

BEFORE THE ARKANSAS STATE BOARD OF PHARMACY

**IN THE MATTER OF
GENNIFER WALKER
PHARMACY TECHNICIAN,
No. PT 90198**

Case No. 2006-021

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

On February 22, 2007, the Arkansas State Board of Pharmacy (hereafter “the Board”) conducted a hearing in the above styled matter. After being duly served with notice hereof, Gennifer Walker (hereafter “Respondent”) appeared in person with her attorney Dale West. Through her attorney Dale West, Respondent Walker stipulated to the Allegations and Charges of the Order and Notice of Hearing.

FINDINGS OF FACT

1. Respondent holds an Arkansas pharmacy technician’s registration and permit, and is subject to the jurisdiction of the Board.
2. At all times relevant herein Respondent was employed as a pharmacy technician at Wal-Mart Pharmacy, McGhee, Arkansas.
3. Beginning in April or May 2005 and continuing until on or about April 5, 2006, Respondent has taken into her possession various controlled substances from the inventory of the Wal-Mart Pharmacy where she worked as a pharmacy technician. She did so for the purpose of delivering these drugs to a third party. She took these drugs without the knowledge or consent of her employer or supervisors by placing the drug container in the waistband of her pants. She did not pay her employer for any of these drugs. These drugs included five bottles of 100-count hydrocodone/APAP, a Class III

Controlled Substance (CS III), 20 bottles of 100-count Lorcet 10-650, CS III, one 100 count bottle of Alprazolam, CS IV, and 100 sixteen-ounce bottles of promethazine/codeine syrup, CS V. She did not have any authority from a practitioner for any of these controlled substances.

CONCLUSIONS OF LAW

1. Respondent's acts of taking possession of the controlled substances as set forth above constitute separate incidents in violation of the Controlled Substances Act, Ark. Code Ann. § 5-64-401.

2. Respondent's violations of the Controlled Substances Act are separate incidents of grounds for the suspension or revocation of Respondent's pharmacy technician registration and permit pursuant to Regulation 03-00-0002(j) (1) (C) and Ark. Code Ann. § 17-92-801(d) (2) (Repl. 2002).

3. Respondent's acts of taking the controlled substances from the inventory of the pharmacy where she worked as set forth above constitutes a lack of good moral character, a qualification for registration as a pharmacy technician pursuant to Board Regulation 03-00-0004(b).

4. Respondent's lack of good moral character pursuant to Regulation 03-00-0004(b) constitutes grounds for the suspension or revocation of Respondent's pharmacy technician registration and permit pursuant to Regulation 03-00-0002(j) (1) (A) and Ark. Code Ann. § 17-92-801(d) (Repl., 2002).

ORDER

IT IS THEREFORE ORDERED that Respondent Walker shall pay a monetary penalty of four thousand dollars (\$4,000), (one thousand dollars for each of the four charges contained in the Order and Notice of Hearing) to the Board before June 30, 2008.

IT IS FURTHER ORDERED that Respondent Walker provide the Board with a detailed schedule of assets within thirty days of the date of this Order.

IT IS FURTHER ORDERED that the Board will accept Respondent Walker's surrender of her technician permit and registration to the Board.

**ARKANSAS STATE BOARD
OF PHARMACY**

by: _____
CHARLES CAMPBELL, PHARM.D.
EXECUTIVE DIRECTOR

Dated this 2nd day of March 2007.