

IN THE MATTER OF * BEFORE THE MARYLAND
MORGAN E. OUELLETTE * STATE BOARD OF
Pharmacy Technician *
Respondent * PHARMACY
Registration Number: T23741 * Case Number 23-170

* * * * *

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

The Maryland Board of Pharmacy (the “Board”) notified Morgan E. Ouellette (the “Respondent”), Registration Number T23741, of the Board’s intent to revoke her registration to practice as a pharmacy technician in the State of Maryland pursuant to the Maryland Pharmacy Act (the “Act”), Md. Code Ann., Health Occ. §§ 12-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

The Notice also informed the Respondent that unless she requested a hearing in writing within thirty (30) days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than thirty (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 Act:

§ 12-6B-09. Ground 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 . . . pharmacy technician registrant:

...

(3) Fraudulently uses a pharmacy technician's registration;

...

(25) Violates any regulation adopted by the Board;

...

(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. § 12-6B-09(27), the underlying grounds for Board action under § 12-313 include:

(25) Violates any rule or regulation adopted by the Board[.]

The pertinent provisions of the regulations adopted by the Board are as follows:

COMAR 10.34.10.01. Patient Safety and Welfare.

A. A pharmacist shall:

(1) Abide by all federal and State laws relating to the practice of pharmacy and the dispensing, distribution, storage, and labeling of drugs and devices, including but not limited to:

...

(c) Health Occupations Article, Title 12, Annotated Code of Maryland[.]

B. A pharmacist may not:

(1) Engage in conduct which departs from the standard of care ordinarily exercised by a pharmacist;

- (2) Practice pharmacy under circumstances or conditions which prevent the proper exercise of professional judgment; or
- (3) Engage in unprofessional conduct.

FINDINGS OF FACT

The Board finds the following facts:

1. The Respondent was originally registered to practice as a pharmacy technician in Maryland on April 30, 2020, under registration number T23741. The Respondent's registration was suspended on January 10, 2023, and is scheduled to expire on March 31, 2024.

2. At all times relevant hereto, the Respondent was employed as a pharmacy technician at a pharmacy (the "Pharmacy")¹ located in Baltimore City, Maryland.

3. On or about October 7, 2022, the Board received a letter from the Pharmacy regarding theft of controlled dangerous substances ("CDS") by the Respondent along with a DEA Form 106 Report of Theft or Loss of Controlled Substances. Both the letter and the DEA form were dated September 27, 2022.

4. The Pharmacy conducted an internal investigation regarding the theft which revealed that on or about September 22, 2022, one of the Pharmacy's pharmacists (the "Pharmacist") noticed that a 2mg clonazepam² bottle was out of place on the shelf after the

¹ In order to maintain confidentiality, names of individuals and facilities involved in this matter will not be used in this document but will be provided to the Respondent on request.

² Clonazepam is a benzodiazepine drug used for the acute treatment of panic disorder, epilepsy, and nonconvulsive status epilepticus. It is a Schedule IV CDS.

Respondent had left the pharmacy. The Pharmacist conducted an inventory and noticed that seventeen (17) 2mg clonazepam tablets were missing from the bottle.

5. On or about September 26, 2022, Pharmacy security reported to the Pharmacy to review security footage which revealed the following: On September 22, 2022, at approximately 6:11 pm, the Respondent was standing in the left aisle of the Pharmacy looking around when she took a pill bottle off the shelf and poured pills into her hand. The Respondent then walked over to her bag and put the pills inside before placing the bottle in a different location on the shelf and then leaving the Pharmacy.

6. On or about September 26, 2022, the Respondent was later interviewed by Pharmacy security regarding the seventeen (17) 2mg clonazepam tablets that were missing from the Pharmacy as of September 22, 2022. The Respondent admitted that she took the tablets after she was confronted with the security footage. The Respondent could not remember how many tablets she had taken but claimed that it was the first and only time that she had taken pills from the Pharmacy and that she had taken them for personal use. The Respondent was subsequently terminated from employment at the Pharmacy. Later that day, it was discovered that eleven (11) 1mg alprazolam³ tablets were also missing.

7. Further investigation by the Pharmacy revealed security footage which showed the following: On September 23, 2022, at approximately 6:23pm, the Respondent walked into the left aisle of the Pharmacy and bent down. She then took a bottle off the

³ Alprazolam is a benzodiazepine used to treat anxiety and panic disorder. It is a Schedule IV CDS.

shelf, poured pills into her hand, and then put the bottle back on the shelf. She subsequently put the pills into her bag and left the Pharmacy shortly thereafter.

8. Based on the above information, the Board has reason to believe that the Respondent diverted the aforementioned CDS from the Pharmacy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. §§ 12-6B-09(3), (25) and/or (27), and/or Health Occ. § 12-313(25), and/or COMAR 10.34.10.01(A)(1)(c), (e), (B)(1), (2), and/or (3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of May 2024, by a majority of the quorum of the Board, hereby

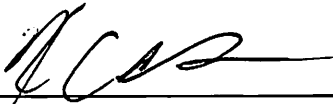
ORDERED that the Respondent's, **MORGAN E. OUELLETTE'S**, registration to practice as a pharmacy technician in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED that the Respondent shall return to the Board all Maryland pharmacy technician registrations within ten (10) days of the date of this Order; and it is further

ORDERED that the effective date of this Order is the date that it is signed by the Board; and it is further

ORDERED that this document constitutes a formal disciplinary action of the Board and this Order is final and a public document pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* & § 4-333 (2019 Repl. Vol. & 2023 Supp.).

5/29/2024
Date



Kristopher Rusinko, PharmD., President
Maryland Board of Pharmacy

NOTICE OF RIGHT TO APPEAL

In accordance with §12-316 of the Act and Md. Code Ann., State Gov't §10-201 *et seq.* (2021 Repl. Vol. & 2023 Supp.), you have the right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty (30) days from your receipt of this Final Order and shall be made in accordance with the *aforecited authority.*