

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

\* \* \* \* \*

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

On November 19, 2014, the State Board of Pharmacy (the "Board"), notified **LOUIS MCMICHAEL**, Pharmacy Technician (Pharm Tech), the Respondent, of its Intent to Revoke his Pharm Tech registration.

The Notice also informed the Respondent that, unless he 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 basis for the Board's action was pursuant to State Gov't Code Ann. ("S.G.") § 10-226 (c) (1) (2009 Repl. Vol.), the Maryland Pharmacy Act (the "Act"), Health Occ. Code Ann. ("H.O."), §§ 12-101, *et seq.* (2009 Repl. Vol.).

S.G. § 10-226. Licenses.-Special Provisions:

(c) Revocation of (sic) suspension.— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation;
- and
- (ii) an opportunity to be heard.

H.O. § 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:

- (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 [;].

#### **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 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, an internal review of Pharmacy A showed that Pharmacy A had experienced one of the highest growths in the area for Promethazine-Codeine<sup>1</sup>.

4. On September 27, 2013, Pharmacy A's Regional Loss Prevention Manager informed the Loss Prevention Division of the chain that there were several

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<sup>1</sup>Promethazine 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.

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:

- |         |                                 |
|---------|---------------------------------|
| 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 November 9, 2015; and, ordered to pay Pharmacy A restitution of \$1,791.99. Counts 2, 3 and 4 were Stetted.

**CONCLUSIONS OF LAW**

Based upon the foregoing Facts, the Board concludes that the Respondent violated §12-6B-09 (22) (i) and (ii) of its Act.

**ORDER**

As set forth above, the Board hereby Orders, that the registration to practice as a Pharmacy Technician in Maryland held by **LOUIS MCMICHAEL**, the Respondent, be and is **REVOKED**, and that this Order is public, pursuant to §10-617(h), Md. State Govt. Code Ann. (2014 Repl. Vol.).

**NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 12-316 (2014 Repl. Vol.) and the Md. State Govt. Code Ann. § § 10-201, *et seq.*, (2009 Repl. 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 aforecited authority.

Date

3/18/2015

Lenna Israbian-Jamgochian, P.D., President  
Board of Pharmacy