

IN THE MATTER OF	*	BEFORE THE
DAVID BLOCH, PHARM TECH	*	STATE BOARD
Registration No.: T09164	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-13-034

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt (SG) Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **DAVID BLOCH**, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101 , *et seq.*, (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on May 16, 2011. The Respondent's registration expires on February 28, 2015.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Baltimore County, Maryland, hereinafter "Pharmacy A."

3. On or about April 2, 2013, the Baltimore County Police Department was called to Pharmacy A regarding a theft. Upon arrival, the following information was obtained:

- A. Pharmacy A's Pharmacist had noticed an empty bottle of Hydrocodone¹ in the trash can. The Pharmacist found this to be suspicious due to the fact that he specifically remembered that the bottle was at least partially full the night prior;
- B. This caused the Pharmacist to view the surveillance footage, which disclosed that, while the Respondent was working, the Respondent removed several pills from the Hydrocodone bottle and then placed the empty bottle in the trash can;
- C. The Pharmacist alerted Pharmacy A's Loss Prevention Officer of the situation. Upon the Loss Prevention Officer's arrival to Pharmacy A, she observed the Respondent place a few pills in his mouth and leave the store with a bottle of water.
- D. The Loss Prevention Officer then confronted the Respondent in reference to his possible drug activity, whereupon the Respondent admitted to her that, over the past eight months, he had been stealing anywhere from 10-20 Hydrocodone every day he worked. The Respondent originally told the Loss Prevention Officer that he was dealing as well as using the Hydrocodone for his personal use; however, the Respondent changed his story upon the arrival of the Police Officer;
- E. During the Police Officer's interview of the Respondent, the Respondent advised that he had stolen the drugs because his friend "Dave" had told him about the benefits of working in a pharmacy and he had agreed to

¹Hydrocodone is in a group of drugs called opioids and is used to relieve moderate to severe pain.

steal anywhere from 10-20 Hydrocodone each day he worked, and he gave 15 to "Dave" and kept five for himself for personal use. Later, the Respondent admitted that the drugs were for his personal use;

F. The Police estimated that the value of the Hydrocodone sold on the street would have been for \$5 - \$10. Altogether, the profit from the drugs stolen by the Respondent from Pharmacy A is estimated by the Police to be \$18,700-\$37,400.

4. As a result of the thefts, the Respondent was terminated from employment with Pharmacy A.

5. The Respondent was subsequently charged in the Circuit Court for Baltimore County with the following criminal charges:

- A. Count 1: CS Poss w/Int Dist Narc;
- B. Count 2: CDS {Poss—Not Marijuana};
- C. Count 3: Theft-Scheme-1K to Under 10 K;
- D. Count 4: Theft--\$ 1000 to Under 10,000;
- E. Count 5: Prescription/Remove Label; and,
- F. Count 6: CDS Dist-Narc.

6. On July 11, 2013, the Respondent pled guilty to Count 1 and was found guilty of same. He was sentenced to five years in jail, all suspended. The Respondent was also placed on two years' supervised probation, random urinalysis, and three NA meetings per week. The Respondent was ordered to enroll in and successfully complete an inpatient 120 day program with Gaudenzia and aftercare. All items seized were to be forfeited to the forfeiting authority. Probation was transferred to Anne

Arundel County, upon release from treatment; fines and costs waived. The other counts were Nolle Prossed.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c)(2) (2009 Repl. Vol. and 2012 Supp.).

ORDER

Based on the foregoing, it is therefore this 13th day of September, 2013, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol. and 2012 Supp.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T03064, is hereby SUMMARILY SUSPENDED; and be it further

ORDERED that upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED, that this document constitutes a final Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. State Gov't Code Ann. §10-617(h) (2009 Repl. Vol. and 2012 Supp.).



LaVerne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.