM TECH	*	STATE BOARD
Respondent	*	OF
Registration Number: T16514	*	PHARMACY
	*	Case Number: PT-17-022

* * * * *

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

On November 15, 2017, the State Board of Pharmacy (the "Board"), notified **JAZZMINE ANDERSON**, 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 Board bases its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations II ("Health Occ. II") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.):

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:

- (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;
- (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 include:

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

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") tit. 10 §.34.10, Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, 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 the State of Maryland. The Respondent was first registered on August 11, 2015. The Respondent's registration expired on December 31, 2016.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") in Baltimore County, Maryland.¹ The Respondent began working at the pharmacy on or about August 4, 2016.

3. On or about January 27, 2017, the Board received a complaint from a detective (the "Detective") from the Baltimore County Police Department's Pharmaceutical Diversion Team, which stated, *inter alia*:

A. On January 10, 2017, the Pharmacy's Asset Protection Manager contacted the Detective and advised him that the Respondent stole a bottle of Promethazine with Codeine² and Oxycodone³ pills while working on December 28, 2016;

B. The Asset Protection Manager further informed the Detective that, when caught trying to dispose of the Promethazine, the Respondent admitted that she had also stolen 70 Oxycodone pills of varying strengths (*i.e.*, 10 mg, 15 mg and 30 mg) in the past;

C. The Respondent admitted to these thefts, orally and in writing. As a result of the thefts, the Respondent was terminated from employment from the pharmacy on December 28, 2016.

4. As a result of the thefts, the Respondent was charged in the District Court for Baltimore County with the following:

Count 1: CDS Possession w/Intent to Distribute;

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

²Codeine is a narcotic used as a pain reliever and a cough suppressant. Promethazine is an antihistamine which blocks the effects of the naturally occurring chemical histamine in the body. The combination of codeine and promethazine is used to treat cold or allergy symptoms, such as runny nose, sneezing, and cough.

³Oxycodone is an opioid, Schedule II medication, used to treat moderate to severe pain.

- Count 2: CDS Possession w/Intent to Distribute--not Marijuana;
- Count 3: CDS Possession-not Marijuana;
- Count 4: CDS Possession-not Marijuana;
- Count 5: Theft Less \$100.⁴

5. Based upon the above, on March 19, 2017, the Board issued an Order for Summary Suspension in which it summarily suspended the Respondent's registration. The Respondent failed to request a hearing and/or to contest the Board's findings.

6. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. II § §12-6B-09 (3), (22), (24) and (27), Health Occ. II § 12-313(25), and COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 Health Occ. II §12-6B-09 (3), (22), (24) and (27), Health Occ. II § 12-313(25) and COMAR 10.34.10.01 B (3).

⁴The case was subsequently transferred to the Circuit Court for Baltimore County where the Respondent pled guilty to Count 1 on July 17, 2017 and she received a Probation Before Judgment under Md. Code Ann, Criminal Procedure § 6-220. (b)(1) When a defendant pleads guilty or *nolo contendere* or is found guilty of a crime, a court may stay the entering of judgment, defer further proceedings, and place the defendant on probation subject to reasonable conditions if:

(i) the court finds that the best interests of the defendant and the public welfare would be served; and
(ii) the defendant gives written consent after determination of guilt or acceptance of a *nolo contendere* plea.

(2) Subject to paragraphs (3) and (4) of this subsection, the conditions may include an order that the defendant:

(i) pay a fine or monetary penalty to the State or make restitution; or

(ii) participate in a rehabilitation program, the parks program, or a voluntary hospital program.

(3) Before the court orders a fine, monetary penalty, or restitution, the defendant is entitled to notice and a hearing to determine the amount of the fine, monetary penalty, or restitution, what payment will be required, and how payment will be made.

(4) Any fine or monetary penalty imposed as a condition of probation shall be within the amount set by law for a violation resulting in conviction.

(5) As a condition of probation, the court may order a person to a term of custodial confinement or imprisonment.


ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **JAZZMINE ANDERSON**, the Respondent, Registration No. T16514, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 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 aforesaid authority.

2/21/2018
Date



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