

IN THE MATTER OF * BEFORE THE STATE
COURTNEY BATTS * BOARD OF
Registration No: T10631 * PHARMACY
Respondent * CASE No.: PT-15-005

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. ("S.G.") §10-226 (c) (2014 Repl. Vol.), the Maryland Pharmacy Act (the "Act"), Md. Health Occ. II Code Ann. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2015 Supp.), and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby summarily suspends the license of **COURTNEY BATTS, Registration Number T10631, (the "Respondent")**, to practice as a pharmacy technician under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:¹

FINDINGS OF FACT

1. The Respondent is licensed to practice as a pharmacy technician in the State of Maryland under registration number T10631. The Respondent was first registered on April 25, 2012. The Respondent's registration is current and is scheduled to expire on April 30, 2017.
2. From March 11, 2013 until August 5, 2014, Respondent was employed as a pharmacy technician at Facility A in Baltimore, Maryland.
3. The Respondent is not currently employed as a pharmacy technician.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

4. On or about August 25, 2014, the Board received a complaint from the Pharmacists' Education and Advocacy Council ("PEAC") alleging that the Respondent was non-compliant with her PEAC treatment agreement.

5. According to the complaint, the Employee Assistance Program ("EAP") at Facility A instructed the Respondent to self-refer to the PEAC program. The Respondent self-referred on or about April 12, 2014 and reported that she was enrolled in the Kolmac Clinic Intensive Outpatient program ("Kolmac") beginning March 4, 2014.

6. The complaint further detailed instances of the Respondent's failure to abide by the terms of her PEAC treatment agreement, including a relapse, failure to regularly contact her monitor, missed therapy appointments at Kolmac and failure to ensure that monthly progress reports were submitted by her therapist. As of the date of the complaint, the Respondent had not contacted her monitor "for several weeks" and failed to return to Kolmac.

7. Thereafter, the Board initiated an investigation.

Substance Abuse Concerns

8. In furtherance of the Board's investigation, the Board obtained the Respondent's personnel file at Facility A. A review of the file revealed that the Respondent was referred to the EAP on March 12, 2014 due to erratic behavior. The Respondent tested positive for alcohol and entered substance abuse treatment.

9. On or about July 29, 2014, the Respondent reported to the EAP and tested positive for alcohol.

10. On or about August 5, 2014, Facility A terminated the Respondent's employment for "unsatisfactory conduct and performance."

11. On or about July 24, 2015, the Board ordered that the Respondent submit to an evaluation, due to concerns regarding her mental or physical competency.

12. The Respondent scheduled an appointment with the evaluator for August 18, 2015. The Respondent failed to appear for the evaluation.

13. The Respondent rescheduled her evaluation for September 28, 2015.

14. On or about October 15, 2015, the Board received the written evaluation of the Respondent from the evaluator.

15. According to the report, the Respondent was "very guarded in [the] interview, minimizing and denying problems she has encountered as a result of her relationship with alcohol and other drugs (marijuana)."

16. The evaluator recommended that the Respondent remain abstinent from all non-physician prescribed mood altering drugs and alcohol, be monitored through random screening for a minimum of two years, continued, weekly involvement in support groups, mental health therapy, and involvement with PEAC.

17. The evaluator also recommended that the Respondent be able to demonstrate the stability of her recovery from her substance use disorder and mental health issues prior to returning to work as a pharmacy technician.

18. The evaluation further revealed that on or about April 14, 2015, the Respondent was involved in a motor vehicle accident that resulted in criminal charges for driving under the influence of alcohol.

19. The Board obtained court records which revealed that on October 23, 2015, in the Circuit Court for Baltimore County, Maryland, the Respondent was found

guilty of driving, attempting to drive vehicle while under the influence of alcohol.² Ten additional counts were *nolle prossed*. The Respondent was sentenced to one year in jail with 11 months and 20 days suspended, two years of supervised probation with random urinalysis.

20. The Board's investigation also revealed a June 4, 2009 conviction in the District Court for Baltimore County, Maryland for driving/attempting to drive vehicle while impaired by alcohol.³ The Respondent was given probation before judgment and supervised probation. Two additional counts were *nolle prossed*.

2012 and 2015 Applications

21. In furtherance of its investigation, the Board reviewed the Respondent's 2012 Pharmacy Technician Registration Application ("2012 Application") and 2015 Pharmacy Technician Renewal Application ("2015 Application").

22. On the Respondent's 2012 Application, she answered "no" to the following questions:

(5) 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?

(6) Have you pled guilty, nolo contendere, or been convicted of, or received probation before judgment of driving while intoxicated on a controlled dangerous substance offense?

23. The Respondent failed to disclose her 2009 conviction, for which she received probation before judgment, for driving/attempting to drive vehicle while impaired by alcohol.

² Under Maryland law, for a driver over age 21, a driving under the influence of alcohol offense requires a Blood Alcohol Content of .08% or above.

³ The Respondent was 19 years old at the time of the 2009 conviction, which is under the legal drinking age in Maryland. Under Maryland law, a driving while impaired offense for a driver under age 21 requires a Blood Alcohol Content of .02%.

24. The Respondent signed the 2012 Application under the statement that she does "solemnly swear or affirm under the penalties of perjury that . . . the foregoing information is true, correct and complete to the best of my knowledge and believe, and that I understand that any misrepresentation will constitute grounds for revoking this registration."

25. On the Respondent's 2015 renewal application, the Respondent answered "no" to the following questions:

17. Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?

25. Excluding minor traffic violations, are you currently under arrest or released on bond, or are there any current or pending charges against you in any court of law?

37. Has your ability to perform the duties of a pharmacy technician been affected by your use of any type of drug or alcohol?

26. The Respondent failed to disclose her termination from Facility A, failed to disclose her arrest and pending charges for alcohol-related traffic offenses, and failed to disclose that her substance abuse had impacted her ability to perform her duties as a pharmacy technician.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) (2014 Repl. Vol.).

ORDER

Based on the foregoing, it is this 15 day of April 2016, by a majority vote of a quorum of the Board, hereby:

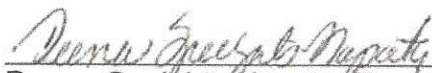
ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2), the Respondent's registration (T10631) to practice as a pharmacy technician in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent may request a post-deprivation show cause hearing in writing **WITHIN 30 DAYS** of her receipt of this notice. The written request should be made to: Deena Speights-Napata, Executive Director, Maryland Board of Pharmacy, Department of Health & Mental Hygiene, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, Health Occupations Prosecution and Litigation Unit, 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, and Linda Bethman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing, the Respondent's registration will remain suspended; and it is further

ORDERED that the Respondent shall immediately turn over to the Board her registration to practice as a pharmacy technician issued by the Board; and be it further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.)



Deena Speights-Napata, Executive Director
Maryland Board of Pharmacy