

IN THE MATTER OF	*	BEFORE THE
SUNIL RAMI, PHARM TECH	*	STATE BOARD
Respondent	*	OF PHARMACY
Registration No. T07970	*	Case No. PT-12-039

* * * * *

FINAL CONSENT ORDER

BACKGROUND

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. §§ 12-101, et seq., (2009 Repl. Vol.) (the "Act"), the Board charged **Sunil Rami, Pharmacy Technician (Pharm Tech)**, (the "Respondent"), with violations of the Act and Code Md. Regs. ("COMAR") tit 10, § 34.10 *et seq.* (November 12, 2001).

Specifically, the Board charged the Respondent with violation of the following provisions of the Act:

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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board [;].

The Board also charged the Respondent with a violating the following provision of COMAR:

10.34.10. Pharmacist and Pharmacy Technician Code of Conduct,

.01 Patient Safety and Welfare.

B. A pharmacist may not:

* * *

(3) Engage in unprofessional conduct.

The Respondent was given notice of the issues underlying the Board's Charges by Letter dated June 19, 2013. Accordingly, a Case Resolution Conference was held on August 14, 2014.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to these charges, the Respondent was registered to practice as a Pharm Tech. The Respondent was first registered on January 13, 2010. The Respondent's registration expires on September 30, 2015.
2. At all times relevant to these charges, the Respondent was employed as a Pharm Tech by a national chain ("Pharmacy A"), at a location in Randallstown, Maryland.
3. On or about March 16, 2012, the Board received a complaint from the Loss Prevention Director of Pharmacy A who stated that the Respondent admitted to the theft of 250 tablets of Viagra 100 mg. The Loss Prevention Director reported the following:

A. Starting in March 2011, through November 2012, the Loss Prevention Unit noticed a shortage of Viagra, 100 mg, tablets, and Cialis, 20 mg, tablets, at Pharmacy A. Viagra and Cialis are prescription medications used to treat erectile dysfunction in men;

B. As a result of this finding, the Loss Prevention Unit initiated an investigation which included the repositioning of a video camera, twice-daily pill counts, and reviewing the bin that contained the filling/deleting/storing of customers' prescriptions;

C. The Loss Prevention Unit determined that the Respondent was filling/deleting/stealing customers' prescriptions by use of the bin;

D. The Respondent stole from five (5) to forty (40) tablets at a time;

E. When the Loss Prevention Unit confronted the Respondent with its findings on March 11, 2012, the Respondent admitted, orally and in writing, that he stole the medication. The Respondent estimated that he had stolen about 250 pills, and sold the pills to his college friends for \$10 per pill;

F. Pharmacy A placed the loss at \$6465.19 and the Respondent signed an Agreement to Repay;

4. As a result of the above, Pharmacy A terminated the Respondent's employment.

5. As set forth above, the Respondent's theft of medications from Pharmacy A constitutes fraudulent use of a technician's registration, in violation of H.O. § 12-6B-09 (3), and unprofessional conduct, in violation of COMAR 10.34.10.01B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 12-6B-09 (3) and (25) and COMAR tit. 10, §10.34.10.01B (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 19 day of February, 201~~3~~⁴, by a majority of a quorum of the Board,

ORDERED, that the Respondent shall be **SUSPENDED** for a period of six (6) months, **all STAYED**, and the Respondent shall be placed on Two Years **PROBATION** during which the following shall occur:

1. During the first six-months of Probation, the Respondent shall pay a monetary penalty of \$500 to the Board; and,
2. The Respondent shall take and pass a Board-pre-approved course in ethics, which shall not count towards the CEUs needed for renewal.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that, should the Board receive a report that the Respondent has violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation.

The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of a pharmacy technician in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to remove any conditions or restrictions on his registration, provided that he can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that, for the purposes of public disclosure, as permitted by Md. State Gov't Code Ann. §10-617(h) (Repl. Vol. 2009 and 2013 Supp.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Lenna Israbian-Jamgochian, P.D., President
State Board of Pharmacy *Pharm D*

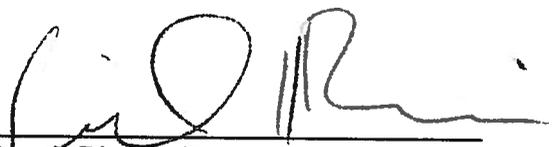
CONSENT OF SUNIL RAMI, PHARM TECH.

I, Sunil Rami, Pharm Tech, acknowledge that I am represented by counsel, Arthur Frank, and have consulted with counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

12/4/13
Date


Sunil Rami, Pharm Tech

STATE OF Maryland :

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 6 day of December, 2013, before me, Marilyn Smith, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared **Sunil Rami, Pharm Tech, Registration No. T07970**, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Marilyn Smith
Notary Public

My Commission Expires: 11-14-2017