

IN THE MATTER OF
DE’JANIA BRADFORD
Applicant

*** BEFORE THE**
*** MARYLAND BOARD**
*** OF PHARMACY**
*** Case No.: 22-407**

* * * * *

FINAL DECISION AND ORDER

Procedural Background

On or about June 16, 2022, De’Jania Bradford (the “Applicant”) applied to the Maryland Board of Pharmacy (the “Board”) for a registration to practice as a pharmacy technician in Maryland. On her application, the Applicant answered “no” to all personal attestation questions, including a question about whether her employment had ever been terminated by a pharmacy. On or about July 11, 2022, before a registration could be granted to the Applicant, her pharmacy employer (the “Pharmacy”) notified the Board that she had been terminated for theft of medication and other items. On May 17, 2023, following an investigation, the Board issued a Notice of Intent to Deny Pharmacy Technician Registration to the Applicant under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. § 12-101 *et seq.*

On June 28, 2023, the Board received a request for an evidentiary hearing from the Applicant. The Board scheduled the evidentiary hearing and sent the Applicant notice of the hearing via certified mail on August 4, 2023. On September 20, 2023, the Board held an evidentiary hearing before a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t § 10-201 *et seq.*, and the Board’s regulations, COMAR 10.34.01. Following the hearing, the same quorum of the Board convened to deliberate and voted

unanimously to deny the Applicant's application for the reasons set forth in this Final Decision and Order.

SUMMARY OF THE EVIDENCE

A. Documents

The following documents were admitted into evidence.

- State's Exhibit No. 1 - Notice of Hearing, 8/4/23
- State's Exhibit No. 2 - Notice of Intent to Deny, 5/17/23
- State's Exhibit No. 3 - Investigative Report
- State's Exhibit No. 4 - Licensing Information
- State's Exhibit No. 5 - Initial Notification from Pharmacy, 7/8/22
- State's Exhibit No. 6 - Applicant's Employee Termination Records From Pharmacy
- State's Exhibit No. 7 - Witnesses' Statements from Pharmacy
- State's Exhibit No. 8 - Applicant's Statement, 6/17/22
- State's Exhibit No. 9 - Applicant's Wage and Earnings Report from 2016-2023
- State's Exhibit No. 10 - Application for Pharmacy Technician Registration

B. Witnesses

State: Kimberley Goodman, Compliance Investigator, Maryland Board of Pharmacy

Applicant: De'Janina Bradford, Applicant

FINDINGS OF FACT

Based upon the documentary and testimonial evidence admitted at the evidentiary hearing, the Board finds the following:

1. On or about June 16, 2022, the Board received the Applicant's Application for Pharmacy Technician Registration. (State's Exs. 4, 10; Tr. at 20, 26)

2. On her application, the Applicant answered "no" to personal attestation question number five, which asks, "has your employment by any pharmacy, clinic, healthcare practice, or wholesale drug distributor been terminated for disciplinary reasons?" (State's Ex. 10; Tr. at 21-22)

3. At the time that the Applicant submitted her application, she was employed as a pharmacy technician trainee at the Pharmacy in Maryland. The Applicant began working at the Pharmacy on or about November 9, 2021. (State's Exs. 6, 9; Tr. at 29-30)

4. On or about July 11, 2022, before a registration was issued to the Applicant,¹ the Board received notification from the Pharmacy that the Applicant's employment at the Pharmacy had been terminated after she diverted four tablets of acetaminophen and codeine, a controlled dangerous substance, and ingested them without a valid prescription. (State's Ex. 5; Tr. at 15-16)

5. An investigation conducted by the Pharmacy revealed that the Applicant removed various food and drink items from the Pharmacy's shelves and consumed the items without payment. The Pharmacy's investigation also revealed that the Applicant took four tablets of acetaminophen and codeine from the Pharmacy without payment or a valid prescription. (State's Ex. 7; Tr. at 17)

6. The Pharmacy's investigation further revealed that the Applicant's employment had been terminated from another pharmacy located in Maryland prior to working at the Pharmacy. The Applicant stated that she was fired from the first pharmacy for diverting alprazolam, a controlled dangerous substance, to sell for a profit. (State's Exs. 7, 9; Tr. at 32-33)

¹ The Applicant's application was pending because the Board had not received her completed State criminal history records check pursuant to Md. Code Ann., Health Occ. § 12-6B-02(c). (Tr. at 26-27, 30)

7. On or about June 17, 2022, the Applicant was interviewed by the Pharmacy and provided a written statement. In her written statement, the Applicant admitted that she took water and candy from the Pharmacy's shelves and consumed the items without paying for them. She also admitted in her written statement that she took the acetaminophen and codeine from the Pharmacy and ingested it because she was in pain. (State's Ex. 8; Tr. at 17, 35)

8. Following the Pharmacy's investigation, the Applicant was suspended. On or about June 23, 2022, the Applicant's employment was terminated by the Pharmacy. (State's Exs. 6, 7; Tr. at 25)

9. Although the Applicant's employment was terminated by the Pharmacy shortly after she submitted her application to the Board, she never updated her application or otherwise informed the Board that her employment had been terminated by the Pharmacy. (State's Ex. 10; Tr. at 36)

OPINION

The Board's primary and most important duty is to protect the public, and the Board's first method of adhering to that duty as it relates to pharmacy technicians is to ensure that applicants for registration are qualified to hold a registration to practice as a pharmacy technician in Maryland. The Board's registration requirements are intended to safeguard the public from prospective registrants who are not competent or ethical. To that end, the Act requires that to qualify for a pharmacy technician registration, an applicant shall "be of good moral character." Md. Code Ann., Health Occ. § 12-6B-02(b)(1).

The Board does not believe the Applicant has the good moral character necessary to qualify for a registration to practice as a pharmacy technician in Maryland. Prior to even getting an initial registration, the Applicant has been fired – twice – for diverting drugs from her pharmacy

employer. Pharmacy technicians have direct access to all sorts of drugs, including controlled dangerous substances. The public needs to trust that the pharmacy technicians filling their prescriptions will not steal their drugs for their own personal use or to sell on the street. The Applicant has done both. In addition, the Applicant failed to mention being fired from the first pharmacy on her application with the Board and failed to update the Board when the Pharmacy fired her days after she submitted her application, calling her integrity and honesty into question. As a result, the Board believes it is unable to issue a registration to the Applicant without posing unnecessary risk to the public's health, safety, and welfare.

CONCLUSIONS OF LAW

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board finds that the Applicant does not meet the good moral character requirement for registration under the Act, Md. Code Ann., Health Occ. § 12-6B-02(b)(1).

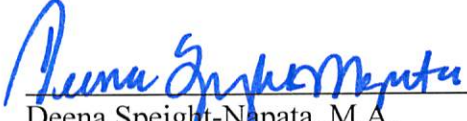
ORDER

Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:

ORDERED that the Applicant's application for a registration to practice as a pharmacy technician in Maryland be **DENIED**; and be if further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions § 4-333(b).

1-18-24
Date



Deena Speight-Napata, M.A.
Executive Director
for Neil Leikach, R.Ph., M.Sc., President

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Applicant has the right to seek judicial review of this Order. Any petition for judicial review shall be filed within thirty days from the date of mailing of this Order. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-21 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Pharmacy
Deena Speights-Napata, MA, Executive Director
4201 Patterson Avenue, 5th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Brett E. Felter
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201