

IN THE MATTER OF * **BEFORE THE MARYLAND**
CHRISTINE MARIE GARY * **STATE BOARD OF**
Pharmacy Technician * **PHARMACY**
Respondent *
Registration Number: T16214 * **Case Number: 23-385**

* * * * *

FINAL ORDER OF REVOCATION OF
PHARMACY TECHNICIAN REGISTRATION

The Maryland Board of Pharmacy (the “Board”) notified Christine Marie Gary (the “Respondent”), Registration Number T16214, of the Board’s intent to revoke her 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 . . . pharmacy technician registrant:

...

(3) Fraudulently uses a pharmacy technician's registration;

...

(5) Performs delegated pharmacy acts while:

...

(ii) Using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication;

...

(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[.]

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

COMAR 10.34.10 Pharmacist and Pharmacy Technician Code of Conduct

.01 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:

...

- (d) Criminal Law Article, Title 5, Annotated Code of Maryland[.]

B. A pharmacist may not:

...

- (3) Engage in unprofessional conduct.

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 to practice as a pharmacy technician in Maryland on March 30, 2015, under registration number T16214. The Respondent's registration is scheduled to expire 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 Baltimore County, Maryland.

3. The Pharmacy sent a letter to the Board dated April 7, 2023, stating that it had “confirmed employee pilferage of several controlled dangerous substances” (“CDS”) and that the Respondent “was interviewed and admitted to the pilferage of controlled substances.”

4. The Pharmacy sent a letter to the Board dated April 21, 2023, stating that it had completed a full investigation and submitted a DEA Form 106 (Report of Theft or Loss of Controlled Substances) the same day. The letter further stated that the Pharmacy “amended a previously submitted 106 report from January 19, 2023 for Oxycodone^[2] 15mg to classify the loss as Employee Theft.” The letter further clarified that during the Respondent’s interview, she “admitted to pilferage of Tylenol with Codeine,^[3] Alprazolam,^[4] Carisoprodol,^[5] Clonazepam^[6] and Oxycodone.”

5. The Pharmacy sent a letter to the Board dated May 2, 2023, stating that it amended the DEA Form 106 dated April 21, 2023, upon further investigation.

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 Tylenol with Codeine, a Schedule III controlled dangerous substance, is used to relieve mild to moderate pain. Tylenol with Codeine is a brand name for Acetaminophen and Codeine Phosphate.

⁴ Alprazolam, a Schedule IV controlled dangerous substance, is used to treat anxiety disorders and panic disorder.

⁵ Carisoprodol, a Schedule IV controlled dangerous substance, is used with rest, physical therapy, and other measures to relax muscles and relieve pain and discomfort caused by strains, sprains, and other muscle injuries.

⁶ Clonazepam, a Schedule IV controlled dangerous substance, is used alone or in combination with other medications to control certain types of seizures. It is also used to relieve panic attacks.

6. The Respondent completed and signed a written statement dated April 6, 2023. In her statement, the Respondent admitted to taking “Oxycodone 15 mg one Bottle, Xanax⁷ [sic] 1 mg. bottle was already open, Soma⁸ (G) some, tylenol [sic] #3, #4 took a bottle of the #4, and some of the #3. Clanzepam [sic] 1pm [sic] one bottle, Zofan⁹ [sic] 4pm [sic] 1 one. Gabapeatin¹⁰ [sic] 600mg 800mg some. Oxycodone 10mg a couple[.]”

7. According to a Baltimore County Police Case Report dated June 20, 2023, in April 2023, the Pharmacy contacted the Baltimore County Police regarding the Respondent. The Pharmacy conducted an audit which revealed “various narcotics were off count and/or missing, such as Tylenol 3, Tylenol 4, Alprazolam (.25, .5, & 1mg), Oxycodone (10mg & 15mg), and Carisprodol [sic].” Staff at the Pharmacy reported seeing the Respondent “‘acting strange’ and often lethargic throughout her shift,” leading the Pharmacy to believe the Respondent may be responsible for the missing narcotics.

