

IN THE MATTER OF * BEFORE THE MARYLAND
SHIRLEY MATTHEWS, Pharm. Tech. * STATE BOARD OF
REGISTRATION NO. T03950 * PHARMACY
* Case No. PT-10-011

* * * * *

CONSENT ORDER IN LIEU OF CONTINUED SUMMARY SUSPENSION

Background

Based on information received and a subsequent investigation by the Maryland State Board of Pharmacy (the "Board"), and subject to the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occ. §§ 12-101, *et seq.*, (2005 Repl. Vol.) and the Maryland Administrative Procedure Act, Md. Code Ann., Health Occ. §§ 10-201 *et seq.*, the Board issued an Order for Summary Suspension dated June 21, 2010, in which it summarily suspended the pharmacy technician registration held by Shirley Matthews, Pharm Tech. Specifically, the Board found reliable evidence demonstrated that a threat to the public health, safety or welfare required emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2004 Repl. Vol.).

On August 18, 2010, the Board held a hearing before a quorum of the Board to allow Ms. Matthews the opportunity to show cause why Ms. Matthews did not pose an imminent threat to the health, safety and welfare of the public. In lieu of a continued summary suspension, Ms. Matthews and the Board agree to resolve the matter by way of this Consent Order with the terms contained herein.

FINDINGS OF FACT

1. Ms. Matthews is a registered pharmacy technician in the State of Maryland under Registration Number T03950. Ms. Matthews was first registered on February 13, 2009. Ms. Matthews's registration expires on December 31, 2010.
2. At all times relevant, Ms. Matthews was employed as a pharmacy technician at Wal-Mart Pharmacy on Solomons Island Road in Prince Frederick, Maryland.
3. On February 24, 2010, Ms. Matthews was terminated from Wal-Mart for diversion of prescription drugs based on closed circuit video footage. At the time of her termination, Ms. Matthews had been employed as a pharmacy technician for approximately thirty-one (31) years.
4. Ms. Matthews admits to having stolen a bottle of prescription Motrin.
5. Wal-Mart reported losses of Alprazolam, Phentermine, and Zolpidem; however, Ms. Matthews maintains that she is not responsible for the diversion of these drugs.
6. Ms. Matthews admits she was convicted of theft of the Motrin and was required to pay restitution and perform eighty (80) hours of community service.

CONCLUSIONS OF LAW

Based upon the foregoing, the Board concludes that Ms. Matthews is not an imminent threat to the public health, safety and welfare with the restrictions placed on her registration as set forth below. Ms. Matthews is subject to disciplinary action pursuant to Md. Code Ann., Health Occ. § 12-6B-09(b)(22).

ORDER

Based on agreement of the parties, it is this 28th day of Sept., 2010, by an affirmative vote of the Board, hereby:

ORDERED that Ms. Matthews' pharmacy technician registration be SUSPENDED for at least THREE MONTHS, beginning retroactively on June 21, 2010; and be it further,

ORDERED that upon completion of the suspension period, Ms. Matthews' registration shall be immediately placed on PROBATION for at least ONE YEAR, during which time Ms. Matthews shall ensure the Board receives quarterly reports from her employer regarding her overall performance; and be it further,

ORDERED that Ms. Matthews shall bear all expenses associated with this Order; and be it further,

ORDERED that Ms. Matthews shall at all times cooperate with the Board in the monitoring, supervision, and investigation of her compliance with the terms and conditions of this Consent Order; and be it further,

ORDERED that in the event Ms. Matthews fails to comply with the terms and conditions of this Order, the Board may impose additional disciplinary action against Ms. Matthews' registration, including extension of the suspension period or revocation of the registration, after notice and an opportunity for a hearing; and be it further,

ORDERED that this document constitutes a formal disciplinary action of the Maryland 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.

September 28, 2010
Date

Michael Souranis
for Michael Souranis, R.Ph.
President, Board of Pharmacy

CONSENT

By signing this Consent, I hereby consent to the foregoing Findings of Fact and Conclusions of Law, and agree to be bound by the foregoing Consent Order and its conditions.

1. By this Consent, I submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any rights I may have had to contest the findings of fact and conclusions of law contained in this Consent Order.

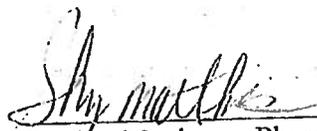
2. I acknowledge the validity of this Consent Order as if it were made after a hearing in which I would have had the right to counsel, to confront witnesses on my own behalf, and to all other substantial procedural protections provided by law.

3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.

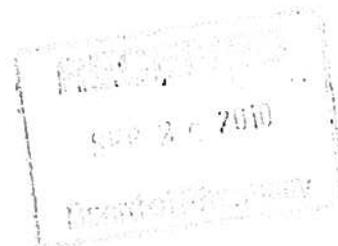
4. I acknowledge that, by entering into this Consent Order, I am waiving my right to appeal any adverse ruling of the Board that might have followed an evidentiary hearing.

5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

9-23-2010
Date



Shirley Matthews, Pharm. Tech.



STATE OF MARYLAND
COUNTY/CITY OF Maryland

I hereby certify that on this 23 day of Sept, 2010, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared SHIRLEY MATTHEWS, and made an oath in due form that the foregoing Consent was her voluntary act and deed.


Notary Public
My commission expires: 8-16-14