

IN THE MATTER OF * **BEFORE THE**
TYECHELE BEAN, PHARM TECH * **STATE BOARD OF**
Registration No.: T19295, * **PHARMACY**
Respondent * **Case No. 18-111**

* * * * *

FINAL ORDER

On September 19, 2018, the State Board of Pharmacy (the “Board”) notified **TYECHELE BEAN**, Pharmacy Technician (Pharm Tech), the Respondent herein, **Registration No.: T19295**, of the Board’s intent to **REVOKE** her Pharm Tech registration, pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occupations (“Health Occ.”) §§ 12-101 *et seq.* (2014 Repl. Vol. and 2017 Supp.).

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 rule or 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.

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 Pharm Tech in Maryland. The Respondent was first registered on March 3, 2017. The Respondent's registration expires on July 31, 2018.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a national chain pharmacy, in Prince George’s County, Maryland, hereinafter “the Pharmacy.”¹

¹ For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified in this document, but this information will be provided to the Respondent upon request by the Administrative Prosecutor.

3. On or about July 23, 2018, the Board issued an Order summarily suspending the Respondent's registration to practice as a Pharm Tech, based on a report from the pharmacy that the Respondent admitted to stealing drugs from the pharmacy.

4. The Order of Summary Suspension informed the Respondent that she had thirty days to request a Show Cause hearing before the Board to show cause why the Order of Summary Suspension should not continue. To date the Board has not received a request for a Show Cause hearing.

5. The Board initiated an investigation on or about November 14, 2017, after it received an "Initial Notification of Controlled Substance Theft or Potentially Significant Loss" from the Pharmacy. The Notice advised that the Pharmacy would investigate and notify the Board of the outcome of the investigation and send a DEA-106 form if it determined that a theft occurred.

6. By Correspondence dated December 1, 2017, the Pharmacy sent the Board "form DEA-106, REPORT OF THEFT OR LOSS OF CONTROLLED SUBSTANCES," due to employee pilferage. The Controlled Dangerous Substance (CDS) was identified as Acetaminophen-COD # 4² Tablet, and the loss was valued at \$865.00.

7. According to the report, the Respondent admitted to stealing Tylenol #4. The Pharmacy reported other losses of this medication, and the report indicated that the Pharmacy suspected that the Respondent was responsible for other thefts.

² Acetaminophen-COD #4 (Tylenol with Codeine) is a schedule III narcotic used for pain relief.

8. The Respondent admitted in writing that she was responsible for stealing Tylenol #4, and other merchandise valued at approximately \$25.00. She claimed that she took the medication to “calm down” during stressful situations. She said:

I have been through a lot. Sometimes when I’m overwhelmed I would take the medication so I could calm down and not feel so overwhelmed. I have a lot of anger & resentment & hurt that has build [sic] up over the years that has caused me to feel isolated and alone.

9. The Respondent also admitted in her statement that she was relieved that her thefts had been discovered, because she expected Pharmacy staff to eventually uncover the thefts. The Respondent was terminated for theft, and according to the report Pharmacy staff confirmed that all Pharmacy loss prevention policies and procedures would be reviewed with staff.

10. Pharmacy staff reported the thefts to Prince George’s County Police. Prince George’s County issued a summons to the Respondent on April 19, 2018, and she was charged with “THEFT: \$1,500 TO UNDER 25,000.” The Respondent’s criminal trial was scheduled for July 9, 2018, and the case was placed on the Stet docket.

11. The Respondent signed promissory notes and agreed to reimburse the Pharmacy for the value of some of the stolen medication and merchandise.

CONCLUSIONS OF LAW

The Respondent’s theft of CDS from her 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 [.]

ORDER

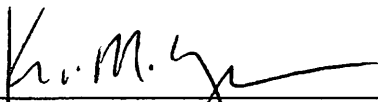
Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of November, 2018, by a majority of the quorum of the Board considering this case hereby:

ORDERED that effective the date of this Order, the Respondent's Pharm Tech Registration, **Registration No.: T19295**, to practice as a Pharm Tech in the State of Maryland is hereby **REVOKED**;

ORDERED that the Respondent shall return to the Board all Board Registration documents identifying Respondent as a registered Pharm Tech; and

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

11/21/18
Date


Kevin Morgan, Pharm. D., President
State Board of Pharmacy