

IN THE MATTER OF	*	BEFORE THE
JESSICA MCCORKLE,	*	STATE BOARD
PHARM TECH	*	OF
Respondent	*	PHARMACY
Registration No.: T09748	*	Case No. PT-16-024

* * * * *

**FINAL ORDER OF REVOCATION
OF PHARMACY TECHNICIAN'S REGISTRATION**

On September 20, 2017, the State Board of Pharmacy (the "Board"), notified **JESSICA MCCORKLE**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke her pharmacy technician registration.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The Board bases its action on the Respondent's violation of the following provisions of the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations II ("Health Occ. II") §§ 12-101 *et seq.* (2014 Repl. Vol.).

The relevant provisions are as follows:

Health Occ. II § 12-6B-09. Grounds for reprimand or denial, probation, suspension, or revocation of registration.

Subject to the hearing provision of § 12-315 of this title, the Board may deny a pharmacy technician's registration to any applicant, reprimand a registered pharmacy technician, place any pharmacy technician's registration on probation, or suspend or revoke a pharmacy technician's registration if the applicant or pharmacy technician registrant:

- (3) Fraudulently uses a pharmacy technician's registration;
- (22) Pleaded guilty or nolo contendere to, or has been found guilty of, a felony or a crime involving moral turpitude, regardless of whether:
 - (i) An adjudication of guilt or sentencing or imposition of sentence is withheld; or
 - (ii) Any appeal or other proceeding is pending regarding the matter;
- (27) Participates in any activity that is grounds for Board action under § 12-313 or § 12-409 of this title [;].

With respect to Health Occ. II § 12-213, the underlying grounds for Board action under § 12-313 include:

- (25) Violates any rule for regulation adopted by the Board [;].

The pertinent provision of the Board's regulations under Code Md. Regs. ("COMAR") 10.34.10 provides:

.01 Patient Safety and Welfare.

B. A pharmacist may not:

- (3) Engage in unprofessional conduct.

**FACTS THAT WARRANT
THE REVOCATION OF THE RESPONDENT'S REGISTRATION**

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 26, 2011. The Respondent's registration expired on September 30, 2016.

2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a pharmacy within a chain pharmacy in Baltimore, Maryland, hereinafter the "Pharmacy"¹

3. On or about April 6, 2016, the Board received information from the Drug Enforcement Administration (DEA) that the Respondent, while employed at the Pharmacy, had been arrested in 2015 and had pled guilty to Controlled Dangerous Substances (CDS) theft.

4. Based upon this information, the Board began an investigation, requesting a copy of the Respondent's personnel record from the Pharmacy, which revealed the following, *inter alia*:

- A. On or about June 11, 2015, the Pharmacy discovered that, over the past two months, there was a shortage of Suboxone²;
- B. As a result, further research was conducted and, in addition to the Suboxone shortages, it was discovered that there were also shortages of Dextroamphetamine³ and Promethazine-Codeine Syrup⁴;
- C. A plan was implemented to do drug counts more often and to reposition a camera in the pharmacy area;

¹For confidentially purposes, the names of pharmacies and all individuals referenced herein will not be identified by name in this document, but may be revealed to the Respondent by contacting the Administrative Prosecutor.

²Suboxone contains a combination of buprenorphine and naloxone. Buprenorphine is an opioid medication. An opioid is sometimes called a narcotic. Naloxone blocks the effects of opioid medication, including pain relief or feelings of well-being that can lead to opioid abuse.

³Dextroamphetamine is a potent central nervous system (CNS) stimulant and amphetamine enantiomer that is prescribed for the treatment of attention deficit hyperactivity disorder (ADHD) and narcolepsy.

⁴Codeine is a narcotic, a pain reliever and a cough suppressant. Promethazine is an antihistamine that blocks the effects of the naturally occurring chemical histamine in the body. Codeine and promethazine is a combination medicine used to treat cold or allergy symptoms such as runny nose, sneezing, and cough

- D. As a result, on June 20, 2015, the Respondent was observed on camera opening a bottle of Tramadol, placing the tablets in her hand and then putting them into her left smock pocket;
- E. On June 30, 2015, the Asset Protection District Manager for the Pharmacy went to the Pharmacy and interviewed the Respondent, who admitted, orally and in writing, that she began taking bottles of Promethazine with Codeine in mid-April 2015. The Respondent stated that she would buy front-end merchandise and then put the bottle of medicine in that bag and leave the pharmacy saying she had to use the restroom. She would then place the bottle in her purse. The Respondent admitted to stealing the cough syrup, which she said she sold to a friend for \$200 a bottle;
- F. The Respondent claimed that she stole the Tramadol for her mother who suffered as a result of a car accident;
- G. The Respondent agreed to make restitution to the Pharmacy for the stolen drugs;
- H. The Pharmacy called the Baltimore City Police Department and the Respondent was arrested for the theft.

