

IN THE MATTER OF	*	BEFORE THE
JAIME L. BAKER,	*	STATE BOARD OF
PHARMACY TECHNICIAN	*	PHARMACY
Registration No.: T22609	*	Case No. 20-019
Respondent	*	

* * * * *

FINAL ORDER

On June 19, 2020, the State Board of Pharmacy (the "Board") notified **JAIME L. BAKER**, Pharmacy Technician, (the "Respondent"), **Registration No.: T22609**, of the Board's intent to **REVOKE** her pharmacy technician registration, pursuant to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). The specific statutory and regulatory authorities are discussed below.

STATUTORY AND REGULATORY AUTHORITY

The relevant provisions are as follows:

Health Occ. § 12-6B-09. 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:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board; and

- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title[.]

The underlying grounds for Board action under § 12-6B-09 (25) is:

COMAR 10.34.10.:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

The underlying grounds for Board action under § 12-6B-09 (27) is:

Health Occ. § 12-313 (15), which prohibits a pharmacist from “Dispens[ing] any drug, device, or diagnostic for which a prescription is required without a written oral, or electronically transmitted prescription from an authorized provider.”

FINDINGS OF FACT

The Board makes the following Findings of Fact:

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in Maryland. The Respondent was first registered on June 19, 2019, and her registration expires on May 31, 2021.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a national chain pharmacy (“the Pharmacy”)¹ in Washington County, Maryland.

¹ For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified in this document, but the Respondent or counsel may request this information from the Administrative Prosecutor.

3. On or about July 12, 2019, the Board received an Initial Notice by facsimile captioned, “CONTROLLED SUBSTANCE THEFT/SIGNIFICANT LOSS ONE BUSINESS DAY NOTIFICATION” (the “Initial Notice”) from the Pharmacy. The Notice advised that the Pharmacy would investigate and provide the Board, with DEA Form 106 if the investigation determined a theft or loss of a Controlled Substance.

4. On or about August 14, 2019, the Board received a copy of DEA Form 106, “CONTROLLED SUBSTANCE/THEFT SIGNIFICANT LOSS” (the “Notice”). The Notice reported that a Pharmacy employee committed a theft of an estimated 56 tablets of Zubsolv (11.4 -- 2.9 mg)².

5. The Pharmacy identified the Respondent as the employee responsible for the theft of controlled substances identified in paragraph 4 above.

6. After receiving the Initial Notice, the Board opened an investigation.

7. On or about July 16, 2019, the Board issued a subpoena and requested that the Pharmacy provide the Respondent’s employment file, including, investigation report interviews, surveillance videos and/or photographs, and any police or incident report.

8. On or about August 13, 2019, the Board received a copy of the Respondent’s employment file and the Pharmacy’s investigative report.

9. The investigative report included the Respondent’s statement admitting she stole Zubsolv from the Pharmacy.

² Zubsolv (buprenorphine/naloxone) is a schedule III drug. Zubsolv belongs to a class of drugs called mixed opioid agonist-antagonists used to treat opioid addiction.

10. The Pharmacy manager, (“Witness A”) reported that on or about July 5, 2019, the Respondent removed one package of Zubsolv (11.4 mg.) from the Pharmacy. Surveillance footage recorded the Respondent removing the drug from inventory and concealing it on her person.

11. On or about July 10, 2019, the Asset Protection Manager (“APM”) (“Witness B”) interviewed the Respondent about the missing drugs. The interview was witnessed by another Pharmacy employee (“Witness C”). During the interview, the Respondent admitted that she stole Zubsolv from the Pharmacy.

12. In a hand-written Statement dated July 10, 2019, the Respondent stated she stole drugs from the Pharmacy to give to a pregnant friend who had a drug addiction. The Respondent admitted that she was afraid that without the medication her friend might have a drug overdose.

13. The Respondent also claimed that she [the Respondent] used this drug in the past to treat an addiction to prescription pain medication.

14. The Respondent admitted in the written statement that she stole an undetermined amount of Zubsolv (11.4 mg). Subsequently, the Respondent provided “Voluntary Restitution” to the Pharmacy in the amount of \$20.00. The payment was received and recorded on a store cash register.

15. On or about July 10, 2019, the Pharmacy terminated the Respondent’s employment.

16. Pharmacy staff reported the theft to the Washington County Sherriff's Department, but the Sherriff's office declined to file a report.³

17. The Board summarily suspended the Respondent's registration on November 18, 2019.

18. The Respondent's conduct, as set forth above in whole or in part, constitutes a violation of Health Occ. §§12-6B-09 (3) and/or (25), and/or (27), and/or COMAR 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law. The Respondent's theft of CDS from the Pharmacy employer as described herein violates:

Health Occ. § 12-6B-09:

- (3) Fraudulently uses a pharmacy technician's registration;
- (25) Violates any regulation adopted by the Board; and
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [.]

The underlying grounds for Board action under § 12-6B-09 (25) is:

Code Md. Regs. ("COMAR") 10.34.10.:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

³ A deputy in the Sherriff's Department filed an event report, indicating that the Pharmacy reported the theft to the Washington County Sherriff's Department.

The underlying grounds for Board action under § 12-6B-09 (27) is:
Health Occ. § 12-313 (15), which prohibits a pharmacist from “Dispens[ing] any drug, device, or diagnostic for which a prescription is required without a written oral, or electronically transmitted prescription from an authorized provider.”

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of November, 2020, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Consent Order, the Respondent’s pharmacy technician registration, **Registration No.: T22609**, to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**;

ORDERED that the Respondent shall return to the Board all Board Registration documents identifying her as a registered pharmacy technician; and

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. General Provisions §§ 4-104 *et seq.* (2014).

11-20-2020
Date


Deena Speights-Napata, M.A.
Executive Director for
Kevin Morgan, Pharm. D., President
State Board of Pharmacy