

IN THE MATTER OF * BEFORE THE STATE
ELIZABETH BROWN * BOARD OF
REGISTRATION No: T05708 * PHARMACY
Respondent * CASE No.: PT-11-041

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. ("S.G.") §10-226 (c) (2009 Repl. Vol. and 2010 Supp.), the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 12-101 *et seq.* (2009 Repl. Vol. and 2010 Supp.), and Code Md. Regs. tit. 10, § 34.01.12, the State Board of Pharmacy (the "Board") hereby summarily suspends the registration of **ELIZABETH BROWN, Registration Number T05708, (the "Respondent") (D.O.B. 01/21/1990)**, to practice as a pharmacy technician under the Act. This Order is based on the following investigative findings, which the Board has reason to believe are true:¹

FINDINGS OF FACT

1. The Respondent is registered to practice as a pharmacy technician in the State of Maryland under Registration Number T05708. The Respondent was first registered on June 10, 2009. The Respondent's registration is current and is scheduled to expire on January 31, 2013.

2. At all times relevant, Respondent was employed as a Senior Pharmacy Technician at Walgreens in Chestertown, Maryland.

¹ The statements regarding the Respondent's conduct are only intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a completed description of the evidence, either documentary or testimonial, to be offered against the Respondent in this matter.

3. The Board received information that the Respondent was terminated from her employment at Walgreens after it was discovered that she stole controlled dangerous substances ("CDS").

4. Thereafter, the Board initiated an investigation.

5. According to a Walgreen's Loss Prevention Report, the Walgreen's Store Manager ("Store Manager") where the Respondent was employed discovered a shortage of Alprazolam 2mg tablets and Hydrocodone 7.5/325 mg tablets.² The Store Manager had also been informed of rumors in the local community that the Respondent was stealing CDS and selling them.

6. The Store Manager determined that for the period of January 25, 2011 through March 8, 2011, there was a pattern of unexplainable negative adjustments for Alprazolam 2mg tablets, totaling 420 tablets. Furthermore, on February 22, 2011, there was a questionable negative adjustment of 100 tablets of Hydrocodone 7.5/325 mg tablets.

7. Upon further research of Walgreen's inventory, the Store Manager discovered the following for February 21, 2011:

Medication	# of Tablets Negatively Adjusted
Methadone 10 mg ³	29 tablets
Oxycodone 30 mg ⁴	29 tablets
Hydrocodone 10-325 mg	206 tablets

² Alprazolam is a schedule IV CDS. Hydrocodone is a schedule II CDS.

³ Methadone is a schedule II CDS.

⁴ Oxycodone is a schedule II CDS.

8. A review of employee schedules revealed that the Respondent was the only pharmacy technician on duty during the time frames when the CDS in question were negatively adjusted.

9. A review of video surveillance dated February 14, 2011 at Walgreens revealed the Respondent removing a bottle of Hydrocodone, counting out pills and placing them in a vial without a prescription present. The Respondent failed to scan the barcode of the bottle of pills as required.

10. The Respondent admitted to stealing the following CDS:

Medication	# of Pills Stolen	Retail Value
Alprazolam 2 mg	420 tablets	\$179.50
Hydrocodone 7.5-325 mg	100 tablets	\$67.59
Hydrocodone 10-325 mg	206 tablets	\$156.99
Total:	726 tablets	\$404.17

11. The Respondent denied stealing any other CDS, but admitted that she randomly adjusted the Methadone and Oxycodone tablet counts to avoid getting caught.

12. The Respondent further admitted that she had been stealing CDS for approximate two-and-a-half months, acted on her own accord, and that she both consumed and sold the CDS.

13. The Respondent paid restitution in the amount of \$404.17 to Walgreens, and was then terminated from her employment on March 18, 2011.

14. The Chestertown Police Department ("the police") was notified and the Respondent was arrested.

15. On April 28, 2011, in the District Court of Maryland for Kent County, the Respondent pleaded guilty to Theft-Scheme: Less \$1000.⁵ She was sentenced to 18 months incarceration with 17 months suspended and 18 months of supervised probation.

CONCLUSIONS OF LAW

Accordingly, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. State Gov't Code Ann. § 10-226(c)(2)(i) (2009 Repl. Vol. and 2010 Supp).

ORDER

Based on the foregoing, it is this 1st day of September 2011, by a majority vote of a quorum of the Board, hereby:

ORDERED that pursuant to the authority vested by Md. State Gov't Code Ann., § 10-226(c)(2) License No. 09572, the Respondent's registration to practice as a pharmacy technician in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that the Respondent must request a post-deprivation show cause hearing in writing **WITHIN 30 DAYS** of her receipt of this notice. The written request should be made to: LaVerne Naesea, Executive Director, Maryland Board of Pharmacy, Department of Health & Mental Hygiene, 4201 Patterson Avenue, Baltimore, Maryland 21215 with copies mailed to: Tracee Orlove Fruman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 207, Baltimore, Maryland

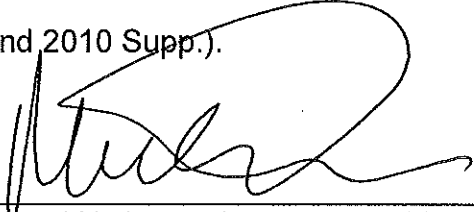
⁵ Five additional counts for Theft Less Than \$1000 were dismissed.

21201, and Linda Bethman, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and be it further

ORDERED that if the Respondent fails to request a post-deprivation show cause hearing, the Respondent's registration will remain suspended; and it is further

ORDERED that the Respondent shall immediately turn over to the Board her registration to practice as a pharmacy technician issued by the Board; and be it further

ORDERED that this document constitutes an 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 2010 Supp.).



Michael N. Souranis, P.D., President
Maryland Board of Pharmacy