

IN THE MATTER OF * BEFORE THE
MICHAEL S. MCKENNY * MARYLAND STATE BOARD
APPLICANT FOR PHARMACY * OF PHARMACY
TECHNICIAN REGISTRATION * CASE NO. 21-246

* * * * *

CONSENT ORDER FOR INITIAL REGISTRATION

BACKGROUND

On or about April 21, 2021, Michael Stephen McKenny applied to the Maryland State Board of Pharmacy (the “Board”) for registration as a pharmacy technician. On his application, Mr. McKenny answered “yes” to a personal attestation question regarding having a criminal history. Mr. McKenny also submitted to a Maryland Criminal Justice Information System (“CJIS”) background check in accordance with Md. Code Ann., Health Occ. § 12-6B-02(c). The CJIS report confirmed Mr. McKenny’s criminal history.

In lieu of instituting formal proceedings against Mr. McKenny’s application, in accordance with the Maryland Pharmacy Act, Md. Code Ann., Health Occ. § 12-6B-01 *et seq.*, a panel of the Board held a Case Resolution Conference (“CRC”) with Mr. McKenny on July 14, 2021. The Board subsequently voted to approve the CRC panel’s proposal to resolve this matter as set forth in this Consent Order.

FINDINGS OF FACT

1. On or about April 21, 2021, Mr. McKenny applied to the Board for registration as a pharmacy technician.
2. On his application, Mr. McKenny answered “yes” to the question “Have you committed a criminal act for which you pled guilty or nolo contendere, or for which

you were convicted or received probation before judgment?” Mr. McKenny also provided a written explanation of his “yes” answer, indicating that he received probation before judgment after pleading guilty to two charges while in college in 1991, and received prison time after pleading guilty to charges of 3rd degree burglary and planting a camera in 2012.

3. Specifically regarding the 2012 conviction, Mr. McKenny explained that he planted a camera in an ex-partner’s apartment to figure out why she left him, entering her apartment without permission on several occasions to move the camera. After pleading guilty, he was sentenced to 30 years in prison with all but 11 years suspended, and he served a total of 5 years and 10 months in prison. Mr. McKenny also explained that upon his release in 2018, he was placed on probation for 5 years.
4. The CJIS report confirmed the information provided by Mr. McKenny, as did a review of the Maryland Judiciary Case Search website.
5. Based on its concerns about Mr. McKenny’s criminal history, the Board scheduled a CRC with him on July 14, 2021. At the CRC, Mr. McKenny reiterated his criminal history. Mr. McKenny explained that during and after his time in prison, he reconsidered his ethical decision-making and his previous tendency to consider only his actions’ effects on himself, not on other people. Mr. McKenny stated that after getting out of prison, he finished his college degree (which was derailed by his 1991 probation before judgment) and began his training as a pharmacy technician. Mr. McKenny emphasized that he enjoyed working as a pharmacy technician and hoped to continue going forward.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that Mr. McKenny is subject to discipline pursuant to Md. Code Ann., Health Occ. §§ 12-6B-02(b)(1) & 12-6B-09(22).

ORDER

Based on an affirmative vote of the Board, it is this 13th day of September, 2021, hereby:

ORDERED that Mr. McKenny be GRANTED a pharmacy technician registration; and be it further,


ORDERED that upon the first renewal of his pharmacy technician registration, Mr. McKenny shall submit to a State criminal history records check; and be it further,

ORDERED that in the event Mr. McKenny's criminal history records check indicates further criminal activity, the Board may impose further disciplinary action against Mr. McKenny's registration, including suspension or revocation, after notice and an opportunity for a hearing; and be it further,

ORDERED that Mr. McKenny shall be responsible for all costs associated with this Consent Order; and be it further,

ORDERED that this is a formal order of the Maryland Board of Pharmacy and as such is a public document pursuant to the Md. Code Ann., Gen. Provisions § 4-333(b).

9-13-21
Date



Jennifer Hardesty, Pharm. D.
President, Maryland Board of Pharmacy

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its conditions.
2. I understand and agree that in the event the criminal history records check performed upon renewal of my registration indicates further criminal activity, the Board may impose disciplinary action against me, including revocation of my pharmacy technician registration, after notice and an opportunity for a hearing.
3. By signing this Consent, I submit to the foregoing Consent Order as a resolution of this matter.
4. I acknowledge that this Consent Order is a formal order of the Board and, as such, is a public document.
5. By signing this Consent, I waive any rights I may have had to contest the findings and determinations contained in this Consent Order.
6. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this Consent Order.
7. I sign this Consent Order freely and voluntarily, aware of my right to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order.

Aug. 30, 2021
Date


Michael McKenny

STATE OF MARYLAND
COUNTY/CITY OF Queen Anne's

I hereby certify that on this 30 day of August 2021, before me, a Notary Public of the State of Maryland and County/City aforesaid, personally appeared MICHAEL MCKENNY, and made an oath in due form that the foregoing Consent was his voluntary act and deed.

Justin A Russell
Notary Public
My commission expires: May 20, 2024