

**IN THE MATTER OF**  
**JASMINE L. MOORE,**  
**PHARMACY TECHNICIAN**  
**Registration No. T20120**

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**BEFORE THE**  
**MARYLAND BOARD OF**  
**PHARMACY**  
**Case No. 19-001**

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**FINAL DECISION AND ORDER**

**Procedural Background**

On June 4 and June 14, 2018, a chain pharmacy (“Pharmacy A”) notified the Maryland Board of Pharmacy (the “Board”) of a potential loss of narcotics and indicated that their investigation identified pharmacy technician Jasmine L. Moore, Registration No. T20120 (the “Respondent”), as the likely responsible party. Pharmacy A terminated the Respondent’s employment on June 14, 2018. On December 17, 2018, the Board received an application from the Respondent for reinstatement as a pharmacy technician wherein the Respondent answered “no” to a Personal Attestation Question asking, “Has your employment by any pharmacy, clinic, healthcare practice, or wholesale drug distributor been terminated for disciplinary reasons?”

On September 18, 2020, the Board issued Charges against the Respondent and sent her a letter via certified and regular mail providing notice of the charges in accordance with Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. § 12-101 *et seq.* On December 11, 2020, after noticing a minor error in the Respondent’s mailing address, the Board re-issued the Charges and notified the Respondent via certified mail. The Board also notified the Respondent that she could request a Case Resolution Conference and if she did not, an evidentiary hearing would be scheduled. The Respondent did not request a Case Resolution Conference, so on March 26, 2021, the Board sent the Respondent a letter via certified and regular mail providing her notice that the

evidentiary hearing was scheduled for June 16, 2021. On June 16, 2021, the Board held an evidentiary hearing before a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and the Board's regulations, COMAR 10.34.01. The Respondent did not appear for the hearing, so the Board held the hearing in the Respondent's absence as provided for in the Act, Md. Code Ann., Health Occ. § 12-315(g). Following the hearing, the same quorum of the Board convened to deliberate and voted unanimously to revoke the Respondent's registration for the reasons set forth in this Final Decision and Order.

### **SUMMARY OF THE EVIDENCE**

#### **A. Documents**

The following documents were admitted into evidence:

- State's Exhibit No. 1 - Report of Investigation
- State's Exhibit No. 2 - Application for Pharmacy Technician Registration Reinstatement 12/17/18
- State's Exhibit No. 3 - Jasmine Moore Registration Information
- State's Exhibit No. 4 - Initial Application for Registration
- State's Exhibit No. 5 - Letter from Pharmacy A's Director of Pharmacy Operations to Board Dated 6/4/18
- State's Exhibit No. 6 - Letter from Pharmacy A's Director of Pharmacy Operations to the Board and DEA Form 106 Dated 6/14/18
- State's Exhibit No. 7 - Subpoena Duces Tecum to Pharmacy A Dated 7/6/18
- State's Exhibit No. 8 - Jasmine Moore Pharmacy A Employment File
- State's Exhibit No. 9 - Charges Dated 9/18/20
- State's Exhibit No. 10 - Jasmine Moore Pharmacy A Additional Employment Documents

## **B. Witnesses**

*State:* Heather McLaughlin, Compliance Coordinator, Maryland Board of Pharmacy

*Respondent:* None

### **FINDINGS OF FACT**

Based upon the documentary and testimonial evidence admitted at the evidentiary hearing, the Board finds the following:

1. The Respondent was first registered by the Board as a pharmacy technician under Registration No. T20120 on September 20, 2017. The Respondent let her registration expire on November 30, 2018. (State's Ex. 3; Tr. at 13)

2. On December 17, 2018, the Respondent applied for reinstatement as a pharmacy technician. One of the application's Personal Attestation Questions asked the Respondent, "Has your employment by any pharmacy, clinic, healthcare practice, or wholesale drug distributor been terminated for disciplinary reasons?" Respondent answered, "No." (State's Ex. 2; Tr. at 15)

