

IN THE MATTER OF
STEVEN L. JOHNSON
APPLICANT

* BEFORE THE
* STATE BOARD
* OF PHARMACY
* CASE NUMBER: PT 09-010

* * * * *

**FINAL ORDER OF DENIAL OF
PHARMACY TECHNICIAN REGISTRATION APPLICATION**

The State Board of Pharmacy ("the Board") notified **Steven L. Johnson**, ("the Applicant"), D.O.B. **06/11/1980**, of the Board's intent to **DENY** his Pharmacy Technician Registration Application, to practice as a registered pharmacy technician under the Maryland Pharmacy Act ("the Act"), Md. Health Occ. Code Ann. ("H. O.") §12-101 *et seq.* (2009 Repl. Vol.). The pertinent provisions state:

H. O. §12-6B-02. Qualifications.

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

- (1) Is currently certified by a national pharmacy technician certification program and complies with subsection (b)(6) of this section; or
- (2) Meets the requirements of this section.

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

- (1) Be of good moral character;

H. O. §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
 - (ii) Any appeal or other proceeding is pending regarding the matter;

FINDINGS OF FACT

The Board finds that:

1. On or about March 5, 2009, the Board received the Applicant's Pharmacy Technician Registration Application ("Application") to be registered as a pharmacy technician in Maryland.

2. On his Application, the Applicant answered "Yes" to question number 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?

3. On his Application, the Applicant answered "Yes" to question number 6:

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

4. In May 2009 and July 2010, the Applicant submitted written explanations to support his answers to questions 5 and 6 on his Application.

5. A subsequent investigation, by the Board, revealed the following:

FACTS PERTAINING TO THE APPLICANT'S CRIMINAL CONDUCT

Case Number: 5B01549756

6. On or about November 27, 2003, Applicant was charged with one (1) count of possession or administering a controlled dangerous substance, not marijuana, in violation of Md. Crim. L. § 5-601 (a) (1).

7. On or about January 30, 2004, the Applicant was found guilty of one(1) count of possession or administering a controlled dangerous substance, not marijuana, in violation of Md. Crim. L. § 5-601 (a) (1).

8. The applicant was sentenced to probation before judgment and ordered to pay fifty-five dollars (\$55) in costs and fines.

Case Number: 4B01957687

9. On or about June 5, 2008, the Applicant was charged in the District Court of Baltimore City, with one (1) count of distribution of a controlled dangerous substance of schedule I, to wit: heroin, in violation of Md. Crim. L. § 5-602;¹; one (1) count of possession of a controlled dangerous substance of schedule I, to wit: heroin, in sufficient quantity to indicate an intent to distribute, in violation of Md. Crim. L. § 5-602; one (1) count of possession of a controlled dangerous substance, of schedule I , to wit heroin, in violation of Md. Crim. L. §5-601; and one (1) count of conspiracy to unlawfully distribute a controlled dangerous substance of schedule I, to wit: heroin, in violation of Md. Crim. L. §5-602.

10. On or about July 2, 2008, the Applicant was found guilty of one (1) count of attempted distribution of a controlled dangerous substance, of schedule I, to wit: heroin, in violation of Md. Crim. L. § 5-602; one (1) count of possession of a controlled

¹ This charge was later amended to attempted distribution of a controlled dangerous substance.

dangerous substance, of schedule I , to wit heroin, in violation of Md. Crim. L. §5-601; and one (1) count of conspiracy to unlawfully distribute a controlled dangerous substance of schedule I, to wit: heroin, in violation of Md. Crim. L. §5-602.

11. On or about July 2, 2008, the Applicant was sentenced to time served and fined a total of \$57.50, which was suspended due to Applicant's indigence.

12. Attempted distribution of a controlled dangerous substance and conspiracy to distribute a controlled dangerous substance are crimes involving moral turpitude and a violation of H. O. § 12-6B-09 (22).

13. The allegations as set forth above indicate that the Applicant lacks good moral character and also constitute grounds for denial of the Applicant's pharmacy technician registration application under H.O. §12-6B-02(b)(1).

14. The allegations set forth above are grounds for discipline in Maryland and constitute grounds for denial of the Applicant's pharmacy technician registration application under H. O. §12-6B-09 (22).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Applicant lacks good moral character and, therefore, fails to meet the qualifications for licensure under § H.O. § 12-6B -02 (a) (1) and (2) and (b) (1).. The Board also concludes that the Applicant's conduct as set forth in the findings of fact, is a violation of H.O. § 12-6B-09 (22).

ORDER

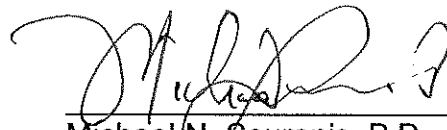
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of MAY 2010, a majority of the Board hereby:

ORDERED that the Application for Pharmacist Reciprocity of Steven L. Johnson is hereby **DENIED**; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. § 10-601*et seq.* (2009 Repl. Vol. & 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 be it further

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

MAY 18, 2011
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.