8. The Pharmacy installed covert cameras and on April 6, 2023, Pharmacy staff observed the Respondent “take pills from a bottle twice and put those in her mouth.” A detective (the “Detective”) from the Baltimore County Police arrived at the Pharmacy. While speaking with Pharmacy staff, Pharmacy staff and the Detective observed the Respondent on the covert cameras retrieve a pill bottle and “place items into her smock.”

⁷ Xanax is a brand name for Alprazolam.

⁸ Soma is a brand name for Carisoprodol.

⁹ Zofran, a brand name for Ondansetron, is used to prevent nausea and vomiting caused by cancer chemotherapy, radiation therapy, and surgery.

¹⁰ Gabapentin is a medicine used to help control certain types of seizures, relieve the pain of postherpetic neuralgia, and treat restless leg syndrome.

9. Pharmacy staff conducted an internal interview with the Respondent, during which “Seven (7) Acetaminophen & Codeine Phosphate 300mg/30mg were recovered from [Respondent’s] work smock and Six (6) Acetaminophen & Codeine Phosphate 300mg/30mg were recovered from [Respondent’s] purse.” Respondent admitted that “those were the pills she took while on camera.” The Detective then joined the interview and the Respondent completed a written statement. The Respondent “advised that she has been struggling with substance abuse for a few years and would take the pills during her shifts to ‘numb the pain.’” The Respondent “was very adamant that she has never sold the pills and that she personally consumes them, sometimes while on duty.” The Respondent further admitted that she had “pharmacy stock bottles and possibly other pills at her home.”

10. Baltimore County Police accompanied the Respondent to her residence and located pharmacy stock bottles for “Tramadol Hydrochloride,^[11] Carisprodol [sic], Gabapentin, Acetaminophen and Codeine Phosphate, Alprazolam, Ondansetron.” The Respondent “advised that some had actual pills inside but most were empty.” Further,

[T]he following pills were recovered [by the police] and sent for analysis[:]

- Gabapentin – 16 orange pills inscribed “214”
- Ondansetron 8MG 30 count bottle – 4 pills inscribed “F26”
- Gabapentin 800MG 100 count bottle – 2 pills inscribed “D25”
- Clonazepam 2MG 100 count bottle – 54 pills inscribed “2532”
- Alprazolam 1MG 500 count bottle – 139 pills inscribed “D705”
- Baclofen^[12] 10MG – 1 pill inscribed “tv4096”
- Diazepam^[13] 10MG – 2 pills inscribed “teva3927”

¹¹ Tramadol Hydrochloride ER, a Schedule IV controlled dangerous substance, is used to treat moderate to severe pain.

¹² Baclofen is a skeletal muscle relaxant used to treat pain and certain types of spasticity from multiple sclerosis, spinal cord injuries, or other spinal cord diseases.

¹³ Diazepam, a Schedule IV controlled dangerous substance, is used to relieve anxiety and to control agitation caused by alcohol withdrawal. In conjunction with other medications, it is used to control seizures and also muscle spasms and spasticity caused by certain neurological disorders.

Subsequent analysis found that “the 54 white round tablets were in fact Clonazepam and the 139 blue oval tablets were Alprazolam, both Schedule IV Controlled Dangerous Substances.”

11. 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); performing delegated pharmacy acts while using any narcotic or controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article, or other drug that is in excess of therapeutic amounts or without valid medical indication, in violation of Health Occ. § 12-6B-09(5)(ii); 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(25) by violating COMAR 10.34.10.01.A(1)(d) and/or 10.34.10.01.B(3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of October 2024, by a majority of the quorum of the Board, hereby

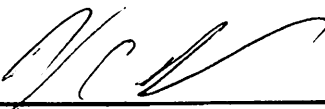
ORDERED that the Respondent's, **CHRISTINE MARIE GARY'S**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further

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.).

10/16/24
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.