

IN THE MATTER OF

*

BEFORE THE

KEIFFER SUBERO

*

STATE BOARD OF

PHARM TECH APPLICANT

*

PHARMACY

*

Case No. PT-12-038/12-237

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

The State Board of Pharmacy (the "Board"), received information that the Applicant, Keiffer Subero, filed an application for registration in Maryland as a Pharmacy Technician (Pharm Tech), on or about December 7, 2011. In that application he answered the following questions in the affirmative: Question 5, which asks "Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?" Question 6, which asks, "Have you committed a criminal act for which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?" All affirmative responses required a detailed explanation and supporting documentation. The Applicant submitted a letter explaining his "youthful" robbery of a neighbor's house that led to probation, and a letter from the Chief Pharmacist terminating his employment at a particular pharmacy in November 2011 for failure to inform his supervisor that he would not be working, after he had previously been warned of the same thing.

An investigation into the above disclosed that the Applicant pled guilty to and was convicted of a felony-theft of over \$500; was sentenced to 10 years for same, all but nine years suspended; and, was placed on three years supervised Probation following that incarceration, commencing July 6, 2010. Based upon the above, the Board voted to initially

deny the Applicant a registration to practice as a Pharm Tech in Maryland.

On August 21, 2013, the Applicant was advised of the Notice of Intent and informed that he had 30 days to file a written request for a hearing. The Applicant failed to do so.

Accordingly, the Board issues this Final Order, pursuant to the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.*, (2009 Repl. Vol. and 2012 Supp.), denying the Applicant's application for registration for violation of the following provisions of the Act.

Specifically, the Board charged the Applicant with violation of the following provision of § 10-226(c) (1) of the APA which states:

Revocation of suspension. (sic)— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,
- (ii) an opportunity to be heard.

The pertinent provision of § 12-6B-09 of the Act states: 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 [;].

The Board also denies the Applicant a registration for violation of the following provision of the Act:

§ 12-6B-02. Qualifications

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

(2) Meets the requirements of this section.

(a) Good moral character; -- The applicant shall:

(1) Be of good moral character [;].

FINDINGS OF FACT

The Board bases its decision to deny the registration for the foregoing reasons which the Board has reason to believe are true:

1. The Applicant filed an application for registration in Maryland as a Pharm Tech on or about December 7, 2011.

2. In that application he answered the following questions in the affirmative: Question 5, which asks "Has your employment by any pharmacy, clinic, healthcare practice or wholesale drug distributor been terminated for disciplinary reasons?" Question 6, which asks, "Have you committed a criminal act for which you pled guilty or nolo contendere, or for which you were convicted or received probation before judgment?"

3. All affirmative responses required a detailed explanation and supporting documentation. The Applicant submitted a letter explaining his "youthful" robbery of a neighbor's house that led to probation, and a letter from the Chief Pharmacist terminating his employment at a particular pharmacy in November 2011 for failure to inform his

supervisor that he would not be working, after he had previously been warned of the same thing. He did not submit details of the robbery or its outcome.

4. The Board's investigation into the above disclosed that the Applicant had pled guilty to and was convicted of a felony-theft of over \$500; was sentenced to 10 years, all but nine years suspended; and, was placed on three years' supervised Probation following that incarceration, commencing July 6, 2010.

CONCLUSIONS OF LAW

Based upon the above, the Board concludes, as a matter of law, that the Applicant violated § 12-6B-09 (22) (i) and (ii), and §12-6B-02 (a) (2) (a) (i) of the Act.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 20 day of November, 2013 hereby ORDERED that the application of **Keiffer Subero**, for registration as a Pharm Tech is hereby **DENIED**.

It is further ORDERED that this Final Order shall be a public document, pursuant to Md. State Govt. Code Ann. § 10-617(h) (2009 Repl. Vol. and 2013 Supp.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 12-316 (2009 Repl. Vol. and 2013 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, et seq., (2009 Repl. Vol. and 2013 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 forecited authority.

11/20/2013
Date

L. J. Jamgochian
Lenna Israbian-Jamgochian, Pharm D., President
Board of Pharmacy