

IN THE MATTER OF	*	BEFORE THE
NESTOR JOSUE CANJURA CASTILLO	*	STATE BOARD
PHARM TECH	*	OF
Registration Number: T16824	*	PHARMACY
Respondent	*	Case Number: PT-18-010

* * * * *

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION**

On August 15, 2018, the State Board of Pharmacy (the "Board"), notified **NESTOR JOSUE CANJURA CASTILLO**, Pharmacy Technician (Pharm Tech), the Respondent, **Registration Number: T16824**, of its Intent to Revoke his pharmacy technician registration.

The Notice also informed the Respondent that, unless he requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of its Act, Md. Code Ann., Health Occupations ("Health Occ.") §§ 12-101 *et seq.*, (2014 Repl. Vol. and 2017 Supp.):

Health Occ. § 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on

probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (3) Fraudulently uses a pharmacy technician's registration;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. § 12-6B-09 (27), the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule or regulation adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") § 10.34.10, Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct, provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in the State of Maryland. The Respondent was first registered on August 3, 2015. The Respondent's registration expired on May 31, 2017.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy (the "Pharmacy") within a National chain in Silver Spring, Montgomery County, Maryland.¹

3. By a letter dated June 1, 2017, the Pharmacy reported to the Board that there had been a loss or theft due to employee pilferage and, that, during an interview, an employee, Employee A, a co-worker and friend of the Respondent, admitted to taking Alprazolam², 2 mg tablets. Employee A also admitted that he gave some of the stolen drugs to the Respondent

4. Subsequently, the Board received the Pharmacy's investigative report which reported the following, *inter alia*:

- A. On April 17, 2017, the Pharmacy's Regional Loss Prevention Manager (RLPM) received notification of a discrepancy regarding Alprazolam at one of its stores. The Pharmacy's Manager was asked to complete a loss prevention initial count which then showed a loss of 1,347 pills;
- B. On May 31, 2017, the RLPM and the Pharmacy Supervisor interviewed Employee A who admitted taking the drugs from two locations. Employee A stated that he started taking them in 2015 and continued until May 2017, stating that he would remove the drugs through boxes that would be thrown away and then place the pills in his pocket. Employee A stated that he removed stock bottles in this manner as well;

¹ The names of facilities and/or individuals are confidential.

- C. Employee A further admitted to taking the following drugs: Tylenol #3 and 4³; Xanax⁴, 2 mg; Ventolin⁵; and Synthroid⁶;
- D. The total amount of the loss was \$860.15. On that date, Employee A signed a Promissory Note for that amount to be paid back to the Pharmacy;
- E. After the Pharmacy completed its interview, the police were called, and the police officer questioned Employee A at the store. During her questioning, she asked to review the texts on his phone, whereupon Employee A admitted to additional thefts: Z-pack⁷; birth control; Vicodin 5/325⁸; Valium⁹; and Promethazine¹⁰;
- F. The Respondent admitted that he used some of the drugs Employee A stole;

² Alprazolam is a benzodiazepine used to treat anxiety and panic attacks.

³ Tylenol #s 3 and 4: Tylenol #3 has 30 mg of codeine and 325 mg of acetaminophen; #4 has 60 mg of codeine and 325 mg of acetaminophen: Tylenol is a pain reliever and fever reducer used to treat many conditions such as headaches. Codeine is an opioid pain reliever used to treat moderate to severe pain. Acetaminophen enhances the effect of the codeine.

⁴ Xanax is the generic name for Alprazolam which is used to treat anxiety and panic attacks.

⁵ Ventolin HFA (albuterol) is used to treat or prevent breathing problems in patients who have asthma or certain other airway diseases.

⁶ Synthroid is a thyroid hormone. This medicine can improve symptoms of thyroid deficiency such as slow speech, lack of energy, weight gain, hair loss, dry skin, and feeling cold. It also helps to treat goiter. It is also used to treat some kinds of thyroid cancer along with surgery and other medicines.