5. In the Respondent's personnel file was a DEA "Report of Theft or Loss of Controlled Substances" which contained the following information, *inter alia*:

- A. The theft was dated June 15, 2015;
- B. The value was \$7770.73;

C. The report states that an investigation resulted in an admission of theft from a pharmacy associate who was terminated and turned in to the police. A full audit was performed and losses noted. Proper procedures for security and accountability of controlled substances have been reviewed and reinforced with the remaining pharmacy associates;

D. The losses/thefts were listed as follows:

Oxycodone ⁵ , 20 mg	90	tablets
Vyvanse ⁶ , 20 mg	34	capsules
Tramadol, 50 mg	111	tablets
Promethazine w/Codeine ⁷ , 10 mg	25,070	liquid
Promethazine w/Codeine, 10 mg	1858	liquid
Phentermine ⁸ , 30 mg	107	caps
Lyrica ⁹ , 100 mg	242	caps
Lorazepam, 0.5 mg ¹⁰	32	tablets
Eszopicione ¹¹ , 3 mg	113	tablets

⁵ Oxycodone is a narcotic used to treat moderate to severe pain.

⁶ Vyvanse (lisdexamfetamine) is a central nervous system stimulant. It affects chemicals in the brain and nerves that contribute to hyperactivity and impulse control.

⁷ The Respondent stole different lot numbers.

⁸ Phentermine is a stimulant similar to an amphetamine. It acts as an appetite suppressant by affecting the central nervous system. Phentermine is used together with diet and exercise to treat obesity (overweight) in people with risk factors such as high blood pressure, high cholesterol, or diabetes.

⁹ Lyrica (pregabalin) is an anti-epileptic drug, also called an anticonvulsant. It works by slowing down impulses in the brain that cause seizures. Lyrica also affects chemicals in the brain that send pain signals across the nervous system. Lyrica is used to control seizures and to treat fibromyalgia. It is also used to treat pain caused by nerve damage in people with diabetes (diabetic neuropathy), herpes zoster (post-herpetic neuralgia, or neuropathic pain associated with spinal cord injury).

¹⁰ Lorazepam, sold under the brand name Ativan among others, is a benzodiazepine medication. It is used to treat anxiety disorders, trouble sleeping, active seizures including status epilepticus, for surgery to interfere with memory formation, sedate those who are being mechanically ventilated, alcohol withdrawal, and chemotherapy induced nausea and vomiting. It is also used, along with other treatments, for acute coronary syndrome due to cocaine use.

Diphenoxylate-Atrop¹² 2.5-0.025, 0.025 mg 112 tablets

Cheratussin DAC (Codeine)¹³, 10 mg 154 liquid.

6. As a result of the above thefts, on September 8, 2015, in the Circuit Court for Baltimore City, the Respondent pled guilty to Theft, \$1000 to under \$10,000 and received Probation Before Judgment¹⁴, as well as supervised Probation for two years, wherein she agreed to repay the Pharmacy \$2,202 during the period of Probation.

7. Based upon the above, on October 14, 2016, the Board issued an Order for Summary Suspension in which it summarily suspended the Respondent's registration. The Respondent failed to request a hearing or contest the Board's Findings.

8. The Respondent's conduct as set forth above constitutes a violation of Health Occ. II §§12-6B-09 (3), (8), (22) and (27), Health Occ. II § 12-313(25), and COMAR 10.34.10.01 B (3).

¹¹ Eszopiclone is a non-benzodiazepine, oral, sedative drug ("sleeping pill") that is used for treating insomnia, which can include difficulty falling asleep, awakening frequently during the night, waking up too early, an inability to fall back to sleep or awakening in the morning not feeling refreshed.)

Eszopiclone is used for the treatment of insomnia characterized by difficulty falling asleep and/or difficulty maintaining sleep during the night and early morning.

¹² Atropine/diphenoxylate is an antidiarrheal and anticholinergic combination. It works by decreasing the motion of muscles in the intestines and prolonging the time it takes to move the contents through the body.

¹³ Cheratussin DAC: this combination medication is used to temporarily treat coughing and chest congestion symptoms caused by the common cold, flu or other breathing illnesses (e.g., sinusitis, bronchitis). Guaifenesin is an expectorant that helps thin and loosen mucus in the lungs, making it easier to cough up the mucus. Codeine is a narcotic cough suppressant (antitussive) that affects a certain part of the brain, reducing the urge to cough.

¹⁴ In most cases, probation before judgment means that the defendant will plead guilty to a certain charge, but that guilty finding will immediately be "put on a shelf," where it will remain for a certain amount of time. The time will be determined by the amount of time the Court places the Defendant on probation. In most cases, it is a period of one or two years. The probation portion of a PBJ can be either supervised or unsupervised. Depending on the seriousness of the charge, the Defendant's record, and other relevant factors, the Judge will decide whether or not to require that the probation be supervised. If it is supervised, the Defendant will be required to "check-in" with a probation agent at regular intervals, and follow all of the usual requirements that come with being on probation.

CONCLUSIONS OF LAW

9. Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. II §12-6B-09(3), (8), (22) and (27), Health Occ. II § 12-313(25), and COMAR 10.34.10.01 B (3).

ORDER

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **JESSICA MCCORKLE**, the Respondent, Registration No. **T09748**, be and is **REVOKED**, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Government II. §§10-201, *et seq.* (2014 Replacement Vol.), you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

4/18/2018
Date



Mitra Gavgani, Pharm.D., President
State Board of Pharmacy