

IN THE MATTER OF	*	BEFORE THE
MARY JO FLOYD	*	MARYLAND STATE BOARD
Pharmacy Technician	*	OF PHARMACY
Respondent	*	Case No. 23-306
Registration No. T24883	*	

* * * * *

FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN REGISTRATION

The Maryland Board of Pharmacy (“the Board”) notified **MARY JO FLOYD** (“the Respondent”), Registration Number **T24883**, of the Board’s intent to revoke her registration to practice as a pharmacy technician in the State of Maryland under the Maryland Pharmacy Act (“the Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. and 2023 Supp.).

The Notice also informed the Respondent that, unless she requested a hearing in writing within thirty (30) days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than thirty (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 the Act:

§ 12-6B-09. Ground 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;
- (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(b) include:

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

The pertinent provisions of the Board's regulations under the Code of Maryland Regulations ("COMAR") 10.34.10 provide as follows:

COMAR 10.34.10.01. Pharmacist, Pharmacy Intern, and Pharmacy Technician Code of Conduct – Patient Safety and Welfare.

A. A pharmacist shall:

- (1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

- (c) Health Occupations Article, Title 12, Annotated Code of Maryland,

B. A pharmacist may not:

- (1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;
- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board makes the following findings of facts:

1. The Respondent was originally registered to practice as a pharmacy technician in the State of Maryland on or about March 25, 2021. The Respondent's registration expires on August 31, 2024. The Respondent's registration is currently suspended.¹

2. At all relevant times, the Respondent was employed as a pharmacy technician at a national pharmacy chain ("the Pharmacy")² location in Severn, Maryland.

3. In a fax dated February 1, 2023, the Pharmacy notified the Board that it terminated the Respondent's employment after she admitted to theft of controlled substances ("CDS").

4. The Pharmacy subsequently provided the Board with copies of the Respondent's written admission dated January 31, 2023, the Anne Arundel County Police Department Incident Report dated January 31, 2023 ("Police Report"), and the DEA (Drug Enforcement Agency) Form 106 – Report of Theft or Loss of Controlled Substances dated September 29, 2023 ("DEA Form 106").

Anne Arundel County Police Department Investigation

¹ On December 14, 2023, the Board issued an Order for Summary Suspension of the Respondent's registration to practice as a pharmacy technician pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2) and COMAR 10.34.01.12 concluding that the public health, safety, or welfare imperatively required emergency action in the case.

² For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document.

5. On January 31, 2023, Anne Arundel County Police Department officers responded to the Pharmacy and spoke with the Senior Manager of Asset Protection, the Pharmacy Manager, and the Respondent.

6. The Senior Manager of Asset Protection and the Pharmacy Manager informed the officers that video camera footage shows the Respondent diverting medications, and that the Respondent signed a written statement admitting to taking prescription drugs from the Pharmacy.

7. In the Respondent's written statement, she admitted that she "started taking controlled medications starting in November 2022," and specifically admitted to taking "alprazolam, T3, tramadol and a couple suboxone."

8. The Respondent verbally admitted to the officers that she "has been taking multiple prescription drugs from [the Pharmacy] from approx. October 2022 to now." She stated that she "would not take the entire bottle off the shelf but take some out of the bottles and conceal them on her person" and then take the prescription pills out of the store past all point of purchase "to ingest them due to her being in pain from a prior surgery." The Respondent could not provide an exact date for every time she took the pills, but "she advised she did just about all the time."

9. The Police Report states that the following medications were stolen from the Pharmacy: alprazolam³ 0.5 mg (118 pills), 1 mg (311 pills), 2 mg (323 pills); Tylenol #34 30 mg (42 pills), 60 mg (170 pills); carisoprodol⁵ 350 mg (34 pills); clonazepam⁶

³ Alprazolam (generic Xanax) is a Schedule IV benzodiazepine generally used to treat anxiety and panic disorder.

0.5mg (35 pills), 1 mg (90 pills), 2 mg (16 pills); lorazepam⁷ 0.5 mg (31 pills); Suboxone⁸ 8/2 mg film (36 packets); and tramadol⁹ 50 mg (225 pills).

10. At the conclusion of the January 31, 2023 on-site investigation, the officers issued the Respondent two criminal citations for theft, and the Pharmacy terminated her employment.

