

**APPROVED/9-3-08**  
**VIRGINIA BOARD OF PHARMACY**  
**MINUTES OF SPECIAL CONFERENCE COMMITTEE**

Wednesday, July 17, 2008  
Second Floor  
Board Room 4

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite 300  
Richmond, Virginia 23233

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- CALL TO ORDER:** A meeting of a Special Conference Committee of the Board of Pharmacy was called to order at 9:00 a.m.
- PRESIDING:** David C. Kozera, Committee Chairman
- MEMBERS PRESENT:** Leo H. Ross
- STAFF PRESENT:** Cathy M. Reiniers-Day, Deputy Executive Director  
Mykl D. Egan, DHP Adjudication Specialist
- DARLENE SMITH**  
Pharmacy Technician Applicant Darlene Smith appeared to discuss her application for registration as a pharmacy technician and allegations that she may have violated certain laws and regulations governing the practice of pharmacy technicians as stated in the July 2, 2008 Notice.
- Closed Meeting:** Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Darlene Smith. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.
- Reconvene:** Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.
- Decision:** After consideration of the evidence and statements concerning the allegations, Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law

and sanctions as stated in Attachment 1.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Ms. Smith unless a written request to the Board for a formal hearing on the allegations made against her is received from Ms. Smith within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

MARK L. BLANTON  
License #0202-010024

Mark L. Blanton appeared with Charles Midkiff and Rachel Reardon, Attorneys; and Clint E. Blanton; to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the April 24, 2008 Notice.

Closed Meeting:

Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Mark L. Blanton. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 2.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Blanton unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Blanton within such time. If service of the

Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

CLINT E. BLANTON  
License #0202-011355

Clint E. Blanton appeared with Charles Midkiff and Rachel Reardon, Attorneys; and Mark L. Blanton; to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy as stated in the April 29, 2008 Notice.

Closed Meeting:

Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, to convene a closed meeting pursuant to § 2.2-3711.A.28 of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Clint E. Blanton. Additionally, he moved that Cathy Reiniers-Day and Mykl Egan attend the closed meeting because their presence in the closed meeting was deemed necessary and their presence would aid the Committee in its deliberations.

Reconvene:

Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion for closed meeting were heard, discussed or considered during the closed meeting.

Decision:

After consideration of the evidence and statements concerning the allegations, Mr. Ross moved, and the Committee voted 2-0 in favor of the motion, that the Committee make the findings of fact, conclusions of law and sanctions as stated in Attachment 3.

As provided by law, this decision shall become a final Order thirty days after service of such Order on Mr. Blanton unless a written request to the Board for a formal hearing on the allegations made against him is received from Mr. Blanton within such time. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of this Special Conference Committee shall be vacated.

ADJOURN:

With all business concluded, the meeting adjourned at 5:00 p.m.

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Cathy M. Reiniers-Day  
Deputy Executive Director

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David C. Kozera, Chair

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Date

Attachment 1  
Minutes - Board of Pharmacy  
Special Conference Committee  
July 17, 2008

Darlene Smith

Findings of Fact and Conclusions of Law:

