

registered on January 19, 2010. The Respondent's registration is current, and is scheduled to expire on August 31, 2013.

2. At all times relevant, Respondent was employed as a pharmacy technician at Pharmacy A, a national chain pharmacy, in Chestertown, Maryland.

3. On or about August 31, 2011, the Board received information from Pharmacy A that it had terminated the Respondent after she allegedly stole Viagra and Cialis.¹

4. Thereafter the Board initiated an investigation.

5. The Board's investigation revealed that on August 23, 2011, the Respondent was terminated from her employment at Pharmacy A after she admitted to stealing a large quantity of Viagra and Cialis.

6. In a written statement, the Respondent admitted to stealing approximately 11 bottles of Viagra and one bottle of Cialis.

7. The Respondent also signed a promissory note to repay Pharmacy A the sum of \$8,890.94, the retail price of the stolen medications.

8. On August 24, 2011, the Respondent was terminated from her employment at Pharmacy A.

9. Pharmacy A did not press charges against the Respondent for theft of the medications.

10. Despite signing a written statement admitting to the allegations, the Respondent maintains that she did not steal any medication. According to the Respondent,

¹ Viagra and Cialis are medications used to treat erectile dysfunction, as well as other medical conditions.

a single parent with three minor children, she was fearful of being criminally prosecuted if she fought the allegations.

11. According to the Respondent, she was confronted by a Pharmacy A investigator and was not permitted to speak with anyone or seek counsel.

12. The Respondent is currently employed as a pharmacy technician at a Pharmacy B, another national chain pharmacy, in Chestertown, Maryland. She began that job in September 2011.

13. Prior to working as a pharmacy technician, the Respondent was a certified nursing assistant ("CNA") and medication technician ("MT"). Her CNA registration in good is current and in good standing with the Maryland Board of Nursing. Her MT registration is expired.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board finds by a preponderance of evidence and concludes that by being terminated from her employment as a pharmacy technician for theft, the Respondent violated H.O. § 12-6B-09(27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title; to wit: H.O. § 12-313(25) Violates any rule or regulation adopted by the Board; to wit: COMAR 10.34.10.01B A pharmacist may not: (3) Engage in unprofessional conduct.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the Respondent's license to practice pharmacy is hereby **SUSPENDED** for a period of **SIX (6) MONTHS**; and it is further

ORDERED that the suspension is hereby **IMMEDIATELY STAYED**; and it is further

ORDERED that the Respondent's registration to practice as a pharmacy technician shall be placed on **PROBATION** for a period of at least **ONE YEAR**; and it is further

ORDERED that Respondent shall provide a copy of this Consent Order to her employer within **five (5) days** of commencing any employment; and it is further

ORDERED that during the period of probation, the Respondent's pharmacist supervisor shall provide the Board with quarterly reports addressing the Respondent's employment; and it is further

ORDERED that the employer's failure to submit a quarterly report or an unsatisfactory quarterly report may be deemed a violation of this Consent Order and the Board may, in its discretion, after notice and an opportunity for a show cause hearing before the Board may impose any appropriate sanction under the Act, including an additional probationary term with conditions of probation, reprimand, suspension, revocation and/or a monetary penalty; and it is further

ORDERED that the Respondent shall immediately report to the Board if she is the subject of any criminal investigation; and it is further

ORDERED that upon the next renewal of Respondent's pharmacy technician registration in 2013, she shall submit to a State criminal history records check; and it is further

ORDERED that after **ONE (1) YEAR** from the date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation,

provided that she has been fully compliant with this Consent Order and has no outstanding complaints filed against her; and it is further

ORDERED that the Respondent shall practice as a pharmacy technician according to the Maryland Pharmacy Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of pharmacy; and it is further


ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of her compliance with the terms and conditions of this Order; and it is further

ORDERED that the Respondent's failure to fully cooperate with the Board shall be deemed a violation of the probationary terms and a violation of this Order; and be it further,

ORDERED that this document constitutes a formal disciplinary action of the State Board of Pharmacy, and is therefore a **PUBLIC DOCUMENT** for purposes of public disclosure, pursuant to the Public Information Act, State Gov't § 10-611 *et seq.* and COMAR 10.34.01.12.

Date

8/17/12

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

CONSENT

I, Toya Johnson, acknowledge that I chose not to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

8/11/12
Date

Toya Johnson
Toya Johnson, Respondent

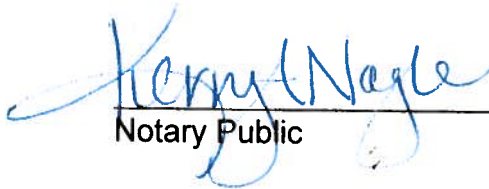
NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Queen Annes :

I HEREBY CERTIFY that on this 11th day of August, 2012, before me, a Notary Public of the foregoing State personally appeared Toya Johnson, Registration Number T06895 and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission Expires: 04/03/2016

