

IN THE MATTER OF

* BEFORE THE

NICHOLAS MATTHEW FORD, JR.

* MARYLAND STATE

Registration Number: T27751

* BOARD OF PHARMACY

Respondent

* Case Number: 24-186(C)

* * * * *

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

The Maryland State Board of Pharmacy (the “Board”) notified NICHOLAS MATTHEW FORD, JR. (the “Respondent”), Registration Number T27751, of the Board’s intent to revoke his registration to practice as a pharmacy technician in the State of Maryland pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. & 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; [or]

...

(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:

§ 12-313. Denials, reprimands, suspensions, and revocations – Grounds.

...

(b) Subject to the hearing provisions of § 12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant for a pharmacist's license, reprimand any licensee, place any licensee on probation, or suspend or revoke a license of a pharmacist if the applicant or licensee:

...

(15) Dispenses any drug, device, or diagnostic for which a prescription is required without a written, oral, or electronically transmitted prescription from an authorized prescriber; [or]

...

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

With respect to Health Occ. § 12-313(b)(25), the pertinent provisions of the regulations adopted by the Board are as follows:

COMAR 10.34.10.01 Patient Safety and Welfare.

A. A pharmacist shall:

of this regulation. Except as noted in §A(5)-(7) of this regulation, a prescription for a Schedule II controlled substance may be transmitted by the practitioner or the practitioner's agent to a pharmacy by facsimile equipment, if the original written, signed prescription is presented to the pharmacist for review before the actual dispensing of a controlled substance.

The pertinent provisions of Md. Code Ann., Health-General (“Health-Gen.”) provide the following:

§ 21-220. Prescription requirements.

- (a) A drug that is intended for use by human beings and is in any of the following classifications may be dispensed by a pharmacist only on a written prescription, an electronic prescription, as defined in § 5-101 of the Criminal Law Article, or an oral prescription from a health practitioner authorized by law to prescribe the drug:
 - (1) A habit-forming drug to which § 21-218(b)(1) of this subtitle applies.
 - (2) A drug that because of its toxicity or other potentiality for harmful effect, the method of its use, or the collateral measures necessary to its use, is not safe for use except under the supervision of a health practitioner who is authorized by law to administer such a drug.
 - (3) A drug that is limited by an approved application under § 355 of the federal act or § 21-223 of this subtitle to use under the professional supervision of a health practitioner authorized by law to administer such a drug.

FINDINGS OF FACT

The Board finds the following facts:

- 1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland. The Respondent was originally registered

- (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:
 - (a) United States Code, Title 21,
 - (b) Health-General Article, Titles 21 and 22, Annotated Code of Maryland,
 - (c) Health Occupations Article, Title 12, Annotated Code of Maryland,
 - (d) Criminal Law Article, Title 5, Annotated Code of Maryland, and
 - (e) COMAR 10.19.03[.]

...

B. A pharmacist may not:

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

COMAR 10.34.20.04. Controlled Dangerous Substances.

Transmission and dispensing of controlled dangerous substances shall be in accordance with applicable State and federal statutes and regulations.

COMAR 10.19.03.08. Controlled Substances Listed in Schedule II.

A. Requirement of Prescription-Schedule II (21 CFR §1306.11).

- (1) A pharmacist may dispense directly a controlled dangerous substance listed in Schedule II, which is a prescription drug as determined under the Federal Food, Drug, and Cosmetic Act, only pursuant to a written prescription signed by the prescribing individual practitioner, except as provided in §A(4)

to practice as a pharmacy technician in Maryland on December 9, 2022, under registration number T27751. The Respondent's registration expired on August 31, 2024.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy (the "Pharmacy")¹ located in Prince George's County, Maryland.

3. On January 22, 2024, the Pharmacy notified the Board that "[d]uring an internal investigation it was determined that [the Respondent] was stealing drugs from the [P]harmacy. He admitted to the theft during an interview with our loss prevention team. He has since been terminated."

4. The Pharmacy submitted an Amended DEA Form 106 – Report of Theft or Loss of Controlled Substances dated February 15, 2024. The report identified the type of theft or loss as "EMPLOYEE THEFT (OR SUSPECTED)."

5. The Board obtain a Pharmacy case report dated February 22, 2024. According to the report, on November 8, 2023, the Pharmacy received information that the Respondent "was stealing as well as paying others to steal controlled substances from the pharmacy." The Pharmacy investigated and on January 15, 2024, the Pharmacy interviewed the Respondent. During the interview, the Respondent "admitted to taking a prescription for Oxycodone^[2] 5/325 and Adderall^[3] 20mg from the ready bins in August of 2023." The Respondent "stated that he took the Oxycodone prescription to give to his

¹ In order to maintain confidentiality, names of individuals and facilities involved in this matter will not be used in this document but will be provided to the Respondent on request.

² Oxycodone, a Schedule II controlled dangerous substance, is an opioid pain medication used to treat moderate to severe pain.

³ Adderall, a brand name for the combination of dextroamphetamine and amphetamine, is a Schedule II controlled dangerous substance used to treat attention deficit hyperactivity disorder.

grandmother who was in pain but unable to get a prescription. [The Respondent] stated that he did not have a reason for taking the Adderall.” The Respondent further “stated that both prescription bottles were confiscated by police while they were searching his car during an arrest in August. Both bottles contained the full amount when seized.” The Respondent “denied selling the medication he was taking from the pharmacy or paying anyone else in the pharmacy to steal drugs for him.”

6. The Respondent provided a signed written statement dated January 15, 2024, which stated “[r]esponsible for missing Oxy 325 and Adderall found in vehicle during arrest. Oxy was taken to [?] to my grandmother. Adderall was taken just because.”

7. The Respondent also signed an Agreement to Repay by which the Respondent “voluntary promise[d] to repay [the Pharmacy] restitution in the sum of \$313.58.” The Respondent signed the Agreement to Repay “in recognition of [his] wrongful appropriation of money and/or property from [the Pharmacy].”

8. Based on the above information, the Board has reason to believe that the Respondent diverted multiple controlled dangerous substances while employed as a pharmacy technician at the Pharmacy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent’s actions constitute: fraudulently using a pharmacy technician’s registration, in violation of Health Occ. § 12-6B-09(3); and participating in any activity that is grounds for Board action under § 12-313 or § 12-409 of Title 12 of the Health Occupations Article, in violation of 12-6B-09(27), in that the Respondent violated Health Occ. § 12-313(b)(15)

and Health Occ. § 12-313(b)(25) by violating Health-Gen. § 21-220(a)(1)-(3), COMAR 10.34.10.01.A(1)(a)-(e), COMAR 10.34.10.01.B(1)-(3), COMAR 10.34.20.04, and COMAR 10.19.03.08.A(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 19th day of February 202~~4~~⁵, by a majority of the quorum of the Board, hereby


ORDERED that the Respondent's, **NICHOLAS MATTHEW FORD, JR.'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., General Provisions §§ 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. & 2023 Supp.).

2-19-2025
Date



Kristopher Rusinko, PharmD
Board President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Gov't §10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.), you have the right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty (30) days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.