

BEFORE THE ARKANSAS STATE BOARD OF PHARMACY

**IN THE MATTER OF
ALICIA MARIE DOUGLAS
APPLICANT**

NO. 2004-034

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

On October 12, 2004, the Arkansas State Board of Pharmacy (hereafter “the Board”) conducted a hearing on the application and request of Alicia Marie Douglas (hereafter “Applicant”) to determine whether to register, and issue a permit to, Applicant as a pharmacy technician. After being duly served with notice, Applicant appeared in person. From the testimony of witnesses, exhibits and evidence of records, the Board made the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Applicant has applied to be registered and to be issued a permit as a pharmacy technician.
2. On or about February 2, 2002 in Cabot District Court, Applicant pled guilty to the offense of Possession of an Instrument of Crime, Ark. Code Ann. § 5-73-102, a Class A Misdemeanor. Respondent paid \$775 in fine, cost and fee. The instrument of crime for which Applicant was prosecuted was a pipe commonly used for smoking marijuana.
3. On or about July 7, 2004 in Pulaski County District Court, Applicant pled guilty to the offenses of Possession of Drug Paraphernalia, Ark. Code Ann. § 5-64-403, and Failure to Appear, Ark. Code Ann. § 5-54-120, both of which are Class A misdemeanors. Respondent was placed on probation for one year under Act 346 of 1975

(Ark. Code Ann. § 16-93-301 et seq.) and was fined \$550, which she will pay on an installment payment plan. The drug paraphernalia for which Applicant was prosecuted were two small pipes commonly used for smoking marijuana and scales, all of which were located in her living room. Possession of drug paraphernalia is an offense under the Controlled Substances Act, Ark. Code Ann. § 5-64-101 *et seq.*

4. On or about May 27, 2004, Applicant submitted an application to the Board to be registered as a pharmacy technician in which she disclosed that she had been charged with or convicted of a criminal offense and that she had been convicted of a violation of a drug law, but provided no documentation regarding any arrest or conviction as required by Board Regulation 11-00-0004. Subsequently, by letter of July 22, 2004, she disclosed that she had been charged with failure to appear; she did not disclose her guilty plea for failure to appear or for possession of drug paraphernalia. By letter of August 2, 2004, Applicant gave an explanation of the facts leading to her guilty plea for possession for drug paraphernalia.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 17-92-317(e)(3), a person who has pleaded guilty or has been found guilty of an offense under the Uniform Controlled Substances Act, § 5-64-101 *et seq.*, is not eligible to be registered as a pharmacy technician, regardless of whether an adjudication of guilt, sentencing, or imposition of sentence is withheld by the court. Provided, however, pursuant to Ark. Code Ann. § 17-92-317(g) and Board Regulation 11-00-0005, the Board may waive the foregoing prohibition against registering a pharmacy technician.

2. Applicant failed to comply with Board Regulation 11-00-0004((b) which requires an applicant with a conviction of or plea to an offense identified therein to cause certain documentation concerning the conviction/plea to be delivered to the board at the time of application for licensure.

ORDER

IT IS THEREFORE ORDERED that Alicia Marie Douglas' request for waiver of her conviction of an offense under the Controlled Substance Act and to be registered as a pharmacy technician is hereby denied.

IT IS SO ORDERED this _____ day of October 2004.

**ARKANSAS STATE BOARD
OF PHARMACY**

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