

IN THE MATTER OF	*	BEFORE THE MARYLAND
KATHLEEN BELFAR, Pharmacy Tech	*	STATE BOARD OF
Respondent	*	PHARMACY
Registration Number: T01546	*	Case Number 19-209
	*	
* * * * *		

**ORDER FOR SUMMARY SUSPENSION OF
PHARMACY TECHNICIAN REGISTRATION**

The Maryland Board of Pharmacy (the “Board”) hereby summarily suspends the registration of Kathleen Belfar¹ (the “Respondent”), Registration Number T01546 to practice as a pharmacy technician in the State of Maryland. The Board takes such action pursuant to the Board’s authority under Md. Code Ann., State Gov’t § 10-226(c)(2) (2014 Repl. Vol. and 2018 Supp.) and Maryland Code of Regulations (“COMAR”) 10.34.01.12F, concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS²

1. The Respondent was originally registered to practice as a pharmacy technician in Maryland on July 25, 2008, under registration number T01546. The Respondent’s registration is scheduled to expire on March 31, 2020.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy (the “Pharmacy”)³ located in Baltimore County, Maryland.

¹ The Respondent’s name is listed on Pharmacy employment records as Kathleen Mwangi. Her driver’s license, licensing records, and court records identify her as Kathleen Belfar.

² The statements regarding the Respondent’s conduct are intended to provide the Respondent with notice of the allegations. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

³ In order to maintain confidentiality, names of individuals and facilities involved in this matter will not be used in this document, but will be provided to the Respondent on request.

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 Phentermine⁴ 37.5 [mg] from the [P]harmacy since at least April of 2018” and that charges were pending.

4. On March 13, 2019, the Board received a DEA (Drug Enforcement Agency) - 106 – Report of Theft or Loss of Controlled Substances (the “Report”) from the Pharmacy related to the loss of phentermine.

5. The Report listed the controlled dangerous substances (“CDS”) that were lost/stolen as:

Trade Name	NDC Number	Name of Controlled Substance in Preparation	Dosage Strength	Quantity Lost or Stolen
phentermine	13107-0106-01	phentermine hydrochloride	30 mg	5
phentermine	10702-0029-01	phentermine hydrochloride	37.5 mg	2
phentermine	13107-0061-01	phentermine hydrochloride	37.5 mg	52

6. The Report listed the value of the lost CDS as \$79.49.

Pharmacy Investigation

7. The Pharmacy suspected that medications were being diverted and therefore conducted an internal audit of its medication stock between April and October 2018 that revealed a loss of 78 tablets of phentermine 37.5 mg. Pharmacy video surveillance from December 18, 2018, shows the Respondent removing a tablet from a stock bottle containing

⁴ Phentermine is Schedule IV Controlled Dangerous Substance (“CDS”) used to treat obesity.

phentermine. The Pharmacy confronted the Respondent regarding missing phentermine and the Respondent admitted to theft of phentermine. The Respondent wrote a statement detailing her theft of phentermine and agreed to compensate the Pharmacy \$124.80 for 80 tablets of phentermine. The Respondent stated that she took the phentermine for use as an appetite suppressant.

Criminal Investigation

8. On January 3, 2019, two detectives from the Baltimore County Police Department's Pharmaceutical Diversion Team ("Detectives") responded to the Pharmacy where they were met by the Pharmacy's Asset Protection Officer ("ASO"). The ASO provided the Detectives with a copy of the video surveillance and the Respondent's written statement admitting the theft of phentermine.

9. The Detectives interviewed the Respondent who 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.

10. On January 15, 2019, the Respondent was charged in the District Court of Maryland for Baltimore County with three misdemeanors counts: (1) one count of CDS: Possess-Not Marijuana; (2) one count of Theft: \$100 to under \$1,500; and (3) one count of Prescription Obtained By Fraud.

11. On April 8, 2019, the Defendant pled "Not Guilty with Agreed Statement of Facts" to charge 2, one count of Theft: \$100 to under \$1,500, and was sentenced to Probation Before Judgment with a sentence of 30 Days Unsupervised Probation and an

Order for Restitution in the amount of \$124.80. The Court entered a Nolle Prosequi for charge 2, CDS: Possess-Not Marijuana, and for charge 3, Prescription Obtained By Fraud.

12. Based on the above information, the Board has reason to believe that the Respondent diverted multiple prescription-only CDS medications over an extended time period.

CONCLUSION OF LAW

Based on the foregoing Investigative Findings, the Board concludes that the public health, safety or welfare imperatively require emergency action in this case, pursuant to State Gov't. § 10-226 (c)(2)(i) and COMAR 10.34.01.12F

ORDER

It is, on the affirmative vote of a majority of the quorum of the Board, hereby:

ORDERED that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's registration to practice as a pharmacy technician, Registration Number T01546, in the State of Maryland be and is hereby **SUMMARILY SUSPENDED**; and it is further


ORDERED that the Respondent shall immediately return all registrations and licenses to the Board; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN THIRTY (30) DAYS** of receipt of this order; and it is further

ORDERED that if the Respondent does not submit a timely written request to the Board for a post-deprivation show cause hearing, or if the Respondent requests a post-deprivation show cause hearing but fails to appear when scheduled, the investigative findings contained in this Order shall stand and the Respondent's pharmacy technician registration will remain **SUSPENDED** absent any further action by the Board; and be it further

ORDERED that this is a **PUBLIC DOCUMENT** pursuant to the Maryland Public Information Act. Md. Code Ann., Gen. Prov. §§ 4-101 – 4-601 (2014 & Supp. 2016).

5-10-19
Date



Deena Speights-Napata
Executive Director
Maryland Board of Pharmacy