



STATE OF MARYLAND

DHMH

Department of Health and Mental Hygiene

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – John M. Colmers, Secretary

MARYLAND BOARD OF PHARMACY

4201 Patterson Avenue • Baltimore, Maryland 21215-2299

Michael N. Souranis, Board President – LaVerne G. Naesea, Executive Director

HAND-DELIVERY & CERTIFIED MAIL RECEIPT REQUESTED
ARTICLE #7008 3230 0001 0323 7434

August 25, 2010

Kirk A. Eastham, Pharm Tech



Re: Summary Suspension Order
Registration No. T06380

Dear Mr. Eastham:

On July 21, 2010, the State Board of Pharmacy (the "Board") voted to summarily suspend your registration to practice as a Pharm Tech. The Board will consider whether to Continue the Summary Suspension of the enclosed Order for Summary Suspension at a Show Cause hearing, which will be scheduled within a reasonable time of your written request for same. The Show Cause Hearing will be held before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215.

At that time, you will have the opportunity, either through counsel or in person, to address the Board representative(s) to show cause why the Order should not be continued and how an alternative resolution would protect the public health, safety or welfare. This opportunity to address the Board is not intended as a substitute for a hearing before the Board as to the merits of the emergency suspension. Should the summary suspension be continued, a hearing on the merits will be granted within 30 days of your requesting same.

Because your right to practice as a Pharm Tech in Maryland is at issue, you are strongly urged to retain and be represented by an attorney.

Kirk A. Eastham, Pharm Tech
Registration No. T06380

Re: Summary Suspension Order

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The Administrative Prosecutor in this case is Roberta Gill, Assistant Attorney General. If you have or your attorney has any questions about the Summary Suspension, please contact Ms. Gill at 300 West Preston Street, Suite 207, Baltimore, Maryland 21201, (410) 767-6574.

Sincerely,



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

Enclosure (copy to all ccs)

cc: Roberta Gill, Assistant Attorney General
Administrative Prosecutor
John Nugent, Principal Counsel
Linda Bethman, Assistant Attorney General
Board Counsel
Francesca Gibbs, Staff Attorney
Board Counsel
Colin Eversley, Investigator
Kimberly France, Pharmacist Compliance Officer

IN THE MATTER OF * BEFORE THE
KIRK EASTHAM, PHARM TECH * STATE BOARD
REGISTRATION NO. T06380 * OF PHARMACY
Respondent * CASE NO. PT-10-008

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2)(2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to Kirk Eastham (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on September 28, 2009, via grandfathering. The Respondent's license expires on May 31, 2011.
2. At all times relevant hereto, the Respondent was employed at the Omnicare/Neighborcare Pharmacy at Annapolis Junction.
3. On November 13, 2009, the Respondent was fired from the pharmacy when it came to the attention of the pharmacy manager that he had been diverting Oxycodone 15 and 30 mg tablets from the pharmacy for his own use. An unmistakable pattern developed, where, on numerous occasions, an order for Oxycodone was

entered by Order Entry but there was no proof of delivery to the facility.¹

4. The pharmacy filed a DEA report, as required, which is attached hereto and made a part hereof.

FINDINGS OF FACT

As set forth above, stealing drugs from one's employer, including those intended for patients at long-term care facilities, for one's own use, is a threat to the public health, safety or welfare.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c)(2) (2009 Repl. Vol.).

ORDER

Based on the foregoing, it is therefore this 25th day of **August**, 2010, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c)(2) (2009 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T06389, is hereby **SUMMARILY SUSPENDED**; and be it further

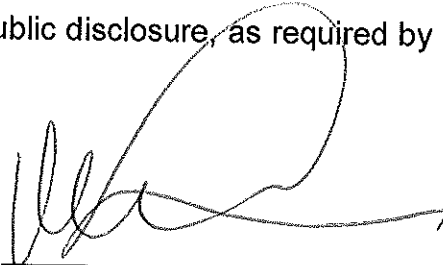
ORDERED, that upon the Board's receipt of a written request from the Respondent,

¹ The pharmacy serves over 20 long-term care facilities throughout Maryland.

a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED, that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED, that this document constitutes a final 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.).



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

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.

LIST OF CONTROLLED SUBSTANCES LOST

Trade Name of Substance or Preparation	Name of Controlled Substance in Preparation	Dosage Strength and Form	Quantity
1. Desoxyn	Methamphetamine Hydrochloride	5 mg Tablets	3 x 100
Demerol	Meperidine Hydrochloride	50 mg/ml Vial	5 x 30 ml
Robitussin A-C	Codeine Phosphate	2 mg/cc Liquid	12 Pints
1. Alprazolam	Alprazolam	0.5mg Tablets	30
2. Oxycodone	Oxycodone	15 mg Tablets	1544
3. Oxycodone	Oxycodone	30 mg Tablets	870
4. Oxycodone	Oxycodone	40 mg Tablets	30
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I certify that the foregoing information is correct to the best of my knowledge and belief.

Ryszard Bales R.Ph.
Signature

Director of operations
Title

11/13/09
Date