

IN THE MATTER OF * BEFORE THE MARYLAND
KATHLEEN BELFAR * STATE BOARD OF
PHARMACY TECHNICIAN * PHARMACY
REGISTRATION NO. T01546 * Case No. 19-209

* * * * *

CONSENT ORDER TERMINATING SUMMARY SUSPENSION

Background

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the “Board”), and subject to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, and the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension, dated May 10, 2019, in which it summarily suspended the pharmacy technician registration held by Kathleen Belfar (the “Respondent”), Registration No. T01546. Specifically, the Board found that reliable evidence demonstrated that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2).

On June 19, 2019, the Board held a hearing before a quorum of the Board to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted. The Board now finds that the Respondent does not pose an imminent threat to the health, safety, or welfare of the public, provided that she comply with the terms and conditions set forth in this Consent Order.

FINDINGS OF FACT

1. The Respondent is a registered pharmacy technician in the State of Maryland under Registration Number T01546. The Respondent was first registered on July 25, 2008. The Respondent's registration expires on March 31, 2020.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a chain pharmacy located in Baltimore County, Maryland.

3. On or about January 7, 2019, the Board received notice from a detective with the Baltimore County Police Department that the Respondent "had been stealing Phentermine 37.5 [mg] . . . since at least April of 2018" from her pharmacy employer and that charges were pending.

4. On March 13, 2019, the Board received a DEA 106 – Report of Theft or Loss of Controlled Substance from the Respondent's employer, which listed the controlled dangerous substances that were lost/stolen as 5 tablets of phentermine hydrochloride 30 mg and 54 tablets of phentermine hydrochloride 37.5 mg. The report listed the value of the loss as \$79.49.

5. Following an internal investigation including a review of video surveillance showing the Respondent removing a tablet from a stock bottle containing phentermine, the pharmacy confronted the Respondent, who admitted to the theft. The Respondent wrote a statement detailing her theft of phentermine and agreed to compensate the pharmacy \$124.80. The Respondent stated that she took the phentermine for use as an appetite suppressant.

6. The Respondent was also interviewed by two detectives from the Baltimore County Police Department's Pharmaceutical Diversion Team and admitted that beginning in 2018 she periodically removed one to two tablets of phentermine from the pharmacy stock to curb her hunger. She told the detectives that she did not keep track of how many tablets she had taken.

7. On April 8, 2019, the Defendant pled "Not Guilty with Agreed Statement of Facts" in the District Court of Maryland for Baltimore County to one count of "Theft: \$100 to under \$1,500" and received Probation Before Judgment with an Order for Restitution in the amount of \$124.80. The Court entered a Nolle Prosequi for two other charges.

8. On May 10, 2019, the Board issued an Order for Summary Suspension, immediately suspending the Respondent's registration to practice as a pharmacy technician, based on a finding that a threat to the public health, safety, or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2).

9. Following the Respondent's request, the Board held a Show Cause Hearing with the Respondent in front of a quorum of the Board on June 19, 2019, to allow the Respondent the opportunity to show cause why she did not pose an imminent threat to the health, safety, or welfare of the public, and why the summary suspension should be lifted.

10. At the Show Cause Hearing, the Respondent admitted that she skimmed 1-2 tablets per week from her pharmacy employer for her personal use to assist her with weight loss. The Respondent was candid, remorseful, and took full responsibility for her misconduct. There is no evidence of impairment or that the Respondent engaged in any drug distribution. The Respondent also informed the Board that she had been working at the same pharmacy for 35 years and that pharmacy technician was the only job she'd ever had.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that the Respondent violated Md. Code Ann., Health Occ. §§ 12-6B-09(22), (25), and (27).

ORDER

Based on agreement of the parties, it is this 5th day of August, 2019, by an

affirmative vote of the Board, hereby:

ORDERED that the Respondent's summary suspension be terminated as moot; and be it further,

ORDERED that the Respondent's registration be SUSPENDED for NINETY (90) DAYS, all of which shall be stayed; and be it further,

ORDERED that the Respondent's registration be placed on immediate PROBATION for at least TWO (2) YEARS, during which she shall:

1. Complete a minimum three (3) hour Board-approved continuing education course in ethics, which may not count toward the continuing education needed for renewal of her registration; and

2. Complete a minimum three (3) hour Board-approved continuing education course in controlled substance law, which may not count toward the continuing education needed for renewal of her registration; and be it further,

ORDERED that after two (2) years of probation, the Respondent may petition the Board to terminate probation, provided that she has been fully compliant with the terms of probation and does not have any pending complaints filed against her; and be it further,

ORDERED that the Respondent shall at all times cooperate with the Board in the supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and be it further,

ORDERED that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of this Consent Order; and be it further,

ORDERED that in the event the Board finds in good faith that the Respondent has violated any of the terms or conditions of this Consent Order, the Board may impose further disciplinary

action against the Respondent's registration, including but not limited to suspending or revoking the Respondent's registration, provided that the Respondent is first given the opportunity for a hearing; and be it further,

ORDERED that the Respondent shall bear all expenses associated with this Consent Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to Maryland Code Ann., General Provisions § 4-333(b).


8-5-19
Date

Deena Speights-Napata
Deena Speights-Napata, Executive Director
for
Kevin Morgan, President
Maryland Board of Pharmacy

CONSENT


1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
3. I acknowledge that this is a formal order of the Board and as such is a public document.
4. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

30 July 2019
Date


Kathleen Belfar, Pharmacy Technician

STATE OF MARYLAND
COUNTY/CITY OF Howard :

I hereby certify that on this 30th day of July, 2019, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared Kathleen Belfar, and made an oath in due form that the foregoing Consent was her voluntary act and deed.


Notary Public
My commission expires: 2/6/21

JOSEPH W OSBORNE
Notary Public
Anne Arundel County
Maryland
My Commission Expires Feb. 6, 2021