STATE OF MAINE BOARD OF PHARMACY

IN RE:)	
MARIA KIYANITSA)	
)	CONSENT AGREEMENT
Complaint No. 2007-PHA-3664)	

PARTIES

This document is a Consent Agreement regarding disciplinary action against Maria Kiyanitsa's license to practice as a pharmacy technician in the State of Maine. The parties to this Consent Agreement are: Maria Kiyanitsa ("Ms. Kiyanitsa"), the State of Maine Board of Pharmacy ("the Board") and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 13741(2) and 10 M.R.S. § 8003(5).

FACTS

- Ms. Kiyanitsa is licensed by the Board as a pharmacy technician, license no. PT60004595, which she first obtained on February 10, 2005.
- 2. At all times relevant to this matter, Ms. Kiyanitsa was a pharmacy technician at Rite Aid Pharmacy #4660 (license no. PH50000990) located at Minot Avenue in Auburn, Maine.
- 3. On or about June 15, 2007, Rite Aid Pharmacy #4660 notified the Board that it had terminated Ms. Kiyanitsa for diverting hydrocodone from the pharmacy, which the Board docketed as Complaint No. 2007-PHA-3664.

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- 4. Ms. Kiyanitsa subsequently admitted to the Board investigator that she was addicted to hydrocodone and had been diverting hydrocodone for her own use for approximately six months by taking five to ten pills at a time from the Rite Aid stock.
- 5. Rite Aid Pharmacy #4660 reported approximately 2900 pills missing from its stock during this period of time.
- 6. On June 19, 2007, following a presentation of the complaint, the Board found that licensure of Ms. Kiyanitsa as a pharmacy technician placed the health and physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board summarily suspended the license of Ms. Kiyanitsa pending a full hearing on the matter.
- 7. The Board then voted to offer Ms. Kiyanitsa this Consent Agreement, in order to resolve Complaint No. 2007-PHA-3664. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Kelly McLaughlin, Pharmacy Board Clerk, Maine Department of Professional and Financial Regulation, 35 State House Station, Augusta, Maine 04333-0035 by July 9, 2007, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

8. Ms. Kiyanitsa admits that for a period of approximately six months ending on June 15, 2007, she diverted in excess of one thousand hydrocodone tablets from Rite Aid Pharmacy #4660 for her own personal and admits that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 13742(2) as further specified in paragraphs 9 and 10 below.

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- 9. Ms. Kiyanitsa admits there are grounds for disciplining her pursuant to 32 M.R.S. § 13742(2)(E)(1) because her conduct evidences a lack of ability or fitness to discharge the duty owed by her as a licensee to a client, patient, or the general public.
- 10. Ms. Kiyanitsa admits there are grounds for disciplining her pursuant to 32 M.R.S. § 13742(2)(F), for violating the following established standards of professional behavior:
 - a. Board of Pharmacy Rules, Chapter 30 § 17, by committing theft while licensed to practice pharmacy, and
 - b. Board of Pharmacy Rules, Chapter 30 § 12, by violating 21 U.S.C. § 843(a)(3) by knowingly and intentionally acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge.
- 11. As discipline for conduct admitted in paragraphs 8 through 10 above, Ms. Kiyanitsa agrees to accept the following DISCIPLINARY ACTION:
 - a. A REPRIMAND from the Board; and
 - b. The immediate REVOCATION of her pharmacy technician license.
- 12. Nothing in this Consent Agreement shall prohibit Ms. Kiyanitsa, pursuant to 32 M.R.S. § 13743(2), to "at reasonable intervals petition the board for reinstatement of the license." Ms. Kiyanitsa shall bear the burden of demonstrating that her registration should be reinstated and that the resumption of her practicing as a pharmacy technician does not pose a threat to herself or the public. The Board, upon receipt of any such petition for reinstatement from Ms. Kiyanitsa, "may grant or deny the petition" pursuant to 32 M.R.S.

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- § 13743(2), and/or may grant Ms. Kiyanitsa a license subject to restrictions and/or conditions pursuant to 10 M.R.S. § 8003(5) and 32 M.R.S. § 13741.
- 13. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
- 14. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
- 15. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
- 16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
- 17. Ms. Kiyanitsa acknowledges by her signature hereto that she has read this Consent Agreement, that she has had an opportunity to consult with an attorney before executing this Consent Agreement, that she executed this Consent Agreement of her own free will, and that she agrees to abide by all terms and conditions set forth herein.

DATED:

8-2-2007

MARIA KIYÂNITSA

DATED:

8/13/07

LORI A. McKEOWN, President

Maine Board of Pharmacy

DATED:

8/23/2007

ANDREW L. BLACK

Assistant Attorney General

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Consent Agreement