

IN THE MATTER OF * **BEFORE THE**
KATRICE MATTHEWS * **MARYLAND BOARD OF**
PHARMACY TECHNICIAN * **PHARMACY**
Registration No.: T01945 * **Case No.: 19-245**

* * * * *

FINAL DECISION AND ORDER

Procedural Background

On or about January 25, 2019, the Maryland Board of Pharmacy (the “Board”) received a “Controlled Substances Diversion Investigation Summary Report” and a Drug Enforcement Administration Form 106, “Report of Theft or Loss of Controlled Substances,” from a pharmacy (the “Pharmacy”) where a pharmacy technician, Katrice Matthews, Registration No. T01945 (the “Respondent”), was employed. The Pharmacy indicated that the Respondent was responsible for diverting controlled dangerous substances from the Pharmacy during her employment with the Pharmacy. On June 14, 2019, the Board issued an Order for Summary Suspension, summarily suspending the Respondent’s registration based on a finding that the public health, safety, or welfare imperatively required emergency action pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2). The Respondent requested a Show Cause hearing, but failed to appear at the scheduled hearing, requesting a postponement on the morning of the hearing. Therefore, the Show Cause hearing was merged with a Case Resolution Conference; once again, the Respondent failed to appear.

The Board scheduled the evidentiary hearing for February 19, 2020, and sent the Respondent notice of the hearing via certified and regular mail to her address of record with the Board on December 20, 2019. On February 19, 2020, the Board held an evidentiary hearing before

a quorum of the Board in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and the Board's regulations, COMAR 10.34.01. The Respondent did not appear for the hearing, but the Board held the hearing in the Respondent's absence as provided for in the Act, Md. Code Ann., Health Occ. § 12-315(g). Following the hearing, the same quorum of the Board convened to deliberate and voted unanimously to revoke the Respondent's registration for the reasons set forth in this Final Decision and Order.

SUMMARY OF THE EVIDENCE

A. Documents

The following documents were admitted into evidence:

- State's Exhibit No. 1 - Letter to the Board from Benson, 1/25/19
- State's Exhibit No. 2 - Controlled Substances Report
- State's Exhibit No. 3 - DEA Report
- State's Exhibit No. 4 - Police Report
- State's Exhibit No. 5 - Computer Printout of Information
- State's Exhibit No. 6 - Investigative Report, 2/24/19
- State's Exhibit No. 7 - Order for Summary Suspension, 6/14/19
- State's Exhibit No. 8 - Request for a Hearing, 7/11/19
- State's Exhibit No. 9 - Notice of Hearing, 7/18/19
- State's Exhibit No. 10 - Postponement Request, 8/7/19
- State's Exhibit No. 11 - Charges, 10/16/19
- State's Exhibit No. 12 - Hearing Notice, 12/20/19

B. Witnesses

State: Rodney Benson, Vice President, DEA Compliance and Drug Diversion Prevention, Hospital System

Jada Collins, Health Occupations Investigator, Maryland Board of Pharmacy

Respondent: None

FINDINGS OF FACT

Based upon the documentary and testimonial evidence admitted at the evidentiary hearing, the Board finds the following:

1. At all times relevant hereto, the Respondent was registered to practice as a pharmacy technician in the State of Maryland. The Respondent was initially registered by the Board as a pharmacy technician under Registration No. T01945 on August 11, 2008. The Respondent's registration expired on July 31, 2020. (State's Ex. 5; Tr. at 26)

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at the Pharmacy in a hospital located in Central Maryland. (State's Exs. 1, 2; Tr. at 11-12))

3. On January 2, 2019, an investigation was commissioned to investigate shortages of controlled substances at the Pharmacy, including a Controlled Substances Accountability Audit as of January 1, 2019. (State's Ex. 2; Tr. at 11)

4. On January 25, 2019, the Board received a "Controlled Substances Diversion Investigation Summary Report" and a Drug Enforcement Administration Form 106, "Report of Theft or Loss of Controlled Substances," from the Pharmacy that indicated that the Respondent was responsible for diverting controlled dangerous substances from the Pharmacy during her employment with the Pharmacy. (State's Exs. 2, 3; Tr. at 18-19)

5. The Respondent worked as the primary inventory technician for the Pharmacy and received controlled substances orders on a daily basis as part of her duties. (State's Ex. 2; Tr. at 11-12)

6. The Pharmacy's investigation determined that between June 10, 2015, and her termination on September 19, 2018, the Respondent was responsible for the following losses of controlled dangerous substances reported on the DEA Form 106:

