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| IN THE MATTER OF | * | BEFORE THE STATE |
| LARRY BAILEY | * | BOARD OF |
| APPLICANT | * | PHARMACY |
| Respondent | * | CASE No.: PT-11-043 |

* * * * *

FINAL ORDER

On September 9, 2011, the Maryland State Board of Pharmacy (the "Board"), issued a Notice of Intent to Deny Application for Pharmacy Technician Registration of **LARRY BAILEY ("the Applicant") (DOB: 07/14/1974)** based on his violation of the Maryland Pharmacy Act (the "Act"), codified at Md. Health Occ. Code Ann. ("H.O.") §§ 12-101, *et seq.*, (2009 Repl. Vol. and 2010 Supp.). The pertinent provisions state:

§ 12-6B-02 Qualifications

(a) *In general.* - To qualify for registration an applicant shall be an individual who:

(2) Meets the requirements of this section.

(b) *Good moral character; age; education* – The applicant shall:

(1) Be of good moral character[.]

§ 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provisions 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 probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

(2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration or assists to

attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration[.]

The Board notified the Applicant that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Board's notification, unless the Applicant requested a hearing.

The Board's Notice of Intent to Deny Application for Pharmacy Technician Registration (the "Notice.") was mailed to the Applicant's address of record by certified mail and by regular mail. The certified copy was returned to the Board as "unclaimed." The regular mail copy was not returned. The Board notified the Applicant in that Notice that this Final Order would be executed thirty (30) days from the Applicant's receipt of the Notice unless the Applicant requested a hearing. The Applicant did not request a hearing.

FINDINGS OF FACT

1. On or about March 11, 2011, the Board received the Applicant's Pharmacy Technician Registration Application (the "application").
2. On his application, the Applicant answered, "no" to the question, "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?"
3. The Applicant also signed his name to the attestation statement at the conclusion of the application, attesting under the penalties of perjury that the "foregoing information is true, correct and complete to the best of my knowledge and belief and that I understand that any misrepresentation will constitute grounds for revoking this registration."

4. A routine criminal background check conducted by the Board as part of the application process revealed the following criminal history:

- a. On or about August 24, 1995, in the Circuit Court for Baltimore City the Applicant was convicted of Sex Offense-Second Degree and sentenced to six years of incarceration, suspended and three years of supervised probation.
- b. On or about April 2, 2001, in the Circuit Court for Baltimore City, the Applicant entered a plea of guilty to the charge of Assault-Second Degree. The Applicant was sentenced to three years of incarceration with two years, 11 months and 29 days suspended and three years of supervised probation.
- c. On or about August 30, 2003, in the District Court of Maryland for Baltimore City, the Applicant was convicted of Gaming/Cards, Dice, Etc. No sentencing information was provided on the court documents.
- d. On or about April 17, 2007, in the Circuit Court for Harford County, the Applicant entered a plea of guilty to the charge of Sex Off Reg-Change Address for failing to update his address on the Maryland Sex Offender Registry. The Applicant was sentenced to one year of incarceration with all but 11 months suspended.

5. In his explanation to the Board, the Applicant did not provide an explanation for why he failed to disclose his criminal history on his application.

6. The allegations set forth above indicate that the Applicant lacks good moral character and constitute grounds for denial of his application for registration to practice as a pharmacy technician in the State of Maryland.

7. Failing to disclose his criminal history on his application constitutes grounds for denial of his application for a pharmacy technician registration under H.O. §§ 12-6B-09(2).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Applicant fails to meet the requirements for licensure under Md. Health Occ. Code Ann. § 12-6B-02(b)(1) which provides that the applicant shall be of good moral character. The Board also concludes that the Applicant is in violation of H.O. § 12-6B-09(2).

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of December 2011, the Board, by a majority of the quorum of the Board, hereby

ORDERED that Larry Bailey's Application for Pharmacy Technician Registration in the State of Maryland is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol. and 2010 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a public document pursuant to Md. State Govt.
Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol. and 2010 Supp.).

12/13/11
Date


Michael N. Souranis, P.D., President
State Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. §12-316 (2009 Repl. Vol. and 2010 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of this Order and shall be made as provided for judicial review of a final decision in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol. and 2010 Supp.), and Title 7, Chapter 200 of the Maryland Rules.