

IN THE MATTER OF * **BEFORE THE**
DELSY RUBY LIMA, PHARM TECH* **STATE BOARD**
Registration No.: T18334 * **OF**
Respondent * **PHARMACY**
* **Case No. PT-17-023**

* * * * *

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

On August 15, 2018, the State Board of Pharmacy (the “Board”), notified **DELSY LIMA**, 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 (Health Occ.) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.):

Health Occ. § 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; [and]
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to HO § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule for regulations adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10 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 Maryland. The Respondent was first registered on July 22, 2016. The Respondent's registration expired on April 30, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Hyattsville, Prince George's County, Maryland, hereinafter the "Pharmacy."¹

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

3. On or about January 9, 2017, the Pharmacy notified the Board that it had identified a theft or loss of controlled substances. It further informed the Board that it would investigate and notify the Board at the conclusion of the investigation.

4. Subsequently, the Pharmacy sent the Board a summary of an interview with the Respondent conducted on January 6, 2017, wherein the Respondent admitted to taking one pill of Vitamin D and then stated that she had also taken one pill of Alprazolam², 1 mg.

5. The Respondent also admitted altering prices on items for herself and others.

6. Based upon these admissions, she was at first suspended and later terminated from employment with the Pharmacy.

7. The Pharmacy subsequently filed a Drug Enforcement Administration (DEA) "Report of Theft or Loss of Controlled Substances," which contained the following information, *inter alia*:

- A. The Pharmacy listed the monetary loss as \$14, 204.00;
- B. The report stated that the Respondent was responsible for the stolen drugs;
- C. The Pharmacy listed the drugs as follows:

Diazepam ³ , 10 mg	114 tablets;
Alprazolam, 0.25 mg	198 tablets;
Alprazolam, 0.5 mg	28 tablets;
Alprazolam, 1 mg	76 tablets;

Alprazolam, 1 XR ⁴ mg	5 tablets;
Alprazolam, 2 mg	300 tablets;
Lorazepam ⁵ , 0.5 mg	558 tablets;
Lorazepam, 1 mg	787 tablets;
Lorazepam, 2 mg	33 tablets.

8. Based upon the above, on July 17, 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.

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

² Alprazolam is a benzodiazepine which affects chemicals in the brain that may be unbalanced in people with anxiety. Alprazolam is used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

³ Diazepam is used to treat anxiety disorders, alcohol withdrawal symptoms, or muscle spasms.

⁴ XR stands for extended release.

⁵ Lorazepam belongs to a group of drugs called benzodiazepines. It affects chemicals in the brain that may be unbalanced in people with anxiety. Lorazepam is used to treat anxiety disorders.

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **DELSY LIMA, Registration No. T18334**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., St. Gov't. §§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 aforecited authority.

Date

10/17/18



Kevin Morgan, Pharm.D., President
State Board of Pharmacy