

IN THE MATTER OF	*	BEFORE THE
TEKIA MARCUS, PHARM TECH	*	STATE BOARD
Registration No.: T02794	*	OF
Respondent	*	PHARMACY
	*	Case No. PT-12-040/12-239

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Gov't. Code Ann. §10-226 (c)(2)(2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby summarily suspends the registration of Tekia Marcus, Registration No. T02794, (the "Respondent") to practice as a Pharmacy Technician ("Pharm Tech") in Maryland, concluding that the public health, safety or welfare imperatively requires emergency action. This Order is based on the following investigative findings, which the Board has reason to believe are true:

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on September 22, 2009. The Respondent's registration expires on September 30, 2013.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech for Pharmacy A¹ in Baltimore City.
3. On or about February 2012, police officers of Baltimore City and members of the U.S. Drug Enforcement Administration (DEA) applied for a search warrant to

search the Respondent's personal belongings, abode, car and workplace. The bases for same were as follows:

A. On January 27, 2012, detectives from the Baltimore City Police Department met with a Confidential Source ("CS") for the purpose of conducting a controlled purchase of pharmaceutical Controlled Dangerous Substance ("CDS") from the Respondent. The CS and his vehicle were searched for any illegal contraband or sums of US currency. Prior to the buy, law enforcement initiated surveillance of the pharmacy;

B. The CS was provided with pre-recorded departmentally-issued buy money and was directed to meet with the Respondent at the block where the home of her parents was located;

C. As directed, the CS met with the Respondent who had parked a Volkswagen in front of the CS' vehicle. The Respondent exited the Volkswagen, while carrying a bag and entered the CS' vehicle. After several minutes, the Respondent exited the CS' vehicle while carrying a bag and entered the home of her parents. The CS was then followed to a predetermined location where he provided a detective with a sealed stock pharmacy bottle containing 500 tablets of suspected Clonazepam², 2 mg, a Schedule IV CDS, and two sealed stock pharmacy bottles, each containing 100 tablets of suspected Alprazolam³, 2 mg, a

¹The facility's name is confidential and maybe disclosed by contacting the Administrative Prosecutor.

²Clonazepam is in a group of drugs called benzodiazepines and works in the same way as Alprazolam. It affects chemicals in the brain that may become unbalanced and cause anxiety.

³Alprazolam belongs to a group of drugs called benzodiazepines. It works by slowing down the movement of chemicals in the brain which results in a reduction of nervous tension. Alprazolam is used to treat anxiety disorder, panic disorders, and anxiety caused by depression.

Schedule IV CDS. The CS was again searched for any illegal contraband or US currency; the search proved negative;

D. On February 2, 2012, the police met with the CS for the purpose of purchasing additional CDS from the Respondent. Prior to the purchase, law enforcement initiated surveillance at the pharmacy and at the Respondent's parents' home. The Respondent and the CS communicated via text and cell phone. During these conversations, arrangements were made for the CS to meet the Respondent at the block of her parents' home. Prior to the purchase, the CS was searched for any illegal contraband and/or US currency; the search proved negative. The CS was outfitted with a recording device;

E. The CS went to the Respondent's parents' address, where he was later met by the Respondent, who arrived in her Volkswagen. The Respondent then entered into her parents' home carrying a bag and exited carrying a bag, after which she entered the CS's vehicle. Several minutes later, the Respondent exited the CS' vehicle and entered her vehicle and left the block;

F. The CS was followed to a pre-designated meeting spot where he provided an officer with four sealed stock pharmacy bottles containing suspected Alprazolam, Clonazepam and Buprenorphine.⁴ The CS was then searched for illegal contraband and/or US currency and the search proved negative;

G. On February 3, 2012, the Officers again met with the CS for the purpose of purchasing additional CDS from the Respondent. Prior to the

⁴ Buprenorphine is an opioid pain medication.

purchase, law enforcement initiated surveillance of the pharmacy. The CS and the Respondent communicated via text and cell phone. During the contacts, arrangements were made for the CS to meet the Respondent at her parents' home. Prior to the purchase, the CS was searched for any illegal contraband and/or US currency, and, there was none. The CS was outfitted with a recording device and provided with law enforcement funding;

