

IN THE MATTER OF	*	BEFORE THE
CHARLIE DUNKERLY	*	MARYLAND BOARD
PHARMACY TECHNICIAN	*	OF PHARMACY
Respondent	*	Case No. 20-112
Registration No. T20112	*	

* * * * *

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

On April 23,2021, the State Board of Pharmacy (the “Board”), notified **CHARLIE DUNKERLY, PHARMACY TECHNICIAN**, the Respondent, **Registration No. T20112**, of its Intent to Revoke her Pharmacy Technician registration.

The Notice also informed the Respondent that, unless she 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 2020 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, 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 Pharmacy Technician in the State of Maryland. The Respondent was first registered on September 20, 2017. The Respondent's registration expired on March 31, 2021.

2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a pharmacy (the "Pharmacy") in Odenton, Anne Arundel County, Maryland.

3. On December 24, 2019, the Board received a Statement of (criminal) Charges filed by the Pharmacy's Asset Protection District Manager with the Anne Arundel County

Police Department, which caused the Board to begin an investigation, which disclosed the following:

4. On or about September 4, 2019, the Pharmacy Manager discovered that six Oxycodone pills were missing during a recount of a prescription filled on August 21, 2019. On November 8, 2018, a full pharmacy count was completed to show an additional loss of CIII-CV drugs, such as Acetaminophen with codeine,¹ alprazolam², tramadol,³and zolpidem⁴.

5. On November 18, 2019, the Respondent admitted orally and in writing that she had taken Tylenol #3 (Acetaminophen with Codeine) and Tramadol but denied taking the other medication. She stated that she took those drugs for “severe pain” and agreed to repay the Pharmacy the \$397.20 that the drugs cost. (She gave the Pharmacy \$5 restitution that date.)

6. As a result of the thefts, the Respondent’s employment at the Pharmacy was terminated that date.

7. On October 9, 2019, in the District Court of Queen Anne’s County, the Respondent pled guilty to and was found guilty of theft, \$100 to under \$1500 and CDS Possession not marijuana. On January 6, 2020, the Respondent was ordered to reimburse the Pharmacy \$1972.98; was sentenced to three months imprisonment on Count 1 and one year,

¹ Codeine is an opioid pain medication, sometimes called a narcotic. Acetaminophen is a less potent pain reliever that increases the effects of codeine. Acetaminophen and codeine are a combination medicine used to relieve moderate to severe pain.

² Alprazolam is used to treat anxiety and panic disorders.

³ This medication is used to help relieve moderate to moderately severe pain. Tramadol is similar to opioid analgesics.

⁴ Zolpidem is used for a short time to treat a certain sleep problem in adults.

all suspended for Count 4, with 30 months of probation. Furthermore, the Court ordered the Respondent to pay \$100 in drug testing fee and \$1500 in supervision fees. She was also instructed on March 2, 2020, to obtain a mental health evaluation and comply with any recommendation. The Respondent agreed not to enter the Pharmacy or “seek or obtain employment in any pharmacy”.

8. As a result of the above thefts, on February 6, 2020, the Board issued an Order for Summary Suspension of the Respondent’s registration. The Respondent failed to request a hearing and/or contest the findings.

9. As set forth above, by diverting drugs from her pharmacy employer, the Respondent is in violation of Health Occ. §12-6B-09 (3) (Fraudulently uses a pharmacy technician’s registration.); §12-6B-09 (27) (Participates in any activity that is grounds for Board action under § 12-313); namely, § 12-313 (b) (25) (Violates any rule or regulation adopted by the Board.); and COMAR § 10.34.10 01 (Patient Safety and Welfare. B. A pharmacist may not: (3) Engage in unprofessional conduct.)

10. The Respondent’s conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3), (27), and 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 Health Occ. §§12-6B-09 (3) and (27), Health Occ. § 12-313 (25), 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 **CHARLIE DUNKERLY**, the Respondent, Registration Number **T20112** be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Vol. and 2020 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 2020 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 aforecited authority.

7/21/21
Date

Jennifer L. Hardesty
Jennifer Hardesty, Pharm.D., President
State Board of Pharmacy