

IN THE MATTER OF
LOUIS MCMICHAEL, PHARM TECH
Registration No.: T13180
Respondent

*** BEFORE THE**
*** STATE BOARD**
*** OF**
*** PHARMACY**
*** Case No. PT-14-031/14-231**

* * * * *

ORDER FOR SUMMARY SUSPENSION

Pursuant to Md. State Gov't (SG) Code Ann. §10-226 (c) (2) (2009 Repl. Vol.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician (Pharm Tech) in Maryland issued to **LOUIS MCMICHAEL**, (the "Respondent"), under the Maryland Pharmacy Act (the "Act"), Md. Health Occ. Code Ann. §§ 12-101 *et seq.*, (2009 Repl. Vol.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

INVESTIGATIVE FINDINGS

1. At all times relevant hereto, the Respondent was registered to practice as a Pharm Tech in Maryland. The Respondent was first registered on August 8, 2013. The Respondent's registration expires on May 31, 2015.
2. At all times relevant hereto, the Respondent was employed as a Pharm Tech at a National chain pharmacy in Prince George's County, Maryland, hereinafter "Pharmacy A."

3. On or about September 2013, a review of Pharmacy A showed that Pharmacy A had experienced one of the highest growths in the area for Promethazine-Codeine¹.

4. On September 27, 2013, Pharmacy A's Regional Loss Prevention Manager informed the Loss Prevention Division of the chain that there were several cash register shortages at Pharmacy A. The store manager was told to review the shortages to determine when they happened. The review showed a shortage of 37 ½ bottles of Promethazine/Codeine.

5. On September 24, 2013, Pharmacy A's surveillance video showed that the Respondent removed a bottle of Promethazine/Codeine cough syrup from the shelf, went to the back of the pharmacy, and then brought the bottle back to the shelf. No prescriptions for that substance were filled that day.

6. Based upon the aforesaid reviews and prescription medicine count, the Respondent was confronted, where he admitted, orally and in writing, to stealing 36 bottles of Promethazine/Codeine and taking \$250 from the cash register.

7. As a result of the above admissions, the Respondent was terminated from employment and, the Board received a copy of the required Drug Enforcement Administration "Report of Theft or Loss of Controlled Substances." The Report showed that the value of the stolen drugs was \$1834.

8. The Respondent was subsequently charged in the District Court of Maryland for Prince George's County with four counts, as follows:

¹Promethazine is the generic name of Phenergan and codeine: Promethazine is an anti-histamine, sedative, antiemetic (anti-nausea), and cough suppressant. Codeine is a weak narcotic pain-reliever and cough suppressant. Promethazine and codeine are used for the treatment of cough and cold symptoms.

Count 1	Theft less than \$1000;
Count 2	Theft less than \$1000;
Count 3	Theft \$1000 to under \$10,000;
Count 4	Theft Scheme, 1K to under 10K.

9. On May 9, 2014, in the aforesaid Court, the Respondent pled "guilty" to and was found guilty of Count 1: he was ordered to pay court costs and other fees, in the amount of \$57; sentenced to 18 months imprisonment, all Stayed; given a PBJ, with Probation to 11/9/15; and, ordered to pay Pharmacy A restitution of \$1791.99. Counts 2, 3 and 4 were Stetted.

CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.).

ORDER

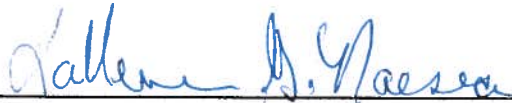
Based on the foregoing, it is therefore this 23rd day of July, 2014, by a majority vote of a quorum of the State Board of Pharmacy, by authority granted to the Board by Md. St. Gov't. Code Ann. §10-226(c) (2) (2009 Repl. Vol.), the registration held by the Respondent to practice as a Pharm Tech in Maryland, Registration No. T13180, 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 his 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.