

IN THE MATTER OF DERRICK PHAM \* BEFORE THE  
PHARMACY TECHNICIAN \* STATE BOARD  
Respondent \* OF PHARMACY  
Registration Number: T06324 \* Case Number: 21-047

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. Code Ann., State Gov't ("SG") §10-226 (c) (2) (2014 Repl. Vol. and 2019 Supp.), the State Board of Pharmacy (the "Board") hereby suspends the registration to practice as a Pharmacy Technician in Maryland issued to **DERRICK PHAM, Pharmacy Technician** (the "Respondent"), **Registration Number: T06324**, under the Maryland Pharmacy Act (the "Act"), Md. Code Ann., Health Occupations ("Health Occ.") §§ 12-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.). This Order is based on the following investigative findings, which the Board has reason to believe are true:

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by, and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

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<sup>1</sup> The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

1. At all times relevant hereto, the Respondent was registered to practice as a Pharmacy Technician in the State of Maryland. The Respondent was first registered on September 15, 2009. The Respondent's registration expires on May 31, 2021.

2. At all times relevant hereto, the Respondent was employed as a Pharmacy Technician at a pharmacy (the "Pharmacy") within a grocery store chain in Gaithersburg, Montgomery County, Maryland.<sup>2</sup>

3. By letter dated August 19, 2020, the District Pharmacy Manager of the Pharmacy responded to a call at the Pharmacy because the Respondent was reported taking Zolpidem<sup>3</sup>, 10 mg tablets from the Pharmacy, without authorization. The Respondent adjusted the count in the computer thereafter. When the District Pharmacy Manager arrived, she reviewed the Closed-Circuit TV and observed the Respondent select a bottle from the area where the Zolpidem was located, take pills from there, conceal them in his pocket, and then make the computer adjustment.

4. The pharmacy filed a DEA form 106, which detailed the above and listed the theft as follows:

Zolpidem Tartrate, 10 mg.....936 tablets

Diethylpropion<sup>4</sup> ER, 75 mg..... 80 tablets

5. The Respondent was escorted to an interview room where he admitted to taking the Zolpidem pills for "personal "use." He was suspended and later terminated from

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<sup>2</sup>The names of facilities and/or individuals are confidential but may be disclosed to the Respondent by contacting the Administrative Prosecutor.

<sup>3</sup> Zolpidem is used to treat insomnia.

<sup>4</sup> Diethylpropion is used to produce weight loss. (The Respondent made no admission with regard to this drug.)

employment as a result. The Respondent was also arrested by the Montgomery County Police Department.

6. By stealing drugs from his employer, the Respondent is a threat to the public health, safety or welfare.

### **CONCLUSIONS OF LAW**

Based on the foregoing, the Board finds that the public health, safety or welfare imperatively requires emergency action, pursuant to Md. Code Ann., St. Gov't §10-226(c) (2) (2014 Repl. Vol. and 2019 Supp.).


### **ORDER**

Based on the foregoing, it is therefore this 4<sup>th</sup> day of March, 2021, by a majority vote of a quorum of the Board, by authority granted to the Board by Md. Code Ann., St. Gov't §10-226(c) (2) (2014 Repl. Vol. and 2019 Supp.), the registration held by the Respondent, **DERRICK PHAM**, to practice as a Pharmacy Technician in Maryland, Registration No. **T06324** is hereby **SUMMARILY SUSPENDED**; and it is 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; and it is further

**ORDERED** that the Respondent shall immediately turn over to the Board his wall certificate and wallet-sized registration to practice as a Pharmacy Technician issued by the Board; and it is further

**ORDERED** that this document constitutes an Order of the Board and is a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 Vol. and 2019 Supp.).

  
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Deena Speights-Napata, M.A.  
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<sup>5</sup>.

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<sup>5</sup> Due to the current State of Emergency, Board proceedings may be held via teleconference.