Hydrocodone / APAP 7.5-325 mg/15 ml Sol	1,387 ml
Oxycodone, 5 mg	205 tablets
Alprazolam, 0.5 mg	639 tablets
Alprazolam, 1 mg	8,208 tablets
Alprazolam, 2 mg	169,754 tablets
Buprenorphine, 8 mg	3,090 tablets
Promethazine VC with Codeine, 6.25-10mg/5 ml Liq.	1,340 ml
Promethazine/ Codeine, 6.25-10 mg/5 ml Liq.	44,584 ml
Suboxone, 12-3 mg Film	674 films
Suboxone, 8-2 mg Film	4,894 films

(State's Exs. 2, 3; Tr. at 13-14)

7. The DEA Form 106 listed the value of the diverted CDS as \$96,873.00. (State's Ex. 3)

8. The Pharmacy's investigation found that the Respondent completed these thefts in multiple ways. The first method involved the Respondent going into the inventory system of record at the pharmacy to place an order, which would typically be sent electronically to the distributor.

When the Respondent received that order in the Pharmacy, she would enter zero into the inventory system. (State's Ex. 2; Tr. at 14-15)

9. The next method involved the Respondent going to the drug distributor directly to manually create a purchase order. When it arrived at the Pharmacy, Respondent would take the entire order without entering it into the inventory system. (State's Ex. 2; Tr. at 14-15)

10. Finally, the Respondent would order drugs that were not maintained by the pharmacy and divert them without any records being filed. (State's Ex. 2; Tr. at 15)

11. When completing these thefts, Respondent would sign in with her username and passcode, which would change every 90 days. Respondent's timecard matched the transactions. (State's Ex. 2; Tr. at 15)

12. During a period when Respondent was on Family Medical Leave, there were no reported losses. (State's Ex. 2; Tr. at 16)

13. After the investigations began, Respondent stopped showing up for work and was subsequently terminated. (State's Ex. 3; Tr. at 17)

OPINION

Pharmacy technicians play an integral role in the dispensing process, providing support to pharmacists and trusted care to patients. Pharmacy technicians are expected to act with honesty and integrity, which includes a duty to obey the law and maintain the highest level of moral and ethical conduct. By the very nature of their employment behind the pharmacy counter, pharmacy technicians have immediate access to prescription drugs, and they must be trusted to handle those drugs appropriately at all times.

Diverting drugs from a pharmacy, whether for one's own personal use or for sale, violates the ethical principles and obligations of the profession. The Respondent was expected to exercise

good judgment and adhere to pharmacy laws and regulations. The Respondent failed to do so by stealing medication from the pharmacy. The Respondent acted dishonestly, betrayed her employer's trust, and failed to exercise good judgment. The Board believes that showing an extreme lack of judgment and moral character by stealing medication is, in and of itself, more than enough justification to revoke the Respondent's registration in this case.

CONCLUSIONS OF LAW

Based upon the foregoing summary of evidence, findings of fact, and opinion, the Board concludes that the Respondent is subject to discipline pursuant to the Act, Md. Code Ann., Health Occ. §§ 12-6B-09(3), (7), and (27) and 12-313(25), and COMAR 10.34.10.01B(3).

ORDER

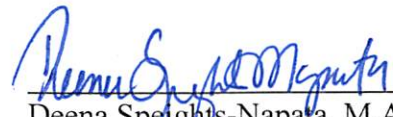
Based on the foregoing Findings of Fact, Opinion, and Conclusions of Law, by a unanimous decision of a quorum of the Board, it is hereby:

ORDERED that the Respondent's registration with the Board to practice as a pharmacy technician, Registration No. T01945, shall be and is **REVOKED**; and be it further,

ORDERED that the Respondent may not petition the Board to reinstate her registration for at least **FIVE (5) YEARS** after the date of this Order, at which point reinstatement will be at the Board's full discretion; and be it further,

ORDERED that this is a final order of the Maryland Board of Pharmacy and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provision § 4-333(b).

8-30-23
Date



Deena Speights-Napata, M.A.
Executive Director
for
Neil Leikach, R.Ph., M.Sc., President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 12-316, the Respondent has the right to seek judicial review of this Order. Any petition for judicial review shall be filed within thirty (30) days from the date of mailing of this Order. The cover letter accompanying this Order indicates the date the decision is mailed. Any petition for judicial review shall be made as provided for in the Administrative Procedure Act, Md. Code Ann., State Gov't § 10-201 *et seq.*, and Title 7, Chapter 200 of the Maryland Rules of Procedure.

If the Respondent files a petition for judicial review, the Board is a party and should be served with the court's process at the following address:

Maryland State Board of Pharmacy
Deena Speights-Napata, M.A., Executive Director
4201 Patterson Avenue, 5th Floor
Baltimore, Maryland 21215

Notice of any petition should also be sent to the Board's counsel at the following address:

Brett E. Felter
Assistant Attorney General
Maryland Department of Health
300 West Preston Street, Suite 302
Baltimore, Maryland 21201