11. The Respondent was charged in criminal case number D-07-CR-23-060220 in the District Court of Maryland for Anne Arundel County. On August 1, 2023, the Respondent pled guilty to one count of Theft Scheme: \$100 To Under \$1,500 (a misdemeanor and a crime involving moral turpitude), received probation before judgment (“PBJ”), and was ordered to complete a one-year term of supervised probation.

DEA Form 106

12. In the DEA Form 106 dated September 29, 2023, the Pharmacy stated that after it identified the diversion of controlled substances and initiated an internal investigation, the Respondent admitted to the theft of controlled substances.

13. In the DEA Form 106, the Pharmacy listed the following lost/stolen CDS:

4 Tylenol #3 (acetaminophen/codeine) is a Schedule III opioid/analgesic generally used to treat pain.

5 Carisoprodol (generic Soma) is a Schedule IV muscle relaxant.

6 Clonazepam (generic Klonopin) is a Schedule IV benzodiazepine generally used to treat panic disorder and seizures.

7 Lorazepam (generic Ativan) is a Schedule IV benzodiazepine generally used to treat anxiety.

8 Suboxone (buprenorphine/naloxone) is a Schedule III opioid partial agonist/opioid antagonist generally used to treat opioid dependence.

9 Tramadol (generic Ultram, Conzip) is a Schedule IV opioid generally used to treat pain.

	CDS	NDC No.	Dosage Str.	Quantity
1	buprenorphine HC/naloxone HCL	12496120403	4-1 mg	8
2	buprenorphine HC/naloxone HCL	47781035703	8-2 mg	60
3	buprenorphine HC/naloxone HCL	12496120803	8-2 mg	36
4	buprenorphine HC/naloxone HCL	12496121203	12-3 mg	11
5	acetaminophen with codeine phosphate	00406048301	300-15 mg	41
6	acetaminophen with codeine phosphate	65162003310	300-30 mg	42
7	acetaminophen with codeine phosphate	00406048501	300-60 mg	70
8	alprazolam	00228202910	0.5 mg	315
9	alprazolam	00228202950	0.5 mg	2
10	alprazolam	00228203110	1 mg	77
11	alprazolam	00228203150	1 mg	249
12	alprazolam	00228203910	2 mg	39
13	alprazolam	51991070705	2 mg	284
14	alprazolam	00228308406	1 mg	20
15	clorazepate dipotassium	70954015810	7.5 mg	30
16	lorazepam	69315090410	0.5 mg	33
17	zolpidem tartrate	68180078001	12.5 mg	2
18	phentermine HCL	11534015701	15 mg	31
19	phentermine HCL	10702002501	37.5 mg	22
20	tramadol HCL	00093005801	50 mg	2
21	tramadol HCL	57664037708	50 mg	222
22	tramadol HCL	57664037713	50 mg	1
23	clonazepam	00093083201	0.5 mg	151
24	clonazepam	00093083205	0.5 mg	6
25	clonazepam	16729013700	1 mg	90
26	carisoprodol	69584011150	350 mg	4
27	pregabalin	62332012390	150 mg	9
28	pregabalin	72205001690	200	18

14. Based on the above information, the Board has reason to believe that the Respondent diverted the aforementioned CDS from the Pharmacy.

15. The Respondent's conduct, as set forth above, constitutes a violation of Health Occ. §§ 12-6B-09 (3), (25) and/or (27), and/or Health Occ. § 12-313(b) (25), and/or COMAR 10.34.10.01 (A)(1)(c) and/or (B)(1), (2), and/or (3).

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§ 12-6B-09 (3), (25) and (27), Health Occ. § 12-313(b) (25), and COMAR 10.34.10.01 (A)(1)(c) and (B)(1), (2), and (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of May 2024, by a majority of the quorum of the Board hereby

ORDERED that the Respondent, **MARY JO FLOYD'S**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Board all Maryland pharmacy technician registrations within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Order is final and a public document pursuant to Md. Code Ann., Gen. Prov. § 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. & 2023 Supp.).

5/29/2024

Date



Kristopher Rusinko, PharmD., President,
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Health Occ. § 12-316, you have a right to take a direct judicial appeal of this decision. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.) and Title 7, Chapter 200 of the Maryland Rules.