

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

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Govt. Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **ARIEL JOHNSON**, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. § 12-101, et seq., (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

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 expires 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. The Respondent worked primarily for one of the pharmacies located within a hospital in Baltimore City.¹

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

3. On or about August 12, 2013, the company noticed that ordering and purchases from a particular manufacturer for Controlled Dangerous Substances (CDS) appeared to be abnormal insofar as the pharmacy at the hospital in Baltimore City where the Respondent worked was concerned. 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 the Family Medical Leave Act (FMLA) from February 8, 2013 to March 26, 2013 and, upon her return, was temporarily assigned to the pharmacy within the Baltimore County hospital from April 10, 2013 to June 7, 2013, and then back to the hospital in Baltimore City. On June 10, 2013, the ordering/purchasing pattern was reviewed for the hospital in Baltimore County as well.

4. The company found the following:

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

B. The pattern at the 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 August 14, 2013, the company hooked up a digital recording device to

²Promethazine prevents and controls motion sickness, nausea, vomiting, and dizziness. 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.

cameras and an Ethernet⁴ connection to the hospital in Baltimore City in order to view activity from that hospital to the company's headquarters in Baltimore City. On 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 storage closet and put the two bottles into her pocketbook. The Respondent then left the pharmacy, with the two bottles in the pocketbook. The bottles had been purchased from the manufacturer that day.

6. The company then 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 Baltimore City hospital:

- 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 Baltimore County hospital 18,447 ml (39 bottles) of Promethazine with Codeine.

8. After her arrest, the Respondent admitted to stealing the amount of Hydrocodone from the Baltimore City hospital, as set forth above, as well as the amount of Promethazine with Codeine, as set forth above. The Respondent further admitted that she would order a lot and then 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

⁴Ethernet is a family of computer networking technologies for local area networks (LANs). Systems communicating over Ethernet divide 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.

⁵Hydrocodone is an opioid pain medication. Acetaminophen is a less potent pain reliever that increases

both hospitals = \$8251. 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 with the Respondent.

9. The Respondent was criminally charged with the following in the Circuit Court for Baltimore City:

Count 1: CDS Poss W/I Manuf/Dis/Disp-Narc;

Count 2: CDS-Unlawful Possession, etc.;

Count 3: CDS-Poss WI Manuf/Dis/Disp-Narc-Con;

Count 4: CDS Possession-Con; and

Count 5: Theft less than \$100.

10. On 12/12/13, the above cases were nolle prossed.

11. The Respondent was also charged with Theft \$1k to under \$10 K. On 12/12/13, the Respondent pled guilty and received a Probation After Conviction, with the sentence to start 12/11/13. 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 her probation ends.

12. The company filed a Drug Enforcement Administrative (DEA) form of theft and loss, as required and it notified the Board of same, as well.

the effects of hydrocodone. In this combination, hydrocodone = 7.5 mgs and the acetaminophen = 500 mgs. The drug also goes by the trade name of Lortab and Vicodin.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.).

ORDER

Based on the foregoing, it is therefore this 18th day of MARCH, 2014, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T03507, is hereby **SUMMARILY SUSPENDED**; and be it further

ORDERED that, upon the Board's receipt of a written request from the Respondent, a Show Cause Hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice as a Pharm Tech and the danger to the public; and be it further

ORDERED that the Respondent shall immediately turn over to the Board her wall certificate and wallet-sized registration to practice as a Pharm Tech issued by the Board; and be it further

ORDERED that this document constitutes a Final Order of the Board and is, therefore, a public document for purposes of public disclosure, as required by Md. State

Gov't Code Ann. §10-617(h) (2009 Repl. Vol.).



Laverne G. Naesea, Executive Director
Board of Pharmacy

NOTICE OF HEARING

A Show Cause hearing to determine whether the Summary Suspension shall be continued will be held before the Board at 4201 Patterson Avenue, Baltimore, 21215 following a written request by the Respondent for same.