⁷ Common Brand Names: Zithromax Z-Pak, Zithromax: Azithromycin is an antibiotic useful for the treatment of several bacterial infections. This includes middle ear infections, strep throat, pneumonia, traveler's diarrhea, and certain other intestinal infections. It may also be used for several sexually transmitted infections including chlamydia and gonorrhea infections. Along with other medications, it may also be used for malaria.

⁸ Vicodin contains a combination of acetaminophen and hydrocodone. Hydrocodone is an opioid pain medication. An opioid is sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. Vicodin tablets are used for the relief of moderate to moderately severe pain. In this combination, the Hydrocodone is 5 mg and the acetaminophen is 325 mg.

⁹ Valium is a benzodiazepine used to treat anxiety and nervousness. It also can help treat alcohol withdrawal, relax muscles, and treat certain types of seizures.

¹⁰ Promethazine is an antihistamine used to treat allergic reactions and to treat or prevent nausea and vomiting from

G. Employee A's employment was terminated on that date.

5. On August 16, 2017, the Board received Employee A's employment and investigative file. Contained therein was the following information regarding the Respondent;

- A. On June 6, 2017, the RLPM and Pharmacy Supervisor interviewed the Respondent, who admitted to accepting drugs diverted by Employee A;
- B. The Respondent claimed that he did not divert drugs from the Pharmacy himself but accepted and still had drugs in his possession from Employee A, starting from late 2015 until late 2016;
- C. The Respondent stated that he received the following drugs from Employee A: Tylenol #4; Diazepam¹¹ and Xanax;
- D. The Respondent stated that he was aware that Employee A stole the following drugs: Robaxin¹²; Metaxalone¹³; Baclofen¹⁴; and, Prozac¹⁵.
- E. A Police Officer from the Montgomery County Police also interviewed the Respondent and he gave her permission to look at his text messages where she found text messages that confirmed that Employee A was taking drugs from the Pharmacy and giving them to friends;

illness or motion sickness. It is also used to make one sleep before surgery, and to help treat pain or nausea after surgery

¹¹ Diazepam is a benzodiazepine used to treat anxiety and nervousness. It also can help treat alcohol withdrawal, relax muscles, and treat certain types of seizures.

¹² Robaxin is used to treat skeletal muscle conditions such as pain or injury. It relieves pain and stiffness in muscles.

¹³ Metaxalone is a muscle relaxer used to treat pain and stiffness in muscles caused by strains, sprains or other injuries.

¹⁴ Baclofen helps relieve spasms and cramping of muscles. It is used to treat symptoms of multiple sclerosis or spinal cord injury.

¹⁵ Prozac is in a class of drugs called serotonin used for premenstrual dysphoric disorder which causes intense mood

6. Police searched the Respondent's vehicle and residence to recover the diverted drugs he still had in his possession.

7. The Respondent was terminated from the Pharmacy for knowingly accepting diverted drugs and not reporting the incidents of theft.

8. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313(25), and COMAR § 10.34.10.01 B (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §§ 12-6B-09 (3) and (27), § 12-313(25) of the Act, and COMAR § 10.34.10.01 B (3).

ORDER

As set forth above, the Board hereby Orders that the registration to practice as a Pharmacy Technician in Maryland held by **NESTOR JOSUE CANJURA CASTILLO**, the Respondent, Registration Number T16824, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2017 Supp.).

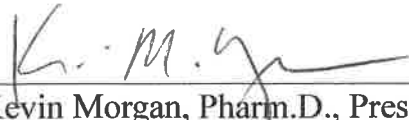
NOTICE OF RIGHT OF APPEAL

In accordance with § 12-316 of the Act and Md. Code Ann., State Government. §§ 10-201, *et seq.* (2014 Repl. Vol. and 2017 Supp.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid

and physical symptoms a week two before monthly periods. It is an antidepressant.

authority.

10/17/18
Date


Kevin Morgan, Pharm.D., President
State Board of Pharmacy