- Pursuant to a completed application received by the Board on August 13, 2007, Darlene P. Smith applied for registration as a pharmacy technician in the Commonwealth of Virginia.
- Ms. Smith violated § 54.1-3316(9) [formerly § 54.1-3322(7)] of the Code in that she was convicted of the following violations of Virginia drug law:
  - On June 5, 1981, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of possession of drug paraphernalia.
  - On November 30, 1981, she was convicted in the General District Court for the City of Norfolk, Virginia, of one count of possession of drug paraphernalia and one count of possession of marijuana.
  - On April 19, 1984, she was convicted in the General District Court for the City of Norfolk, Virginia, of one count of possession of marijuana.
- Ms. Smith violated § 54.1-3316(11) [formerly § 54.1-3322(7)] of the Code in that she was convicted of multiple felonies and misdemeanors involving moral turpitude. Specifically:
  - On September 14, 1979, she was convicted in the City of Norfolk, Virginia, of one count of petit larceny, a misdemeanor.
  - On October 31, 1979, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of petit larceny, a misdemeanor.
  - On July 29, 1980, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of petit larceny, a misdemeanor.
  - On March 3, 1981, she was convicted in the City of Norfolk, Virginia, of three counts of concealment, all misdemeanors.
  - On June 5, 1981, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of larceny, third offense, a felony.
  - On January 8, 1982, she was convicted in the City of Norfolk, Virginia, of one count of concealment, a misdemeanor.
  - On January 11, 1982, she was convicted in the City of Norfolk, Virginia, of one count of concealment, a misdemeanor.
  - On April 5, 1984, she was convicted in the Circuit Court for the City of Virginia Beach, Virginia, of one count of larceny, third offense, a felony.
  - On June 27, 1984, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of concealment, a felony.
  - On July 17, 1984, she was convicted in the Circuit Court for the City of Virginia Beach, Virginia, of one count of concealment, a felony.
  - On July 29, 1988, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of larceny, a felony.
  - On August 23, 1988, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of one count of larceny, a felony.
  - On September 8, 1988, she was convicted in the Circuit Court for the City of Norfolk,

- Virginia, of one count of larceny, a felony.
- On September 15, 1988, she was convicted in the City of Norfolk, Virginia, of one count of assuming a false name, and one count of larceny, both misdemeanors.
- On October 19, 1994, she was convicted in the General District Court for the City of Virginia Beach, Virginia, of one count of larceny, a misdemeanor.
- On May 9, 1995, she was convicted in the Circuit Court for the County of Chesapeake, Virginia, of one count of grand larceny, a felony.
- On August 30, 1995, she was convicted in the Circuit Court for the City of Norfolk, Virginia, of two counts of concealment and one count of failure to appear, all felonies.
- On September 11, 1995, she was convicted in the Circuit Court for the County of Chesapeake, Virginia, of one count of petit larceny, third offense, a felony.
- On February 4, 2002, she was convicted in the Circuit Court for the City of Virginia Beach, Virginia, of one count of petit larceny, third offense, a felony.
- On December 9, 2003, she was convicted in the Circuit Court for the County of Chesapeake, Virginia, of one count of probation violation, a felony.
- Ms. Smith stated to the Committee that she has changed her life and is no longer involved with the same people as when she received the convictions. Additionally, she stated that she is aware that her criminal record will follow her for the rest of her life.
- The last offense she was arrested for was committed in July 2001.

### Sanction

- The application of Darlene P. Smith for registration as a pharmacy technician be APPROVED and that Ms. Smith be placed on PROBATION under the following terms and conditions:
- The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. Ms. Smith may petition the Board to end her probation after not less than five (5) years of employment as a pharmacy technician.
- All reports required by this Order shall be submitted in writing to the Board office with the first report being received no later than thirty (30) days following the date that this Order is entered. Subsequent reports must be received every other month by the last day of the months of January, March, May, July, September, and November until the probation ends. Ms. Smith is fully responsible for ensuring that required reports are properly submitted and received by the Board in a timely manner.
- Ms. Smith shall provide written notification to the pharmacist-in-charge ("PIC") of each location where she works that her pharmacy technician registration is on probation and provide the PIC with a copy of this Order in its entirety. Within ten days of notifying the PIC of her probation, she shall forward to the Board a copy of the written notification she gave the PIC.
- Ms. Smith shall direct her employer to provide a written job performance evaluation to the Board every other month, as set forth in term #2.
- Every other month, Ms. Smith shall submit self-reports which must include her current address and current employment, if any.
- Ms. Smith shall request that her parole/probation officer provide the Board with a report every other month, as set forth in term #2, describing her compliance with the conditions of her parole/probation.
- Ms. Smith shall provide the Board with a certified true copy of her Final Court Order upon completion of her parole/probation or upon final disposition of charges.

