

IN THE MATTER OF
TIFFANY S. CARTER
PHARMACY TECHNICIAN
Registration No. T25569

*** BEFORE THE MARYLAND**
*** STATE BOARD OF**
*** PHARMACY**
*** Case No.: 22-305**

* * * * *

FINAL DECISION AND ORDER

Procedural Background

On May 6, 2022, the Maryland Board of Pharmacy (the “Board”) received notification from a chain pharmacy in Baltimore County (the “Pharmacy”) that pharmacy technician Tiffany Carter, Registration No. T25569 (the “Respondent”), had been terminated for theft of medication. On September 13, 2022, following an investigation, the Board issued an Order of Summary Suspension, summarily suspending the Respondent’s registration to practice as a pharmacy technician. The Respondent never requested a hearing on the Order of Summary Suspension. On December 20, 2023, the Board issued a Notice of Intent to Revoke Pharmacy Technician Registration to the Respondent under the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. § 12-101 *et seq.*; the Board issued an Amended Notice of Intent to Revoke Pharmacy Technician Registration on April 17, 2024.

On or about February 7, 2024, 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 March 11, 2024; the Board sent the Applicant notice that the hearing had been rescheduled via certified mail on June 6, 2024. On July 17, 2024, 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 revoke the Respondent's registration 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 - Report of Investigation
- State's Exhibit No. 2 - Registration Information
- State's Exhibit No. 3 - Pharmacy Incident Report
- State's Exhibit No. 4 - Board Subpoena to Pharmacy, 5/10/2022
- State's Exhibit No. 5 - Respondent's Pharmacy Personnel File
- State's Exhibit No. 6 - Respondent's Statement, 1/10/2022
- State's Exhibit No. 7 - Respondent's Criminal Records
- State's Exhibit No. 8 - Order for Summary Suspension, 9/13/2022
- State's Exhibit No. 9 - [Not Admitted]
- State's Exhibit No. 10 - Video of Incident from Pharmacy

B. Witnesses

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

FINDINGS OF FACT

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

1. The Respondent was originally registered to practice as a pharmacy technician in Maryland on August 19, 2021; her registration expired on June 30, 2023. (State's Ex. 2; Tr. at 13)

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at the Pharmacy. (State's Ex. 5)

3. On or about May 6, 2022, the Board received an incident report from the Pharmacy notifying the Board that on January 10, 2022, the Respondent was interviewed by Pharmacy staff and admitted verbally and in writing to stealing CDS from the Pharmacy. The incident report lists the CDS stolen as Alprazolam 1mg, quantity 600, with a value of \$696. (State's Ex. 3; Tr. at 15-16)

4. In Response to a Board subpoena, the Pharmacy forwarded a copy of the Pharmacy investigative file. The documents received from the Pharmacy included a two-page statement dated January 10, 2022, and signed by the Respondent. In her written statement, the Respondent admitted that she took Alprazolam from the Pharmacy to give to a family member during a 10-month period. The Pharmacy also provided surveillance video of the Respondent that showed the Respondent removing and hiding pills. (State's Exs. 4-6, 10; Tr. at 16-20, 24)

5. The Respondent was fired from the Pharmacy on January 13, 2022. (State's Exs. 3, 5; Tr. at 16, 18).

6. The Pharmacy reported the theft to law enforcement. On October 17, 2022, the Respondent pled guilty to, and was found guilty of, one count of "Theft

Scheme: \$100 to Under \$1,500,” a crime involving moral turpitude. The Respondent was sentenced to (6) months incarceration, with all six months suspended, and was placed on (1) year of supervised probation. (State’s Ex. 7; Tr. at 20-23)

OPINION

Pharmacy technicians play an integral role in the dispensing process, providing support to pharmacists and trusted care to patients. Pharmacy technicians are expected to act with honesty and integrity, which includes a duty to obey the law and maintain the highest level of moral and ethical conduct. By the very nature of their employment behind the pharmacy counter, pharmacy technicians have immediate access to prescription drugs, and they must be trusted to handle those drugs appropriately at all times.

Diverting drugs from a pharmacy, whether for one’s own personal use, for a friend or family member’s personal use, or for sale, violates the ethical principles and obligations of the profession. The Respondent was expected to exercise good judgment and adhere to pharmacy laws and regulations. The Respondent failed to do so by stealing medication from the pharmacy. The Respondent acted dishonestly, betrayed her employer’s trust, and failed to exercise good judgment. Additionally, the Respondent began stealing medication almost as soon as she started working at the Pharmacy, suggesting that access to medication to steal was her entire motivation for becoming a pharmacy technician. The Board believes that showing an extreme lack of judgment and moral character by stealing medication is, in of itself, more than enough justification to revoke the Respondent’s registration in this case; the Respondent was also criminally convicted for her actions, providing even more justification to revoke her registration.

The Board's sanctioning guidelines provided for revocation as a potential sanction in cases where a pharmacy technician diverts drugs or is convicted of a crime or moral turpitude; the Respondent has done both. COMAR 10.34.11.05. Reviewing the aggravating and mitigating factors for determining a sanction in COMAR 10.34.11.08, the Board finds two mitigating factors: that the Respondent admitted her unethical conduct once she was caught, and the Respondent's lack of prior disciplinary history (although she began stealing from the Pharmacy almost as soon as she received her pharmacy technician registration). The Board also, however, finds three aggravating factors: that the Respondent acted deliberately, that there was the potential for significant harm, and that there was a pattern of misconduct over 10 months. On balance, and given everything stated in this Order, the Board believes revocation is the appropriate sanction in this case.

CONCLUSIONS OF LAW

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that the Respondent is subject to discipline pursuant to the Act, Md. Code Ann., Health Occ. §§ 12-6B-09(3), (22), (25), and (27) and 12-313(25), and COMAR 10.34.10.01B(3).

ORDER

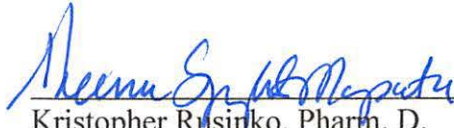
Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:

ORDERED that the Respondent's registration with the Board to practice as a pharmacy technician in Maryland, Registration No. T25569, shall be and is **REVOKED**; 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).

10-21-24

Date



Kristopher Rusinko, Pharm. D.
Board President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Respondent 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