

IN THE MATTER OF

*

BEFORE THE MARYLAND

WHITNEY HECK,

*

STATE BOARD OF

PHARM TECH

*

PHARMACY

Registration No.: T21795

*

Case No.: 20-399

* * * * *

CONSENT ORDER

On or about August 14, 2020, the Maryland Board of Pharmacy (the "Board") notified **Whitney Heck** (the "Respondent"), of its intent to revoke her registration to practice as a Pharmacy Technician ("Pharm Tech") in Maryland, registration number T21795, based on violations of the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ"), §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

On or about that same date, the Board also issued an Order for Summary Suspension to the Respondent, pursuant to the Maryland Pharmacy Act ("the Act"), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2014 Repl Vol. and 2019 Supp.) and the Maryland Administrative Procedure Act., Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

The pertinent provisions of law are as follows:

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 . . . , reprimand a registered pharmacy technician, place any registered pharmacy technician on probation, or suspend or revoke a registered pharmacy technician's registration if the ... pharmacy technician registrant:

- (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 include:

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

The pertinent provision of the regulations adopted by the Board are as follows:

COMAR 10.34.10.01 Patient Safety and Welfare

B. A pharmacist may not:

...

- (3) Engage in unprofessional conduct.

On February 10, 2021, a Case Resolution Conference (“CRC”) was held via teleconference. As a resolution of this case, the Respondent agreed to enter into this Consent Order.

FINDINGS OF FACT

The Board finds the following facts:

1. At all times relevant hereto, the Respondent practiced as a Pharm Tech in the State of Maryland. The Respondent was first registered as a Pharm Tech in Maryland on or about November 21, 2018. The Respondent’s registration is scheduled to expire on November 30, 2020.

Complaint

2. On or about February 28, 2020, the Board received a Drug Enforcement Agency (DEA) Form 106, *Report of Theft or Loss of Controlled Substances* (the

“Complaint”) from a national chain Pharmacy located in Bel Air, Maryland (the “Pharmacy”).¹

3. Based on the Complaint, the Board initiated an investigation.

Investigation

4. Subsequently, on April 29, 2020, pursuant to a subpoena, the Board obtained additional documentation from the Pharmacy regarding the Pharmacy’s internal investigation into the theft.
5. The documentation indicated that after the Pharmacy’s manager detected inventory discrepancies, the Pharmacy initiated an investigation that included reviewing in-store security video and interviews with staff. The investigation concluded that the Pharmacy was missing approximately #43 tablets of opioid CDS in varying dosages.
6. The documentation obtained by the Board included a January 3, 2020 voluntary written statement by the Respondent stating that over the course of the prior several weeks, she had stolen CDS “on a couple of occasions,” but that she could not recall the exact number of tablets she took without authorization.
7. Shortly thereafter, the Respondent was terminated from the Pharmacy based on the theft.

¹ For confidentiality and privacy purposes, the names of individuals and facilities involved in this case are not disclosed in this document. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

8. Based on the information provided to the Board by the Pharmacy, the Board has reason to believe that the Respondent diverted multiple medications over an extended time span.

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Board concludes as a matter of law that the Respondent's conduct, as described above, constitute violations of the Act and the regulations adopted by the Board as cited above.

ORDER

Based on the foregoing, it is by the Board hereby:

ORDERED that the Order for Summary Suspension, issued in this case, is hereby terminated; and it is further

ORDERED that the Respondent is **SUSPENDED** for a minimum period of **180 DAYS**, effective immediately, and continuing until the Respondent satisfactorily completes the following terms and conditions:

1. Within 5 business days, the Respondent shall contact PRS (the Pharmacist Rehabilitation Service) to schedule an initial evaluation and enter into a rehabilitation contract;
2. The Respondent shall fully and timely cooperate and comply with all PRS's referrals, rules, and requirements, including, but not limited to, the terms and conditions of the Rehabilitation Contract, and shall fully participate and

comply with all therapy, treatment, evaluations, and screenings as directed by PRS;

3. The Respondent shall sign and update the written release/consent forms requested by the Board and PRS, including release/consent forms to authorize PRS to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from PRS records and files in a public order. The Respondent shall not withdraw her release/consent;
4. The Respondent shall also sign any written release/consent forms to authorize PRS to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that PRS is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent shall not withdraw her release/consent;
5. The Respondent's failure to comply with any of the above terms or conditions including terms or conditions of the Rehabilitation Contract constitutes a violation of this Consent Order.

And it is further:

ORDERED that following the minimum period of suspension, the Respondent may submit a written petition for reinstatement. If the Respondent has successfully completed the terms of the suspension, the Board shall grant the reinstatement, and the Respondent shall immediately be placed on Board-supervised **PROBATION** for a minimum period of **TWO (2) YEARS**. **The Board may impose in its discretion additional terms and conditions it deems appropriate during the period of probation.**

And it is further:

ORDERED that the Respondent shall at all times cooperate with the Board, its agents, or employees in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Consent Order; and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

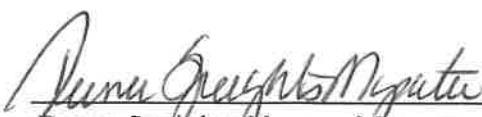
ORDERED that after a minimum of two (2) years from the beginning of the probationary period of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending investigations or outstanding complaints related to the findings of fact in this Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may impose further disciplinary sanctions on the Respondent, permissible under the Act and the regulations adopted by the Board; and it is further

ORDERED that this document constitutes an Order of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., General Provisions, §§ 4-101 through 4-601 (Repl. Vol. 2014 & 2020 Supp.).

3-11-21
Date



Deena Spreights-Napata, M.A., Exec. Dir.
on behalf of
Kevin Morgan, Board President

CONSENT

By this Consent, I, Whitney Heck, agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest or

seek judicial appeal of the Findings of Fact, Conclusions of Law, or the Order. For purposes of licensure only I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I sign this Consent Order after having been apprised of my right to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its effect.

2-15-2021
Date

Whitney M. Heck
Whitney Heck, Pharmacy Technician
The Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF: BALTIMORE

I HEREBY CERTIFY that on this 15 day of FEBRUARY 2021, before me, a Notary Public of the State and County aforesaid, personally appeared² Whitney Heck, and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

² During the current State of Emergency, and in compliance with the Governor's emergency orders, notarization may be accomplished remotely.

AS WITNESS, my hand and Notary Seal.

Notary Public 

My commission expires: April 23, 2022