- Ms. Smith shall immediately inform the Board if she is charged with any felony or a misdemeanor.
- Ms. Smith shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms of probation or of any law or regulation affecting the practice of pharmacy technicians in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of her registration and an administrative proceeding shall be convened to determine whether such registration shall be suspended or revoked

Attachment 2  
Minutes - Board of Pharmacy  
Special Conference Committee  
July 17, 2008

Mark L. Blanton

Findings of Fact and Conclusions of Law:

- Mark L. Blanton holds license number 0202-010024 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Mr. Blanton's employment as pharmacist-in-charge of K Mart Pharmacy # 3705, Wise, Virginia, he violated § 54.1-3316(1), (2), (7) and (13), § 54.1-3432, and § 54.1-3434 of the Code, and 18 VAC 110-20-190(C) of the Board of Pharmacy Regulations, in that between December 2006, and December 2007, he allowed an unlicensed non-employee access to the prescription department between one and three times a week. In December 2007, this individual was caught stealing a 100 count bottle of hydrocodone/APAP (Schedule III), and admitted to diverting between 70 and 80 bottles of hydrocodone of various strengths between April 2007, and December 2007. As a result of these actions, Mr. Blanton's employment was terminated.
- Mr. Blanton stated to the Committee that he made an error in judgment.

Sanction

- It is hereby ORDERED that Mark L. Blanton be issued a REPRIMAND. Further, the Board ORDERS that:
- Mr. Blanton will successfully complete five (5) hours of continuing pharmacy education in the area of drug security between July 31, 2008, and September 30, 2008, with documentation of satisfactory completion submitted to the Board by October 31, 2008. Said hours shall be in addition to the fifteen (15) hours required for the renewal of his license.
- Mr. Blanton shall be assessed a monetary penalty of Five Hundred Dollars (\$500.00) to be paid to the Board within ninety (90) days from the date this Order is final. If the monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollars (\$100.00) will be assessed weekly, up to a maximum of One Thousand Dollars (\$1,000.00). Failure to pay the full fee plus the additional assessed penalty within thirty (30) days of the date the maximum penalty may be assessed shall constitute grounds for the suspension of the license of Mr. Blanton, and an administrative proceeding will be convened to determine whether such license shall be suspended.
- Mr. Blanton shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of his license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

Attachment 3  
Minutes - Board of Pharmacy  
Special Conference Committee  
July 17, 2008

Clint E. Blanton

Findings of Fact and Conclusions of Law:

- Clint E. Blanton holds license number 0202-011355 issued by the Board to practice pharmacy in the Commonwealth of Virginia.
- During the course of Mr. Blanton's employment as a pharmacist with K Mart Pharmacy # 3705, Wise, Virginia, he violated § 54.1-3316(1), (2) and (13) of the Code, and 18 VAC 110-20-190(C) of the Board of Pharmacy Regulations, in that between December 2006, and December 2007, he allowed an unlicensed non-employee access to the prescription department. In December 2007, this individual admitted to diverting between 70 and 80 bottles of hydrocodone/APAP (Schedule III) of various strengths. As a result of these actions, Mr. Blanton's employment was terminated.
- Mr. Blanton stated to the Committee that he made an error in judgment.

Sanction:

- It is hereby ORDERED that Clint E. Blanton be issued a REPRIMAND. Further, the Board ORDERS that:
- Mr. Blanton will successfully complete five (5) hours of continuing pharmacy education in the area of drug security between July 31, 2008, and September 30, 2008, with documentation of satisfactory completion submitted to the Board by October 31, 2008. Said hours shall be in addition to the fifteen (15) hours required for the renewal of his license.
- Mr. Blanton shall be assessed a monetary penalty of Two Hundred Fifty Dollars (\$250.00) to be paid to the Board within ninety (90) days from the date this Order is final. If the monetary penalty is not received within the prescribed deadline, an additional One Hundred Dollars (\$100.00) will be assessed weekly, up to a maximum of One Thousand Dollars (\$1,000.00). Failure to pay the full fee plus the additional assessed penalty within thirty (30) days of the date the maximum penalty may be assessed shall constitute grounds for the suspension of the license of Mr. Blanton, and an administrative proceeding will be convened to determine whether such license shall be suspended.
- Mr. Blanton shall maintain a course of conduct commensurate with the requirements of Chapters 33 and 34, Title 54.1 of the Code. Any violation of these terms or of any law or regulation affecting the practice of pharmacy in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of his license and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.