

IN THE MATTER OF	*	BEFORE THE
ARIEL JOHNSON, Pharm Tech	*	STATE BOARD
REGISTRATION NO.: T03507	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-14-022

* * * * *

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

On July 20, 2016, the State Board of Pharmacy (the "Board"), notified **ARIEL JOHNSON**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician 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, which was enclosed. More than 30 days have 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 State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2014 Repl. Vol. II), and the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. ("H.O.") §§ 12-101 *et seq.* (2014 Repl. Vol. II).

The relevant provisions are as follows:

S.G. § 10-226:

(c) (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.

H.O. § 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 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:

- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:
 - (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
 - (ii) Any appeal or other proceeding is pending regarding the matter [;].

**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 December 9, 2008. The Respondent's registration expired on March 31, 2014.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for a company (the "Company") that has pharmacies within several hospitals and other outlets in Maryland. The Respondent worked primarily for one of the pharmacies located within Hospital A in Baltimore City.¹

3. On or about August 12, 2013, the Company noticed that ordering and

¹The Respondent also worked briefly for the company at its pharmacy within a Baltimore County hospital.

purchases from a particular manufacturer for Controlled Dangerous Substances (CDS) appeared to be abnormal at its pharmacy at Hospital A in Baltimore City. It was noted that at least two bottles of Promethazine² with Codeine³ had been purchased every day for 2013, with the exception of the time between February 8, 2013, and March 26, 2013, when no bottles were purchased. It was determined that the Respondent was on leave from February 8, 2013 to March 26, 2013. Upon her return, she was temporarily assigned to another pharmacy at Hospital B in Baltimore County from April 10, 2013 to June 7, 2013, and then back to the hospital in Baltimore City. On or about June 10, 2013, the ordering/purchasing pattern was reviewed for Hospital B in Baltimore County.

4. The Company found the following:

A. For Hospital A in Baltimore City, it was noted that 108 bottles of Promethazine with Codeine were purchased, yet only 23 bottles dispensed;

B. The pattern at Hospital B in Baltimore County hospital was similar in that 39 bottles Promethazine with Codeine were purchased but only nine bottles were dispensed while the Respondent worked there.

5. On or about August 14, 2013, the Company hooked up a digital recording device to cameras and an Ethernet⁴ connection to Hospital A in Baltimore City in order to view activity from that hospital to the Company's headquarters in Baltimore City. On or about August 16, 2013, personnel watched the Respondent take two bottles from the pharmacy shelf where the Promethazine with Codeine was stored and walk into the

²Promethazine prevents and controls motion sickness, nausea, vomiting, and dizziness. It is also used to relieve or prevent allergic reactions, helps people go to sleep, and control their pain or anxiety before or after surgery or other procedures.

³Codeine is a narcotic pain medicine and cough reliever.

⁴Ethernet is a family of computer networking technologies for local area networks systems (LANS) communicating over a stream of data into shorter pieces called frames. Each frame contains source and destination addresses and error-checking data so that damaged data can be detected and re-transmitted.

storage closet and put the two bottles into her pocketbook. The Respondent then left the pharmacy with the two bottles in the pocketbook.

6. The Company contacted the Baltimore City Police, who arrested the Respondent on August 19, 2013. At the time of her arrest, it was determined that the Respondent had stolen the following from the Hospital A in Baltimore City:

- 14,144 tablets of Hydrocodone/APAP 7.5/500⁵ mg; and,
- 280, 489 ml (593 bottles) of Promethazine with codeine.

7. At the time of her arrest, the Respondent had stolen from the Hospital B in Baltimore County 18,447 ml (39 bottles) of Promethazine with Codeine.

8. After her arrest, the Respondent admitted to stealing the amount of Hydrocodone from Hospital B, as set forth above, as well as the amount of Promethazine with Codeine, as set forth above. The Respondent further admitted that she would take two pint bottles at closing time, while the pharmacist was doing other work. The street value of the Promethazine with Codeine is \$200-400 a bottle. The total value of all of the Respondent's thefts from both hospitals was \$8,251. The Respondent also informed the Police about the person she sold the bottles to and, subsequently, that person was arrested after the Police set up a sting operation with the Respondent.

9. The Respondent was charged with Theft \$1k to under \$10K in the Circuit Court for Baltimore City. On December 12, 2013, the Respondent pled guilty and received a Probation After Conviction, with the sentence to start December 11, 2013. She received three years imprisonment, with all but one day suspended. She was also sentenced to three years supervised probation and ordered to pay the company \$8251 restitution before

⁵Hydrocodone is an opioid pain medication. Acetaminophen is a less potent pain reliever that increases the effects of hydrocodone. In this combination, hydrocodone = 7.5 mgs and the acetaminophen = 500

her probation ends.

10. The Company filed a Drug Enforcement Administrative (DEA) form of theft and loss, as required, and it notified the Board.

11. Due to the above, on February 27, 2014, the Board issued a Summary Suspension against the Respondent's registration. The Respondent failed to request a hearing.

12. By pleading guilty to a crime of moral turpitude, the Respondent violated the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated §12-6B-09 (22) (i) and (ii) of its Act.

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **ARIEL JOHNSON**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and SG. §§10-201 *et seq.* 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*.

mgs. The drug also goes by the trade names of Lortab and Vicodin.

9/21/2016

Date



Mitra Gavani, Pharm.D., President
State Board of Pharmacy