

IN THE MATTER OF  
ELIZABETH HOFFMAN, PHARM TECH  
REGISTRATION NO.: T05106  
Respondent

\* BEFORE THE  
\* STATE BOARD  
\* OF PHARMACY  
\* Case No.  
\* PT-12-019/12-218

\* \* \* \* \*

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

On March 20, 2013, the Maryland Board of Pharmacy (the "Board"), notified **ELIZABETH HOFFMAN**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her Pharm Tech registration. The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol. and 2012 Supp.) and the Maryland Pharmacy Act, codified at Md. Health Occ. Code Ann. § 12-101, et seq., (the "Act") (2009 Repl. Vol. and 2012 Supp.).

The pertinent provision of § 10-226(c) (1) of the APA states:

*Revocation of suspension. (sic)*— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,

- (ii) an opportunity to be heard.

The pertinent provisions of 12-6B-09 of the Act state: 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 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 [;].

The Board also charged the Respondent with a violation of its Pharmacist and Pharmacy Technician Code of Conduct, 10.34.10 (November 12, 2001):

B. A pharmacist may not:

\* \* \*

- (3) Engage in unprofessional conduct

**FACTS THAT WARRANT THE  
REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on April 16, 2009. The Respondent's registration expires on July 31, 2014.
2. At all times relevant herein, the Respondent was employed as a Pharm Tech at a National health care facility located in Annapolis, Maryland, identified as Pharmacy A.
3. On or about May 25, 2010, the health facility's National Special Investigations Unit initiated an investigation based on suspicious drug variance reports

for Pharmacy A that were provided by the manager. Review of the reports noted several instances where unexplained shortages of Hydrocodone<sup>1</sup>/APAP 10/325 tablets were recorded with a significant increase in losses starting in approximately March 2010.

4. On or about May 27, 2010, the Investigative Unit met with the pharmacy managers and were informed that a daily pill count had been initiated on May 19, 2010, which had identified Hydrocodone/APAP 10/325 losses (100 tablets) on May 19, 2010, (113 tablets) on May 21, 2010, and (100 tablets) on May 25, 2010, totaling 313 tablets.

Other losses were disclosed as follows:

May 28, 2010	-	100 tablets
June 9, 2010	-	18 tablets
June 10, 2010	-	12 tablets
June 11, 2010	-	5 tablets
June 14, 2010	-	100 tablets
June 15, 2010	-	11 tablets
June 21, 2010	-	42 tablets
June 24, 2010	-	25 tablets

The total losses amounted to \$85.25.

5. On or about June 3, 2010, a covert surveillance camera was installed in Pharmacy A and two existing overt cameras were redirected for better coverage of employee lockers and the aisle where the Hydrocodone/APAP 10/325 were stored. A review of the video from May 25, 2010 showed that when the pharmacist left and while the Respondent was alone in Pharmacy A, the Respondent entered the aisle where the Hydrocodone/APAP 10/325 was stored, took something out of the bottle, and then went to her locker, departing a short time later.

6. The same pattern occurred on May 28, 2010.

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<sup>1</sup>Hydrocodone or dihydrocodeinone is a semi-synthetic opioid derived from either of two naturally occurring opiates: codeine and thebaine. Hydrocodone is used to treat moderate to severe pain and as an antitussive

7. On or about June 2, 2010, a covert camera was installed over the aisle and shelf where the Hydrocodone/APAP 10/325 tablets were stored. On June 9, 2010, the video showed the Respondent entering the aisle where the Hydrocodone/APAP 10/325 was stored. The Respondent then opened the bottle and poured something in her hand, put the tablets into her pocket, took them to her locker, and placed them in her purse. (18 tablets were found to be missing.)

8. On June 10, 2010, the video showed the Respondent repeating the same pattern, with 12 tablets missing.

9. On June 14, 2010, the Respondent was observed taking the whole bottle of 100 tablets from the shelf and putting it into her locker.

10. Review of the video of June 2010 showed that, when the pharmacist exited the pharmacy and the Respondent was alone, the Respondent again entered the aisle where the Hydrocodone/APAP 10/325 was located and removed the bottle; she then walked over to the adjacent aisle. A few minutes later, she walked back and replaced the bottle.

11. Management provided the Investigation Unit with the time and schedule reports for the Respondent, by which a determination was made that the Respondent was the only employee on duty the dates that the losses were incurred.

12. The Investigative Unit interviewed the Respondent on or about June 29, 2010 at Pharmacy A. The Respondent admitted to stealing the Hydrocodone/APAP 10/325 on several occasions and signed a written statement to that effect. The Respondent claimed that she had a close friend who had "stage 4 cancer and had no to treat coughs.

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insurance". She admitted to stealing on 10 or more occasions since mid-May 2010, taking handfuls, "possibly between 11-40 tablets at a time".

13. As a result of the admission, the facility terminated the Respondent's employment on June 29, 2010. It also submitted several DEA reports of loss/theft and notified the Board of the loss/termination.

### **CONCLUSIONS OF LAW**

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act, and that the revocation is warranted, pursuant to § 2-6B-09 (3) and (25) of the Act, §10-226 (c)(1) the APA, and §10.34.10 (B)(3).

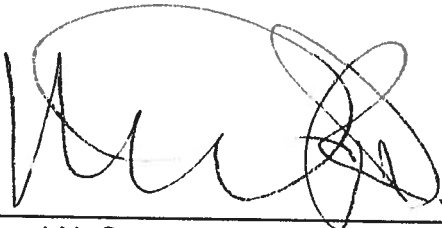
### **ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by Elizabeth Hoffman, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2009 Repl. Vol. and 2012 Supp.).

### **NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-314 (2009 Repl. Vol. and 2012 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. and 2012 Supp.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.

MAY 15, 2013  
Date

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