H. The CS traveled to the Respondent's parents' block where law enforcement was located and where the Respondent arrived in her Volkswagen. Officers observed the Respondent carrying a bag as she exited her car and entered the CS' car. Several minutes later, the Respondent exited the CS' vehicle and entered her Volkswagen and left her parents' block;

I. The CS was followed to a pre-determined meeting spot where the CS provided the Detective with four sealed stock pharmacy bottles containing Alprazolam, Clonazepam and Buprenorphine. The CS was then searched for any illegal contraband and/or US currency, which search proved negative.

J. On February 3, 2012, law enforcement met with CS for the purpose of purchasing additional CDS from Respondent. The CS was provided with a pre-recorded law enforcement funding and, for safety and evidentiary reasons, the CS was outfitted with a recording device. Law enforcement initiated surveillance at the pharmacy, where officers observed the Respondent leave the pharmacy and enter her Volkswagen and go to her parents' block, where the Respondent parked her car;

K. Afterwards, law enforcement directed the CS to go to that block as they followed him. Law enforcement observed the Respondent enter the CS' car and, get out after several minutes. The Respondent then entered her parents' residence, after which, the detectives followed the CS to the pre-determined meeting place where the CS provided the officers with seven sealed stock pharmacy bottles, which contained suspected Buprenorphine, Clonazepam and Clonidine;

L. On February 10, 2012, law enforcement maintained surveillance on the Respondent's Volkswagen and on her parents' address. The Respondent left her parents' street and traveled to an apartment building in Baltimore, where she entered an apartment with a key card. A utilities check made for that location confirmed that the Respondent had utilities for an apartment at that address (which differs from the registration for the Volkswagen). A check with management confirmed that the Respondent was a current resident of that apartment building;

M. The police believed that the Respondent may be ordering the drugs while working at Pharmacy A and keeping a separate invoice or order form. The officers believed that, alternatively, the Respondent may have stolen the drugs from Pharmacy A. They also believe that the drugs may be stored at the Respondent's apartment or her parents' house, as well as on her person or in her car, and in the specific areas of the pharmacy where the Respondent

keeps her personal property.

N. On February 10, 2012, the Officers met with the CS for the purpose of purchasing additional pharmaceutical CDS from the Respondent. Prior to the purchase, the CS had several contacts with the Respondent which emphasized the purchase of Buprenorphine, a Schedule II CDS. The CS and his vehicle were searched for any illegal contraband and/or US currency, which search proved negative.

4. By document dated February 27, 2012, Pharmacy A filed a DEA Report of Theft or Loss of CDS with the Division of Drug Control, wherein the pharmacy reported employee pilferage (by the Respondent) amounting to \$6000 for the above drugs listed by the police. The pharmacy listed measures to avoid further occurrences.

5. On March 14, 2014, the Respondent was criminally charged in the Circuit for Baltimore City, Maryland with the following:

CASE NO.	COUNT	DESCRIPTION
112074007	1	CDS – Possession W/I Manuf/Dis/Disp-Narc
112074007	2	CDS – Possession W/I Manuf/Dis/Disp-Narc
112074007	3	CDS – Unlawful Possession Etc
112074007	4	CDS – Unlawful Possession Etc
112074008	1	CDS –Unlawful Possession
112074008	2	CDS-Para/Use Poss w/Intent Use
112074008	3	CDS-Para/Use Poss w/Intent Use
112074008	4	CDS-Para/Use Poss w/Intent Use

6. As set forth above, by stealing drugs from her employer and selling them on the street, the Respondent is a threat to the public health, safety or welfare.

CONCLUSIONS OF LAW

Based on the foregoing, Findings of Fact, the Board concludes as a matter of law that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. State Gov't. Code Ann. §10-226(c)(2)(2009 Repl. Vol.).

ORDER

Based on the foregoing, it is therefore this 18th day of July, 2012, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted by the Board by Md. State 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. T02794 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.