3. The Respondent signed her reinstatement application, attesting that the information she provided was true and correct to the best of her knowledge and belief. (State's Ex. 2; Tr. at 15)

4. At the time the Respondent made the attestation, she had, in fact, been terminated from a pharmacy for disciplinary reasons. Respondent's employment as a pharmacy technician was terminated during an investigation where Pharmacy A believed she had stolen Controlled Dangerous Substances ("CDS"). (State's Ex. 8; Tr. at 15-16)

5. Respondent began her employment at Pharmacy A on February 16, 2018. (State's Ex. 8)

6. On June 4, 2018, Pharmacy A sent notification to the Board of a potential loss of Oxycodone 15mg. In the notification, Pharmacy A stated that it planned to investigate the potential loss and would send an update to the Board. (State's Ex. 5; Tr. at 16)

7. As part of the investigation, Pharmacy A planned to interview the Respondent on June 6, 2018, and June 14, 2018, but the Respondent did not return to work and was terminated from Pharmacy A on June 14, 2018. (State's Ex. 6; Tr. at 17, 19)

8. Pharmacy A sent another letter on June 14, 2018, to notify the Board that Pharmacy A had identified an additional loss of CDS and suspected the Respondent pilfered the narcotics in both occurrences. Pharmacy A investigated the matter and claimed that video evidence showed the Respondent removing the narcotics from filled prescriptions and putting them in her pocket. (State's Exs. 6, 10; Tr. at 17)

9. On December 17, 2018, the Board received the Respondent's application for reinstatement as a pharmacy technician containing Respondent's attestation that her employment had never been terminated for disciplinary reasons. (State's Ex. 2; Tr. at 15)

### **OPINION**

Pharmacy technicians play an integral role in the provision of quality healthcare services to patients. By the very nature of their employment behind the counter in a pharmacy, pharmacy technicians are the nexus that allows patients to potentially access highly addictive and dangerous drugs. The Board, in its mission to promote the health and safety of all Marylanders through access to care and quality management, has a significant interest in ensuring that pharmacists and pharmacy technicians meet established licensing standards. The Board is not able, however, to ensure quality access to care if providers are dishonest during the licensing process. Additionally, the Board must be able to make knowledgeable decisions regarding whether an applicant's prior

terminations, complaints, or arrests could indicate that the applicant poses a risk to the public. A pharmacy technician who knowingly makes a false representation to the Board poses an unacceptable risk to the public health and safety – both in terms of her handling of patients’ medications, and her access to additional dangerous drugs. The Board believes that obtaining a registration through false representation shows an extreme lack of judgment that, in and of itself, provides more than enough justification to revoke the Respondent’s registration in this case.

**CONCLUSIONS OF LAW**

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that the Respondent is subject to discipline pursuant to the Act, Md. Code Ann., Health Occ. §§ 12-6B-09(2) and (23) and 12-6B-13(a).

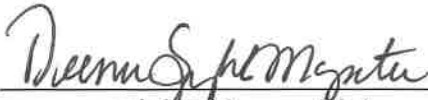
**ORDER**

Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:

**ORDERED** that the Respondent’s registration with the Board to practice as a pharmacy technician, Registration No. T20120, shall be and is **REVOKED**; and be it further,

**ORDERED** that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provision § 4-333(b).

7-13-23  
Date

  
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Deena Speights-Napata, M.A.  
Executive Director  
*for*  
Neil Leikach, R.Ph., M.Sc., President  
Maryland Board of Pharmacy

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Respondent has the right to seek judicial review of this Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Pharmacy  
Deena Speights-Napata, M.A., Executive Director  
4201 Patterson Avenue, 5<sup>th</sup> Floor  
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Brett E. Felter  
Assistant Attorney General  
Maryland Department of Health  
300 West Preston Street, Suite 302  
Baltimore, Maryland 21201