

IN THE MATTER OF
JOSEPH DANIELSON,
PHARM TECH

* BEFORE THE MARYLAND
* STATE BOARD OF
* PHARMACY

Registration No.: T20330

* Case No.: 20-026

* * * * *

ORDER

On or about December 18, 2019, the Maryland State Board of Pharmacy (the "Board") notified **Joseph Danielson** (the "Respondent") of its intent to revoke his registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland, registration number T20330, under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

The pertinent provisions of law are as follows:

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 . . . , reprimand a registered pharmacy technician, place any registered pharmacy technician on probation, or suspend or revoke a registered pharmacy technician's registration if the ... pharmacy technician registrant:

- ...
- (2) Fraudulently or deceptively obtains or attempts to obtain a pharmacy technician's registration for the applicant or assists or attempts to assist another in fraudulently or deceptively obtaining a pharmacy technician's registration;
- ...
- (25) Violates any regulation adopted by the Board;
- ...
- (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 regulations adopted by the Board are as follows:

COMAR 10.34.10.01 Patient Safety and Welfare

B. A pharmacist may not:

...

(3) Engage in unprofessional conduct.

More than thirty (30) days elapsed since the Respondent was notified of the Board's charges and his opportunity to request a hearing, and the Respondent failed to request a hearing.

FINDINGS OF FACT

The Board finds the following facts:

1. At all times relevant hereto, the Respondent practiced as a Pharm Tech in the State of Maryland. The Respondent was first registered as a Pharm Tech in Maryland on or about November 14, 2017. The Respondent's registration is scheduled to expire on November 30, 2019.

Complaint

2. On or about July 23, 2019, the Board received a Drug Enforcement Agency (DEA) Form 106, *Report of Theft or Loss of Controlled Substances* (the

“Complaint”) from a national chain Pharmacy located in Odenton, Maryland (the “Pharmacy”).¹

3. Based on the Complaint, the Board initiated an investigation.

Investigation

4. Subsequently, on August 19, 2019, the Board obtained additional documentation from the Pharmacy regarding the Pharmacy’s internal investigation into the theft.
5. The documentation indicated that after medication shortages were mentioned by customers, the Pharmacy initiated an investigation that included reviewing staff schedules and security video. The investigation concluded that two staff Pharm Techs, one of which was the Respondent, were responsible for the theft of CDS.
6. The documentation also included a June 29, 2019 written statement by the Respondent stating that over the course of the prior several weeks, he had stolen the following CDS from the Pharmacy: approximately 10 tablets of oxycodone of various strengths.
7. On or about July 5, 2019, the Respondent was terminated from the Pharmacy based on the theft.
8. Based on the information provided to the Board by the Pharmacy, the Board has reason to believe that the Respondent diverted multiple medications over an extended time span.

CONCLUSIONS OF LAW

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

The Respondent's conduct, as described above, constitute violations of the Act and the regulations adopted by the Board as cited above.

ORDER

Based on the foregoing, it is by the Board hereby:

ORDERED that the Respondent's registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland, registration number T20330, is hereby **REVOKED**; and it is 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. Code Ann., General Provisions, §§ 4-101 through 4-601 (Repl. Vol. 2014 & 2019 Supp.).

NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 12-316, the Respondent has the right to take a direct judicial appeal. Any appeal shall be filed within thirty (30) days from the date of this Final Order and shall be made as provided for judicial review of a final decision in the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-222 (2014 Repl. Vol. & 2019 Supp.); and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files an appeal, the Board is a party and should be served with the court's process at the following address:

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

At that point, the Administrative Prosecutor is no longer a party to this case and need not be served or copied.

2/19/20
Date

Kevin M. Morgan
Kevin Morgan, Pharm.D.
Board President